



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday 5 November 2014
at 2.00pm

P R E S E N T

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

OFFICERS

Amanda Apcar – Principal Solicitor
Ann Caffall - Senior Planning Officer
Karen Freya – Principal Housing Officer (Strategy and Development)
Emma Grima – Corporate Unit Manager
Penelope Mills - Senior Planning Officer
Melissa Reynolds - Senior Planning Officer – North Ely
Melanie Sage – Democratic Services Officer
Rebecca Saunt - Senior Planning Officer
Jane Thompson – Special Projects Officer
Lesley Westcott - Planning Officer
Sue Wheatley – Planning Manager
Cathy White – Senior Trees Officer

ALSO IN ATTENDANCE

Councillor Anna Bailey
Councillor Richard Hobbs
Lou Mason-Walsh – Cambridgeshire County Council Transport
Jo Brooks – Director (Regulatory Services)
Lorraine Brown – Conservation Officer
Katie Child – Principal Forward Planning Officer
Rich Fitzjohn - Development Services Support Officer
Tony Taylorson – Communications and Media Manager
Richard West – Planning Officer

Approximately 31 members of the public and 1 member of the press.

52. **APOLOGIES AND SUBSTITUTIONS**

An apology for absence was received from Councillor Lavinia Edwards. Councillor Bill Hunt attended the meeting as the Substitute Member.

53. **DECLARATIONS OF INTEREST**

Cllr Every declared a disclosable pecuniary interest in Agenda Item 10 - 14/00834/FUL - Commercial extension to front and side elevations to include curtain walling with double doors to front and large sliding doors to the side elevation - EMG Ford Group, 2 Angel Drove, Ely and stated that she would leave the Council Chamber for that item.

Cllr Ambrose Smith declared a prejudicial interest in Agenda Item 8 - 14/00572/FUL - Change of use from B1 Business use and associated B8 storage to D1 non-residential community centre - Unit 3, Chettisham Business Park. Cllr Ambrose Smith stated that he would exercise a speaking right and would leave the Council Chamber before the item was discussed.

54. **MINUTES**

Cllr Wilson referred to the Minutes of the Planning Committee meeting on 17 October 2014, specifically the third from last paragraph on page 7 of Minute no.51. Cllr Wilson refuted he had stated that the Community Land Trust scheme should be transferred to a Housing Association and he proposed the following amendment:

'Therefore the scheme **might consider becoming registered as a** ~~should be transferred to a Housing Association.~~'

Since the last Planning Committee meeting when the Community Land Trust scheme had been considered, Cllr Wilson stated that he had attended a Stretham and Wilburton Community Land Trust meeting, which Members had been invited to attend, and he had found it very interesting.

It was resolved:

That the minutes of the Planning Committee meetings held on 1 October 2014 and 17 October 2014 be confirmed as correct records and signed by the Chairman subject to the following amendment to Minute no.51, page 7, third from last paragraph of the 17 October 2014 Planning Committee minutes:

'Therefore the scheme **might consider becoming registered as a** ~~should be transferred to a Housing Association.~~'

55. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman invited Cllr Stevens to deliver an announcement. Cllr Stevens explained that two years ago the Planning Committee had considered an application for 6 affordable dwellings in Burrough Green which there had been considerable opposition to due to concerns that given the population of Burrough Green it would be difficult to fulfil the allocations policy criteria. Cllr Stevens was pleased to announce that all 6 dwellings were now occupied with people that had a connection to Burrough Green, Westley Waterless or Brinkley.

56.a **11/01077/ESO - LAND AT HIGH FLYER FARM, NORTH OF KINGS AVENUE, ELY**

56.b **13/00785/ESO - LAND NORTH OF CAM DRIVE, ELY**

The Chairman introduced a number of officers that were present at the meeting regarding Agenda Items 5 and 6, including Lou Mason-Walsh from Cambridgeshire County Council.

Melissa Reynolds, Senior Planning Officer – North Ely explained that she would present Agenda Items 5 and 6 collectively as both were similar applications and were replicated in many ways.

Subsequently the Senior Planning Officer presented report P108 which provided details of a planning application for a residential development, a local centre comprising retail foodstore (A1), uses within Use Classes A1/2/3/4/5, D1 and business units (B1), primary school, pre-school nursery, playing fields, place of worship and/or community hall, together with open space, allotments, landscaping, highways, infrastructure and associated works at High Flyer Farm, North of Kings Avenue, Ely and report P109 which provided details of a planning application for residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home) and supporting infrastructure and open space/landscaping on land to the west of Lynn Road in Ely at Land North of Cam Drive, Ely.

The Planning Committee had received updates at two previous meetings. The current reports updated Members regarding viability issues, the Heads of Terms for the Section 106 (S106) Agreement and planning conditions for the applications.

Since the last update at the Planning Committee meeting on 4 June 2014:

- Officers and the Council's consultant on viability, Bespoke Property Consultants (BPC), had continued discussions with the developer to finalise the assessment of viability, Heads of Term for the S106 and planning conditions.

- BPC had delivered a presentation to Members on the methodology used for assessing viability of the North Ely developments. (It was noted that Andy Leahy of BPC had unfortunately been unable to attend the Planning Committee meeting).
- Cambridgeshire County Council (CCC) had agreed to approve the draft S106 package in terms of the allocation of the contributions or value of works in kind to provide County infrastructure.
- CCC had progressed with its planning application for a new primary school at North Ely, named the 'Isle of Ely Primary School'. The planning application had been approved by CCC's Planning Committee which ensured the new school could be delivered ahead of the rest of the development.

Regarding Land at High Flyer Farm – 11/01077/ESO application, it was explained that the development was not viable with CIL, S106 package and 30% affordable housing. However, the development was viable with 15% affordable housing, S106 of £6,167,190 and CIL of £4,259,224 if the residential development market improved. A significant contribution was proposed towards a new primary school, and other contributions required to mitigate the development had been agreed, although some would need to be achieved through the review mechanism. It was anticipated that the review mechanism would capture additional affordable housing.

Regarding Land North of Cam Drive – 13/00785/ESO application, it was explained that the situation was as per the Land at Highflyer Farm application, as detailed above. However, this development was viable with 16% affordable housing, S106 of £11,172,230 and CIL of £5,986,517.

An outline of the S106 Heads of Term was displayed and was detailed further in Appendix 2 to both of the officer's reports. Appendix 3 to both of the officer's reports detailed the Planning Conditions. However, the Senior Planning Officer – North Ely, referred Members to the documents tabled at the meeting which detailed updates/revisions to the applications, which mainly listed revisions to the planning conditions.

The cost for the A10/A142 roundabout had been confirmed, subject to agreement on contingency costs, as less than listed in Appendix 2 of the officer's reports. It was therefore proposed that the first recommendation in the officer's reports be amended to include that any revisions to roundabout costs be delegated to the Planning Manager in consultation with the Chairman of Planning Committee.

56.a 11/01077/ESO - LAND AT HIGH FLYER FARM, NORTH OF KINGS AVENUE, ELY

At the invitation of the Chairman, Mr Martin Pitman – Objector addressed the Committee and a summary of his comments were as follows:

- Lived at a property located to the south east corner of the proposed development.
- Objected to the application on the basis that his property was already vulnerable to flooding.
- Following an episode of rain, water had travelled across the road to his property where water had been ankle deep.
- A catch water had been created to prevent this re-occurrence. However, 2 months ago Mr Pitman had experienced another episode of flooding where water travelled over the catch water – water had been in places 6 inches deep and had come to within 1 inch of the airbricks of his property.
- Most of the proposed development was existing farmland and the current catch water would not be able to cope.
- Mr Pitman was aware that new ponds and drains were proposed, but these would not be sufficient to prevent future flooding.
- Three weeks ago an Engineer had been pumping out a nearby drain to an existing development and in the Engineer's words 'it was blocked yet again'.
- The blocked drain fed into the same catch water drain.
- Future flooding created by the proposed development would also include foul water.

Cllr Beckett enquired whether Mr Pitman had experienced any flooding prior to the construction of the nearby development. Mr Pitman explained that he had lived at the address 2 – 3 years prior to the construction of the nearby development and had never experienced any flooding prior.

At the invitation of the Chairman, Mr Nolan Tucker (Agent) and Mr Patrick Moseley (Viability Consultant to the Applicant) addressed the Committee. Mr Tucker explained that they were in attendance to answer any questions that Members had. In response to the flooding concern one of the conditions of the development was that a detailed water drainage strategy had to be approved. The catch water was a matter outside of the development. However, it was recognised that improvements to the catch water and maintenance were required. The Internal Drainage Board had been consulted to ensure drainage was to an acceptable standard and whether they would be willing to maintain the drainage system.

The Chairman noted that a letter from the Internal Drainage Board was attached to the papers tabled at the meeting.

A summary of the questions and answers to the Agents by the Planning Committee were as follows:

Cllr Beckett:

- Would the viability be improved without £1.18m for the Country Park?

This figure was the sum attributed to the Country Park and the amount that Country Park land was worth to the Applicant.

Cllr Ambrose Smith:

- It had been explained that the development was viable with 15% affordable housing, but it was possible that 30% could be achieved. Would the Applicant attempt to deliver 30% affordable housing? 15% affordable housing was a concern.

The Applicant would like to achieve 30% affordable housing as this would mean that the value of market housing had improved. If the residential development market continued to improve, which it was envisaged it would, then it was likely that more than 15% affordable housing would be delivered.

56.b 13/00785/ESO - LAND NORTH OF CAM DRIVE, ELY

At the invitation of the Chairman, Mr Ben Hooton – Agent, addressed the Committee and a summary of his statement was as follows:

- The application had been developed over 4 years and had been assisted by a number of Council officers.
- Thanked everyone that had contributed to the proposed development.
- Hoped that Planning Committee would approve the application.
- Looked forward to working in partnership with the Council and bringing the development forward.

Members had no further questions for the public speakers, but asked the following questions of officers which were responded to by the Corporate Unit Manager.

Cllr Brown:

- The second recommendation within both of the officer's reports referred to a recommendation to Council to amend the Regulation 123 List. Amendments to the Regulation 123 List required consultation.

Consultation would occur before the amended Regulation 123 List was presented for Council approval.

- Sought clarification regarding paragraph 6.4 of the officer's report.

CIL receipts from development would be specifically allocated to fund infrastructure necessary to mitigate the impact of this development, and there would be a separate Regulation 123 specifically for North Ely.

- The southern bypass was not featured on the Regulation 123 List.

The Leader had been specific at Full Council that no CIL money should be attributed to the southern bypass without Council's approval.

- Was it the responsibility of City of Ely Council to allocate funding from the 'meaningful proportion'?

Yes.

At the request of a Member the applications were debated separately, starting with the application for Land at High Flyer Farm, North of Kings Avenue, Ely.

56.a 11/01077/ESO - LAND AT HIGH FLYER FARM, NORTH OF KINGS AVENUE, ELY

Cllr Rouse stated that to arrive at this position had been a long drawn out process and although the development was still a way off, it would be an exciting development. Cllr Rouse proposed the recommendation, as amended, which was seconded.

Cllr Wilson was not satisfied with 15% affordable housing and did not understand why the Council should accept a low level of affordable housing, particularly when people in the district were finding it difficult to purchase a home. Cllr Wilson noted that the cost of the land and the landowner's expectations of land value impacted on what could be achieved. The Chairman reminded the Committee that 15% affordable housing was the minimum that was proposed to be achieved, 10% relating to the individual phases and not the overall development.

Cllr Beckett stated that 30% - 40% affordable housing was required in rural areas of the district yet with the proposed development country park land was being traded to the detriment of affordable housing. The minimum amount of affordable housing for the development was set at 10%. Cllr Beckett noted that he had always expressed that the development was not viable. The development included a country park which was unlikely to benefit the residents in the south of the district, particularly without a southern bypass.

Regarding the Country Park, Cllr Brown stated that Parish Councils were expected to fund similar items from monies received via meaningful receipts under CIL and he suggested that the City Council should consider using its meaningful proportion to maintain the Country Park.

Cllr B Hunt stated that no more than 500 dwellings should be allowed until the southern bypass was constructed.

Cllr Friend-Smith was concerned about the reduction in affordable housing and other omissions from the S106 wish list noting that improvements to road infrastructure were required, particularly at the A10 and A142 roundabouts, as the development would place increased pressure on these already busy areas, and improvements to road infrastructure had

not been accounted for. Cllr Friend-Smith stated that the southern bypass would resolve some of these issues.

Cllr Rouse noted that CCC had accounted for improvements to these roundabouts within its Strategy. The topography of the site was interesting as it was the last large area of land in Ely which was why it had a premium and was part of the old island of Ely. Cllr Rouse further added that the affordable housing levels had to be realistic and the reason of having trigger points was that more affordable housing could be reaped where possible. Cllr Rouse was optimistic and confident that more affordable housing would be provided.

Having already been proposed and seconded the proposal to accept the officer's recommendation, as amended, was put to the vote and was carried.

It was resolved:

That approval of planning application reference 11/01077/ESO be delegated to the Planning Manager at a later date, following completion of a Section 106 Agreement, based on the Heads of Terms as set out in Appendix 2 of the officer's report, and subject to the conditions set out at Appendix 3 of the officer's report, including the amendments as tabled at the meeting. Any minor revisions to the conditions and roundabout costs in the Heads of Terms to be delegated to the Planning Manager in consultation with the Chairman of Planning Committee.

It was also resolved to **Recommend to Full Council** that:

- i. The Community Infrastructure Levy Regulation 123 List be amended to include the children's centre, health and country park infrastructure requirements; and
- ii. That the Community Infrastructure Levy receipt arising from this application be specifically allocated to the following projects:
 - a. District Leisure Centre
 - b. Littleport Secondary School
 - c. Health
 - d. Children's Centre
 - e. Country Park

Subsequently Members debated application 13/00785/ESO - Land North of Cam Drive, Ely.

56.b 13/00785/ESO - LAND NORTH OF CAM DRIVE, ELY

Cllr Beckett referred to the figures of 10% and 16% affordable housing units within bulletpoint 2.10 of Appendix 1. The Corporate Unit Manager

explained that a minimum of 16% affordable housing units would be delivered via this application, whereas the previous application would deliver a minimum of 15% affordable housing units.

Cllr Rouse was satisfied with the application which was thorough and detailed. It had been a lengthy process and he looked forward to working in partnership with Endurance Estates. Cllr Rouse proposed the recommendation, as amended, which was seconded.

Cllr B Hunt could understand the concerns regarding the affordable housing levels. However, delaying the application would delay homes for people that were in desperate need.

Cllr Wilson agreed that the application was better than the previous application. However, a minimum of 16% affordable housing was still too low.

Having already been proposed and seconded the proposal to accept the officer's recommendation, as amended, was put to the vote and was carried.

It was resolved:

That approval of planning application reference 13/00785/ESO be delegated to the Planning Manager at a later date, following completion of a Section 106 Agreement, based on the Heads of Terms, as set out in Appendix 2 of the officer's report, and subject to the conditions set out at Appendix 3 of the officer's report, including the amendments as tabled at the meeting. Any minor revisions to the conditions and roundabout costs in the Heads of Terms to be delegated to the Planning Manager in consultation with the Chairman of Planning Committee.

It was also resolved to **Recommend to Full Council** that:

- i. The Community Infrastructure Levy Regulation 123 List be amended to include the children's centre, health and country park infrastructure requirements; and
- ii. That the Community Infrastructure Levy receipt arising from this application be specifically allocated to the following projects:
 - a. District Leisure Centre
 - b. Littleport Secondary School
 - c. Health
 - d. Children's Centre

At the conclusion of the above item, at 2.52pm, the meeting was adjourned to allow an opportunity for persons to leave the meeting. The meeting resumed at 2.54pm.

57. **14/00309/FUL - LAND ADJ 56 WEST STREET, ISLEHAM**

Penelope Mills, Senior Planning Officer presented a report (P110) which provided details of an application to construct a single dwelling on land to the rear of 56 West Street, Isleham. A Members' site visit had taken place prior to the meeting.

The Senior Planning Officer referred Members to the paper tabled at the meeting which clarified the description of the application. The description of the development had been amended during the course of the application to reflect amendments to the scheme and the description of the application was now 'Construction of one detached dwelling', not 'Construction of 1no. four bedroom and 1no. five bedroom one and a half storey detached dwellings with garages'.

The tabled paper also included the comments received after the agenda had been published from Cambridgeshire County Council Archaeology, which stated that the site should be subject to a programme of archaeological investigation at the expense of the developer.

It was explained that the application site was within the development envelope and illustrations were displayed at the meeting which depicted the application site, trees with Tree Preservation Orders and the proposed layout.

The Senior Planning Officer explained the situation regarding the application in relation to the current policy context of housing land supply. Paragraph 49 of the National Planning Policy Framework stated that '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing*'. The emerging Local Plan was currently under Examination, and the Local Plan Inspector issued an Interim Conclusions Report in July, stating that in his view there was a shortfall of dwellings in the Council's five year housing land supply. The Hearings for the Examination was deferred for two months to allow the Council to address this issue. Modifications had been proposed to address the housing land supply issue and the second examination would take place on 11 November 2014.

Subsequently legal advice had been sought on how the Council should proceed in the interim which confirmed that for development control purposes, the Council should regard itself as having a five year supply of land for housing. For this reason, all current housing applications were considered in the context of Section 38 (6) of the Planning and Compulsory Purchase Act that decisions on planning applications be made in accordance with the Development Plan, unless material considerations indicated otherwise.

The Senior Planning Officer explained the main issues to consider in dealing with the application were:

- The principle of residential development in the proposed location;
- The impacts on visual amenity;
- The impacts on the historic environment and the setting of the listed building
- The impacts on residential amenity;
- The impacts on protected trees;
- The impacts on biodiversity and protected species; and,
- The impacts on highway safety.

The site comprised an area of paddock land which was currently located within the development envelope for Isleham. The site had been within the development envelope in the previous Local Plan. However, was located outside of the development envelope for Isleham in the emerging Local Plan. Whilst the policies within this emerging Local Plan could be attributed weight in determining planning applications, they did not yet form part of the Statutory Development Plan for the district and did not automatically override current policies in the Core Strategy. Additionally, given that the application was received in March, it was considered to apply the revised, un-adopted development envelope, would be unreasonable and open to challenge. It was therefore considered that the principle of residential development in this location was acceptable, provided it complied with other relevant policies relating to visual amenity, the historic environment, residential amenity, trees, ecology and highway safety and all other material planning considerations were satisfied.

The proposal has been amended during the course of the application in an attempt to minimise the visual impact. The scheme has been reduced from two dwellings to one and re-located on the plot. The development had been set back allowing space behind the frontage and reduced in height from 7.8 meters to 6.8 meters.

Due to the position of the site and the nature of the surrounding development the proposed dwelling would still be visible from the highway. However, it would not appear unduly prominent or out of character and would still allow for a feeling of space behind the existing frontage of bungalows, which contributed to the semi-rural feel as one moved away from the centre of the village.

The position of the proposed dwelling in the north-western corner of the site allowed for a good degree of separation from the neighbouring dwellings. Given the presence of existing backland development in the area, it was considered that the single dwelling proposed, with the careful positioning of the first floor openings, would not have a significant adverse effect on the character of the area or the street scene.

Whilst there were no trees within the application site itself, it was adjacent to, and would be accessed from, an existing tree-lined avenue containing a number of mature trees, all of which were now subject to a Tree

Preservation Order. Any works to the trees would therefore require an application to the local planning authority.

Additional arboricultural information had been requested, following which the Trees Officer was now satisfied that further arboriculture assessment could be secured through a pre-commencement condition.

Regarding the impacts on the historic environment and the setting of the listed building, concerns had been expressed from members of the public regarding the impact on the listed building and the historical importance of the paddock. Following amendments to the scheme, additional information regarding the trees, and confirmation that there would be no alterations to the wall at the existing point of access, the Conservation Officer confirmed that she no longer had any objections to the application, subject to the use of appropriate planning conditions to secure appropriate quality of materials and finish. Cambridgeshire County Council Archaeology had recommended a condition as previously explained.

The Highways Authority had expressed concern with highway safety throughout the course of the application and did not consider that the use of the existing access should be intensified without demonstrating that the required vehicular and pedestrian visibility splays and access width could be achieved. The Applicant was unable to provide the necessary access width or visibility splays without adversely affecting the trees or historic wall.

Attempts had been made to find a resolution, but it had not been possible to find a satisfactory solution to meet the requirements of policy S6 of the Core Strategy and COM7 of the draft Local Plan, which stated that development proposals should provide safe and convenient access to the highway network. The application was therefore unacceptable in terms of its impact on highway safety.

In conclusion the Senior Planning Officer stated that the amended proposal was now considered acceptable in terms of impacts on visual and residential amenity, protected trees and the historic environment. However, it had not been possible to meet the requirements of the Highways Officer and to provide an access which was deemed to be acceptable. The Highways Authority was clear that further intensification of the access would be unacceptable in terms of highway safety. The application was therefore recommended for refusal.

At the invitation of the Chairman, Agents Mr Gerry Bullard and Mr Paul Scarlett addressed the Committee and a summary of their comments were as follows:

Mr Paul Scarlett:

- Expressed appreciation to the Planning Officer for her assistance throughout the application.

- All issues had been addressed by the Applicant with the exception of the highways objection.
- Introduced Mr Gerry Bullard who was a Highways expert.

Mr Gerry Bullard:

- Had been a Highways Engineers with a number of years experience.
- Comprehensive report by the Planning Officer.
- The application had been reduced to a one three bedroom dwelling with a passing place.
- The application was unacceptable to the Highways Officer on the basis that there would be an increased amount of traffic.
- The current access was used every day and no accidents had been recorded.
- The dwelling would be built on an existing paddock. A paddock could generate more traffic than the one dwelling would.
- The dwelling would generate 2 – 3 additional vehicle movements per day.
- The proposal did not justify refusal especially when all other objections had been satisfied.

Cllr Stevens enquired of the Agents the type of build out that had been proposed? It was explained that the proposal was that the kerb line in the carriageway be adjusted so that the front of a vehicle would not impede into the carriageway. It was not possible to improve on a zero accident record. People tended to use these types of accesses more carefully than those where there had been highway safety improvements.

Cllr Every enquired why the reason for refusal which included that the development was unable to achieve the vehicular and pedestrian visibility splays and drive width required by the Local Highway Authority, when no problems had been identified. The Senior Planning Officer stated that Highways wanted both issues addressing to enable two vehicles to be able to pass each other including when materials were being delivered to the site.

In response to questions by Cllr B Hunt regarding consultation comments by the Trees Officer, the Trees Officer explained that the arboricultural report had not taken account of impact that the vehicles delivering construction material to the site would have on the trees or measures to remedy these such as crown lifting or the canopies of the trees to be pruned to avoid branches being damaged by high loads. The Trees Officer confirmed that the condition specifically referred to the construction phase of the development.

Cllr Friend-Smith noted that it was proposed to remove a tree and enquired whether this was to enable a passing place. It was explained that the removal of one tree was for arboricultural reasons and not in order to facilitate the development.

Cllr Rouse stated that the officer's report had been positive about the application with the exception of the Highways Officer's objections. Cllr Rouse enquired whether the application had to be refused and if that was the case why had it been presented to Committee. The Senior Planning Officer explained she was unable to instruct the Committee as to what they should do. However, the Committee had before them the expert advice from the Highways Officer and information regarding the Council's Policies on the requirement to provide a safe and convenient access to the highway network, as well as her proposed recommendation.

Cllr T Hunt stated that he was against the officer's recommendation for refusal as the site was off a quiet road and the paddock could already have vehicles going to and from the location. Cllr T Hunt subsequently proposed that the application be approved.

Cllr Wilson agreed with Cllr T Hunt as the Applicant had endeavoured to address all concerns regarding the application, had re-sited the dwelling, reduced the development in size and height, the proposal was sympathetic to neighbouring properties, it would be an attractive place to live, the road leading to the access was quiet and it was possible to see oncoming vehicles if driving with care. Cllr Wilson noted that the access to the site was better than the access to his property.

Cllr Beckett stated that he had called the application into Committee as there had been public interest in the application particularly relating to the avenue of trees leading to the Grade II listed St Bernard's Hall. Provided that the trees were protected Cllr Beckett was impartial about the application as access onto the main road, West Street, was not a highly used road and residents did not complain about speeding. Cllr Beckett noted that there were many entrances throughout the village that were much worse than the proposed access and he was not aware of there being any accidents on the road.

Cllr Stevens noted that little issue had been made about pedestrian visibility and he hoped that the nearby lamppost would be moved to assist visibility.

Cllr B Hunt noted that the access onto the road was an existing access in use and the proposed development would generate two more car movements per day. Cllr B Hunt stated that it would be remiss to ignore the knowledge of a local Member.

Cllr Rouse on seconding approval of the application stated that the Planning Officer had worked hard and had produced a positive report. Cllr Rouse could see no reason why the application should be refused and that it would not create demonstrable harm.

The Chairman reminded Members that should the application be approved that the normal highways condition could not be applied.

The Chairman concluded prior to the vote that the application had been recommended for approval, subject to appropriate conditions being delegated to the Planning Manager in consultation with the Chairman of Planning Committee, as there was not significant harm to highway safety and the application would not have a significant adverse effect on the character of the area or the street scene; that a condition could be imposed to ensure the trees did not suffer any harm as a result of the development and the development would provide an additional dwelling for the district.

Having already been proposed and seconded the proposal to approve the application was put to the vote and was carried.

It was resolved:

That planning application reference 14/00309/FUL be approved and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee as the application would not have a significant adverse effect on the character of the area or the street scene; that a condition could be imposed to ensure the trees did not suffer any harm as a result of the development and the development would provide an additional dwelling for the district.

At the conclusion of the above item, at 3.35pm, the meeting was adjourned to allow for a comfort break. The meeting resumed at 3.42pm.

58. **14/00572/FUL - UNIT 3, CHETTISHAM BUSINESS PARK, LYNN ROAD, CHETTISHAM**

Sue Wheatley, Planning Manager, presented a report (P111) which provided details of an application for a change of use of a building within the Chettisham Business Park to use as a community centre. The application had been submitted by the Muslim community, who had been looking for suitable premises within Ely for a considerable period of time. A Members' site visit had taken place prior to the meeting.

Illustrations were displayed at the meeting which depicted the application site, site plan and the existing and proposed floorplan.

The application was for the change of use from a business and storage use (B1 and B8) to a community centre. The proposal included 234m² of floorspace and 16 parking spaces. The remaining part of the unit would be retained by Applicant for his business.

The Planning Application Statement indicated that the building would be used in the following manner and further information about hours of use had been submitted and was attached as Appendix 1 of the officer's report:

- October to April – 9:00 to 21:00
- May to September – 9:00 to 23:00
- Ramadan until 23:45
- Morning activities
- After school classes (10-15 people)
- Evening classes (8-10 people)
- Friday Prayers (40 -50)
- Weekends
- Festivals x 3 per year

The Planning Manager explained that the main issues to consider in dealing with the application were:

- Town centre sequential test
- Loss of employment unit
- Community Need/Use
- Highway matters

The proposed use was identified as a town centre use in the National Planning Policy Framework. Therefore there was a requirement for an application to be accompanied by a sequential test to demonstrate that there were no suitable sites within the town centre. Very limited information had been provided in relation to this. The Planning Application Statement explained that the Muslim community currently used facilities at the Paradise Centre but that these did not meet the needs of the community. An area of land adjacent to the Paradise Centre was proposed for community use but had met local opposition. Following this a businessman in Littleport offered a facility which was met with hostility. The Statement advised that any other sites within the town centre have proved to be beyond the cost restraints of the community. Whilst the information provided was fairly minimal officers were satisfied in relation to the sequential test.

Polices EC1 and EMP1 of the Local Plan sought to retain employment land uses. The proposal would result in the loss of 234m² of employment floorspace. However, the total redevelopment of the industrial estate was not proposed. It was therefore not considered to be a conflict with Policy. The Muslim community had been looking for premises for some time and this had to be given weight.

Policy COM4 in the draft Local Plan related to new or improved community facilities and it stated that the facility should be well located and accessible, by foot and cycle, not have a significant adverse traffic impact, not have a significant adverse impact on character and residential amenity and be a shared use. The proposal would be for the sole use of the Muslim community.

The main concern regarding the application related to highway safety. The Local Highway Authority had raised a number of concerns including insufficient information about use and recommended that the application be refused on highway safety grounds.

Another concern was access into the site; particularly the poor alignment of the access, lack of passing places and defined routes for pedestrians. There was a gate at the access to the Business Park and it was not clear if the Applicant had a right to have the gate open at all times required.

Parking was another significant issue. The proposal included 16 parking spaces which achieved the maximum parking standard for a D1 Use (public halls and places of worship) within the Core Strategy. However, the application did not make any provision for parking for the remaining storage use of the unit. No details had been provided of the floorspace of the remaining unit which appeared to have a floorspace of around 340m². Standards indicated that the maximum need for this unit would be 4 parking spaces.

Of particular concern was insufficient parking on site or if the site was inaccessible this would encourage parking on the public highway which would be harmful to highway safety due to the 60 mph speed limit of the public highway and the proximity to the level crossing.

There were no dedicated bus/mini bus dropping off points proposed and the submitted drawing indicated that the vehicles would stop in the circulatory road used by HGVs. This was another concern of the Local Highway Authority.

In conclusion the Planning Manager stated that whilst officers were sympathetic to and recognised that the Muslim community had been looking for suitable premises for a considerable period of time, having regard to the concerns expressed by the Local Highway Authority, there was no alternative but to recommend that the application be refused.

At the invitation of the Chairman, the Applicant Mr Shair Choudhury addressed the Committee and a summary of his comments were as follows:

- Expressed appreciation to the Planning Officer for her help and advice.
- Was the Chairman of the Muslim community.
- Members of the Muslim community were law abiding citizens from a variety of professions such as doctors, pharmacists and restaurant owners.
- Some members of the Muslim community had been living within the district for 30 – 40 years.
- The Muslim community served the community and deserved something back.
- In the past the Muslim community had been victimised by the press without being consulted as to whether the information was factually correct.
- For 10 years the Muslim community had unsuccessfully attempted to find an appropriate venue.

- Important that the venue was close to the city centre.
- The proposed venue was a temporary solution to allow the Muslim community the opportunity to sit and pray.
- The proposed venue was an affordable solution.
- The Muslim community could understand the concerns. However, there was no alternative solution.

A summary of the questions and answers to the Applicant by the Planning Committee were as follows:

Cllr Friend-Smith:

- What were the morning activities and how many people were likely to attend?

Morning prayers commenced at 5am. Due to work commitments it was unlikely that any more than 5 – 10 people would attend morning prayers.

Cllr Beckett:

- Throughout the week use of the venue appeared to be limited. What was the total number of people within the Muslim Community?

Friday midday prayers were the most important prayers for Muslims to attend. This occurred at 1-2pm on a Friday and it was likely that 30 – 40 people would attend. The Muslim community was very grateful to the Paradise Centre, but continued use of the facility was not viable.

Cllr T Hunt:

- How would the unit be divided to separate males and females and how helpful had the District and City Councils been at assisting the Muslim community in locating a venue?

The main unit would be utilised as the room to hold prayers for males and the offices would be used by the women and children. The District and City Councils had not been overly helpful in assisting the Muslim community to locate a venue. It had been a case of you find a venue and we'll look into it. The Muslim community were humble people that only required a place to pray.

Cllr Brown:

- Would classes for children be held during the school holidays?

It was important that children understood the Muslim culture and religion, without putting too much pressure on the children. Therefore it was only proposed to hold afterschool classes twice a week.

Cllr Schumann – Chairman:

- Enquired of the costs to convert the unit.

Various people would assist with the conversion and funding had been obtained via the local community. The Muslim community had made an agreement with the owners of the unit and had paid a non-refundable deposit to secure the unit.

Cllr Wilson:

- Children would be visiting the unit presumably from various areas of the district and the unit was not in a convenient location.

A maximum of 10-15 cars would be at the venue at any one time and people could car share or use a community bus. The proposal was a temporary solution as the community ideally wanted to be closer to the city. The Muslim community was amenable to planning conditions being imposed and would be willing to hand the venue to another community use or return it to its original use once the Muslim community had ceased using the facility.

Cllr Every:

- Enquired whether the Muslim community had a current lease for the premises and asked questions regarding the change of use.

There were minimal costs involved in altering the hall. The main cost involved was that the Muslim community had promised to purchase the venue, which it was hoped would be a temporary solution. The Muslim community wanted to move closer to the city centre as it was more convenient. The venue would be sold and the money from the sale invested in a new venue.

Subsequently at the invitation of the Chairman, Cllr Yates representing the City of Ely Council addressed the Committee and a summary of his comments were as follows:

- Assured that the City of Ely Council was sympathetic to the plight of the Muslim community.
- The unit was sited on a 60mph speed restricted road and the City of Ely Council had significant safety concerns.
- Another concern was the location of the disabled access to the unit.
- Although the proposal was a temporary solution there was no capacity to allow for the growth of the community.
- The figures provided were misleading.
- In summary the City of Ely Council was concerned regarding access to the venue, the use of the venue, numbers attending and parking.
- Would like the Muslim Community to work in partnership with the District Council to locate a more suitable venue.

In response to a question by Cllr B Hunt, Cllr Yates assured Members that the City of Ely Council would also assist the Muslim community.

Having declared a prejudicial interest Cllr Ambrose Smith exercised his speaking right. Cllr Ambrose Smith explained that he visited and had

used the business park most days for the past 10 years. The business park was busy and some of the largest vehicles in the UK visited the site throughout the day. Chettisham Business Park was not a retail park and did not have general public walking around the site. Cllr Ambrose Smith had been a General Manager of a similar site where general public had been allowed on site, this had not been easy as the public were not easily controlled and had little regard to health and safety.

Having exercised a speaking right, Cllr Ambrose Smith left the Council Chamber.

In response to a question by Cllr Beckett, the Planning Manager explained that the Authority could impose a condition to restrict the use of the venue to the Muslim community and that the venue be reverted to its former use once the Muslim community located an alternative venue. However, the submitted application was a full application, not a temporary application. Temporary applications were issued as a trial run usually for a change of use to land where there was minimal investment required. Some issues were easier to condition, for instance, noise, but the main issue with this application was highway safety and the concern of a potential accident.

In response to a question by Cllr Friend-Smith the Planning Manager indicated on the site plan the location of the 16 car parking spaces.

In response to a question by Cllr Every the Planning Manager explained that originally the disabled access to the unit was proposed to the rear of the building. However, when it was highlighted that this was a shared loading bay and that disabled visitors would need to negotiate a blind bend, the disabled access was re-located to the front of the building and access to the building was proposed using a platform lift.

Cllr Stevens wondered whether too much was being made of the issues and whether more should be done to find solutions to these issues, such as identifying additional car parking spaces or that a minibus should be used as transportation to the venue rather than cars. The Planning Manager explained that no additional car parking spaces were available within the boundary of the unit and no businesses had offered the use of their car parking spaces. It would be hard to enforce a condition that minibus transportation should be used and there was a concern regarding the bus/mini bus drop off points proposed as the submitted drawing indicated that the vehicles would stop in the circulatory road used by HGVs.

Cllr T Hunt stated that irrespective of what the Planning Committee determined he did not want the Muslim community to feel that it had been a waste of time as the application had brought the issue to the attention of Members and the Council. Cllr T Hunt stated that there were significant issues regarding highways and safety, which had been obvious during the site visit as the volume of HGV traffic had been intimidating.

Cllr T Hunt wanted a Working Party established with a specified timetable in order to help identify an appropriate venue for the Muslim

community, including both District and City Councillors. This was important as the Muslim community wanted to be more involved in the local community and it would assist with integration and understanding. Cllr T Hunt concluded by explaining that the current application was difficult to support.

Cllr Wilson echoed these sentiments and noted that once the 16 car parking spaces were utilised that people might use the car parking spaces of other businesses which could create arguments and tension within the business community. The application site was unsuitable for children. Other business parks were more suitable than Chettisham Business Park. At the Paradise Centre people could use the public car park and there was no parking on the road. Cllr Wilson stated that he was surprised that there was no alternative location especially when Ely post office had been sited in a car park for several months.

The Chairman was mindful that the Muslim community had been seeking a venue for 10 years and he stated that if there were the means to mitigate the risks, a temporary permission would be the solution. However, the cost of modifications for a temporary solution would not be financially viable.

Cllr Rouse noted that the issue was suitability and safety and the site was not safe for a community centre, irrespective of whether the permission was temporary or permanent. Issues of safety were what made other business owners nervous of the application. Cllr Rouse would join any group if it would assist the Muslim community to meet their needs. It was not worth investing money in an unsuitable site.

Cllr B Hunt noted that Members had experienced the safety concerns in daylight hours, in the dark this would only be worse, particularly for the immobile and children.

Cllr Beckett sympathised and had used and delivered to the site. The Business Park was always busy and was not suitable for any type of community use on the grounds of safety.

Cllr Every agreed and stated that she would also join any group if it would assist the Muslim community to meet their needs.

The Chairman concluded by thanking the Applicant and for his willingness to be amenable.

The proposal to accept the officer's recommendation of refusal for the reasons listed within the officer's report was proposed and seconded, and on being put to the vote was carried.

It was resolved:

That planning application reference 14/00572/FUL be refused for the following reason:

The proposed use, having regard to the anticipated initial level of usage and growth predictions of the applicant includes:

1. Insufficient parking for the proposed use and remaining business use;
2. Inadequate loading and unloading facilities;
3. An access road which has an inadequate width, poor alignment; lack of passing places and defined routes for pedestrians; and
4. No details to demonstrate that the entrance gate will remain open during the hours of the proposed use.

This would be likely to encourage inappropriate parking within the public highway and result in a conflict with the existing businesses and would thus be harmful to highway safety. The proposal would therefore conflict with Policies S6 and S7 in the East Cambridgeshire Core Strategy 2009 and policies COM7 and COM8 in the Draft East Cambridgeshire Local Plan (Pre-submission version as amended June 2014).

At the conclusion of the above application, Cllr Ambrose Smith returned to the Council Chamber.

Cllr Beckett left the Council Chamber at this point in the meeting.

59. **14/00793/OUT – LAND WEST OF 1 JERUSALEM DROVE, WARDY HILL**

Lesley Westcott, Planning Officer, presented a report (P112) which provided details of an outline application for the erection of a two bedroom bungalow on land located between number 1 and 2 Jerusalem Drive. Approval was sought for the appearance and scale of the proposed bungalow as part of the application, and all other matters such as access, landscaping and siting were reserved. A Members' site visit had taken place prior to the meeting.

The Planning Officer referred Members to the paper tabled at the meeting which corrected a typographical error in paragraph 2.1 of the officer's report which should read '... access, landscaping and siting' not scale. The tabled paper also proposed to include Policy CS6 of the Core Strategy within the reason for refusal.

The proposed development was located outside the development envelope. There were 4 dwellings on Jerusalem Drive, with gaps between numbers 1 and 2 and 2 and 3. The application site formed the gap between numbers 1 and 2. Dimensions of the proposed dwelling were given, as included within paragraph 2.2 of the officer's report.

Illustrations were displayed at the meeting which depicted the application site and the proposed development.

The Planning Officer explained that the key considerations in determining the application were:

- Housing supply
- The principle of development in the countryside
- Impact on residential amenity
- Impact on highway safety
- Impact on the character of the area

Cllr Beckett returned to the Council Chamber at this point in the meeting, during the officer's presentation.

The Planning Officer reminded Members of the information they had been given earlier in the meeting regarding housing land supply. Following legal advice, when determining planning applications, the Council regarded itself as having a 5 year supply of land for housing. The application was therefore assessed against relevant policies in the Development Plan.

Residential development outside the development envelope was strictly controlled and in certain exceptions development outside the development envelope was allowed such as for affordable housing or special needs housing, travellers sites, replacement dwellings or dwellings essential to rural enterprise. However, the proposed dwelling did not satisfy any of the exceptions listed in the Core Strategy and Draft Local Plan.

The application site was in an unsustainable location where there would be a reliance on the use of a car which was contrary to Policy CS1, CS2 and CS6.

There had been a number of planning applications submitted for the site. An application for a 2 bedroom cottage was refused and the subsequent appeal was dismissed. At that time the Local Plan contained an infill policy. However, the Inspector agreed that the proposal did not comply with that policy or the existing policies of strictly controlling development in the countryside.

An application for the erection of a pair of semi-detached dwellings was refused in October 2013 on the grounds that the site was located outside the development envelope of Wardy Hill and was classified as countryside where there was a policy of strict control over residential development (the application did not fall within exceptions allowed). The proposal also represented unsustainable development on a site remote from any established centre of settlement and local facilities and would result in the reliance upon the use of the private motorcar. It was considered that circumstances had not significantly changed since planning application 13/00611/FUL was refused.

An indicative layout was displayed showing the possible distance between the neighbouring properties. The plot size was acceptable and the

dwelling was designed with principle windows in the front and rear elevations.

The County Highways Engineer had raised no objections to the proposal, subject to the imposition of certain planning conditions and a safe access could be achieved. The area was a mixed street scene of modest dwellings and the proposed design and scale of the proposal would not have an adverse impact on the area.

In conclusion the Planning Officer stated that the proposed development was unacceptable development in the countryside that did not fall within any of the listed exceptions, was in an unsustainable location promoting reliance on the use of a car, and there were no material reasons that would override the policies in the Development Plan. The application was therefore recommended for refusal for the reasons listed within the officer's report, with the inclusion Policy CS6.

At the invitation of the Chairman, Cllr Bailey addressed the Committee as the Member that had called the application in to Committee and a summary of her comments were as follows:

- There had been a number of attempts to develop the site.
- The initial application had been for a two bedroom cottage, as was the current application.
- When the Applicant had first approached Cllr Bailey to call the application into Planning Committee, having considered the planning history and that the site was out of the development envelope, Cllr Bailey had refused.
- When the Applicant later approached Cllr Bailey to call the application into Planning Committee, having considered the situation of the Local Plan and shortfall in housing, Cllr Bailey agreed as there might be an anomaly.
- The proposed dwelling would be sited amongst other existing residential dwellings.

Referring to paragraph 1.7 of the officer's report regarding the legal advice that stated the Council should regard itself as having a 5-year supply of land for housing, the Chairman suggested that this should read 'could' rather than 'should', particularly as the new Local Plan was emerging and not adopted. The Planning Manager stated that the legal advice was that the Council should regard itself as having a 5-year supply of land for housing. The Senior Planning Officer (Penelope Mills) noted that although the new Local Plan was emerging the starting point when considering an application was local and national policies as well as the current Local Plan.

Cllr Friend-Smith enquired how the ridge height of 6.3m compared to the neighbouring dwellings. The Planning Officer was unable to provide specific measurements. However, the proposed dwelling would be smaller than one of the neighbouring properties which was 1½ storey.

Cllr B Hunt stated that as Wardy Hill had only one public bus per week and no shop or public house, he could not understand how sustainability could apply. The Committee had to have a commonsense attitude. The proposed dwelling would be in line with existing dwellings and Cllr B Hunt stated that he would be voting for approval of the application.

Cllr T Hunt wondered how unsustainable one dwelling could be in an unsustainable location as Wardy Hill. The character of the street scene would be improved if the dwelling was approved as the current gap between the existing dwellings looked out of character. Cllr T Hunt noted that the district also needed smaller units.

Cllr Wilson agreed and noted that a two bedroom cottage in Wardy Hill would be more affordable. Cllr Wilson further noted that the proposal would not harm the street scene, that no neighbours had objected, the Parish Council had not objected and that anyone living in Wardy Hill needed a vehicle as public transport was very limited.

It was subsequently proposed to approve the application, which was seconded.

The Chairman concluded prior to the vote that the application had been recommended for approval, subject to appropriate conditions being delegated to the Planning Manager in consultation with the Chairman of Planning Committee, as the application was in keeping with the street scene, there had been little objection to the application, the application site was not in an unsustainable location and the development would provide an additional dwelling for the district.

It was resolved:

That planning application reference 14/00793/OUT be approved and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee as the application was in keeping with the street scene, there had been little objection to the application, the application site was not in an unsustainable location and the development would provide an additional dwelling for the district

Cllrs Every (having previously declared a disclosable pecuniary interest) and Beckett left the Council Chamber at this point in the meeting.

60. **14/00834/FUL - EMG FORD GROUP, 2 ANGEL DROVE, ELY**

Ann Caffall, Senior Planning Officer presented a report (P113) which provided details of an application for an extension in order to create a new façade to the building. The extension comprised 6 metre long sections of glazing to a height of 3.6 metres. The remaining 1.8 metres above was

proposed as composite wall panel coloured red. A Members' site visit had taken place prior to the meeting.

Illustrations were displayed at the meeting which depicted the application site, the current commercial premises and of the proposal, including an indication of the new dealership signage.

The main issue which required consideration was the impact that the development would have on the character and appearance of the Conservation Area.

Cllr Beckett returned to the Council Chamber at this point in the meeting, during the officer's presentation.

It was explained that whilst there was no problem, in principle, with the extension, there was concern about the depth and the red colour of the fascia.

Measurements were provided of the height of glazing, height of fascia, remaining cladding exposed to frontage and total height of the front elevation in relation to the existing measurements, proposed measurements and suggested measurements by officers.

The site was located to the north of Angel Drove, in a slightly elevated position, within close proximity to a number of small scale domestic and commercial properties. To the west and south of the site were a number of large scale industrial and commercial units. The area formed a key gateway into the city.

A compromise was sought by officers to reduce the depth of the fascia to 1 metre so that a narrower strip of red was used instead of the 1.8 metre wide band. However, the Applicant was adamant that the franchise would not accept this.

As a Conservation Area was a designated heritage asset, advice in the National Planning Policy Framework had to be considered regarding the particular significance of any heritage asset that might be affected by a proposal and whether any development would lead to substantial harm to or total loss of significance of a designated heritage asset.

It was considered that the proposed development would result in less than substantial harm to the significance of the Conservation Area. The benefits would be the support given to a local business. However, as there was an acceptable alternative solution which would be less damaging to the Conservation Area the benefit did not outweigh the harm.

In conclusion the Senior Planning Officer stated that the application was recommended for refusal for the reasons listed within the officer's report.

At the invitation of the Chairman, the Applicant Mr Jeff Goodacre addressed the Committee and a summary of his comments were as follows:

- EMG Ford had re-acquired the site from Lidl's and now needed to take the business forward.
- There had been little maintenance of the site over recent years.
- Ely was not classed as an 'open point'.
- Kia would be the franchise on the site if the specified Kia corporate style was adopted.
- There was no willingness for Kia to be amenable regarding alterations to the corporate branding as EMG Ford had approached Kia for a franchise. Kia had not approached EMG Ford.
- Wanted the business to grow.

A summary of the questions and answers to the Applicant by the Planning Committee were as follows:

Cllr Rouse:

- Would the red fascia be illuminated at night?

No, the word 'Kia' would be illuminated, but not the red banding.

Cllr B Hunt:

- How much negotiation had taken place with the franchise to seek a compromise?

Discussions had taken place with the National Franchise Manager at Kia who had indicated that the franchise was reluctant to compromise. No discussions had occurred with anyone other than the National Franchise Manager as the Applicant was awaiting the determination of the application.

- Was surprised that there had not been a meeting between the franchise and East Cambridgeshire District Council officers?

A meeting with the Applicant and East Cambridgeshire District Council officers had taken place on site. At the meeting Mr Goodacre contacted the National Franchise Manager who indicated that the franchise was reluctant to compromise.

- Would Kia be financially contributing to the business?

No as Kia did not consider Ely to be an 'open point'.

Cllr Beckett:

- How many people were employed on site?

EMG Ford currently employed 18 people. The Kia franchise would commence on 1 January 2015 and in anticipation for its growth 3 further people had been recruited including a Sales Executive and a Technician. A valeting would also be required. It was hoped that in the future the business

would develop its own Technicians as Kia had a good apprenticeship scheme.

Cllr Wilson:

- Enquired whether the business would continue to sell Ford motor cars?

EMG Ford had only been authorised to repair Fords since the end of 2006. However, if a customer wanted a particular Ford motor vehicle one could be sourced.

Cllr T Hunt was disappointed that the franchise were not amenable to amendments to the façade and he did not consider that the application would harm the conservation area. Cllr T Hunt was of the opinion that the application could improve the area and was against the officer's recommendation.

Cllr Wilson noted that the issue was 1 foot of façade balanced with the benefit that the business could provide to local people and he further noted the nearby superstore.

Cllr Stevens was not concerned about effect the application would have on the conservation area, but of the detrimental effect on the view of Ely Cathedral. When exiting the station the view was of a grey building and if the application was approved this would be a view of a red building.

Cllr Beckett referred to paragraph 1.5 of the officer's report – that the proposed development would result in less than substantial harm to the significance of the Conservation Area – and therefore he could see no reason to refuse the application.

Cllr Rouse stated that the application was not in the conservation area, was not on the High Street, that Members wanted Ely to be 'open for business' and that the Applicant was keen to re-launch the business.

Cllr Friend-Smith did not consider that the façade would be detrimental to the view of the cathedral from the station as the garage was to the left and the cathedral to the right. The roof height was not being altered and the nearby superstore had much larger signage. Cllr Friend-Smith noted that corporate signage was to be expected in retail areas.

Cllr Ambrose Smith noted that Standens had changed the corporate branding a number of times which had not been presented to Committee.

It was subsequently proposed to approve the application, which was seconded.

The Chairman concluded prior to the vote that the application had been recommended for approval, subject to appropriate conditions being delegated to the Planning Manager in consultation with the Chairman of

Planning Committee, as the application would have little impact on the Conservation Area, East Cambridgeshire District Council had an 'open for business' attitude, would benefit the local community and improve the station gateway.

It was resolved:

That planning application reference 14/00834/FUL be approved and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee as the application would have little impact on the Conservation Area, East Cambridgeshire District Council had an 'open for business' attitude, would benefit the local community and improve the station gateway.

At the conclusion of the above application, Cllr Every returned to the Council Chamber.

Cllr Rouse left the Council Chamber at this point in the meeting.

61. **14/00969/OUT - LAND EAST OF 139 THE BUTTS, SOHAM**

Rebecca Saunt, Senior Planning Officer referred Members to the paper tabled at the meeting which detailed comments that had been received since publication of the Planning Committee agenda which were as follows:

- Internal Drainage Board (IDB) – withdrawn initial objection. At full planning stage the Board would wish to see details of the proposed outfall and discharge rate.
- Two letters of objection received from Haweswalton, The Butts and 58B Fordham Road summarised as follows:
 - Road was breaking up and falling in the main drain – Highways advised insufficient money for the necessary works to be done;
 - Road was single track and no lay-bys for passing;
 - Drain to the north of The Butts caused flooding, if was working all drainage will drain into the main drain which would not be hygienic;
 - Track was single length with ditches either side and used by walkers, dog walkers, disabled and family with pushchairs;
 - Pedestrians had to give way to vehicles;
 - Millennium and Wicken Walks and access to Horse Fen served by this track, as population increased more people would use such recreational walks;
 - At present vehicle movement was minimal, increase will lead to conflict with pedestrians and other users;
 - Detached house would be built in open aspect outside development area in a greenfield site;
 - Unsuitable for area and could set a precedent for further expansion.

The Senior Planning Officer presented a report (P114) which provided details of an application for outline permission for a residential dwelling, garage, parking, access and associated works. It was emphasised that approval was sought only for the access. The appearance, landscaping, layout and scale would be via reserved matters.

Cllr Rouse returned to the Council Chamber at this point in the meeting, during the officer's presentation.

Illustrations were displayed at the meeting which depicted the application site, the proposed layout, elevations and floorplan. The elevations and floorplan were indicative plans.

The Senior Planning Officer explained that the key considerations in determining the application were:

- The principle of development in the countryside;
- The impact on residential amenity;
- The impact on the character or appearance of the area/countryside;
- Surface water drainage; and
- Highways.

The Senior Planning Officer reminded Members of the information they had been given earlier in the meeting regarding housing land supply. Following legal advice, when determining planning applications, the Council regarded itself as having a 5 year supply of land for housing. The application was therefore assessed against relevant policies in the Development Plan.

The site was located in the countryside, outside the development envelope of Soham, where development was strictly controlled. The Applicant sought permission for a residential market dwelling, which would not satisfy categories of residential exceptions in CS2 and GROWTH 2. A market dwelling would also not be in accordance with Chapter 6 of the National Planning Policy Framework as there were no special circumstances to justify a dwelling in the countryside.

The proposed dwelling was located in the countryside and while there were other dwellings within the vicinity there were none within close proximity or adjacent to the site. Due to the proposed location of the site the proposed dwelling would not be overbearing on any residential properties. Due to the siting of the proposed dwelling and its relation to other properties within the vicinity, the proposal would not introduce an unacceptable level of overlooking.

The Applicant was seeking approval for access only. Appearance, landscaping, layout and scale would be dealt with at reserved matters.

At present the application site was an agricultural field, which was undeveloped flat and open land, with existing hedging and ditches defining the boundaries. Cherry Tree Lane was a narrow road used by farm vehicles

and limited traffic from the few residential properties located there. The area was rural in nature, allowing views of the countryside, with a few individual detached residential dwellings within the immediate locality. The site was surrounded by and detached from the built form of the settlement of Soham by countryside.

The IDB had objected to the proposed development until details of surface water disposal had been received. The IDB had since withdrawn their objection and advised at full planning stage they would wish to see details of the proposed outfall and discharge rate.

The Highway Authority had not raised any objections to the proposed development and advised that they would welcome the proposed provision of a turning head to The Butts and would, if suitably designed and constructed, adopt it under the Highways Act 1980.

The proposal would provide at least 2 off street parking spaces, so would be in accordance with East Cambs parking standards for residential dwellings.

In conclusion the Senior Planning Officer stated that the application was recommended for refusal for the reasons listed within the officer's report.

At the invitation of the Chairman, a supporter of the application, Mrs Alison Palmer addressed the Committee and a summary of her comments were as follows:

- The application submitted was for outline permission.
- The Applicant was prepared to work fully with the Planning Officers.
- The dwelling would be a green construction including solar energy and rainwater harvesting.
- The dwelling would be an energy neutral house.
- The Highway Authority would adopt the turning head if built to their specification.
- The dwelling at the end of the road welcomed the application as the owners had installed CCTV following damage to their vehicle on a number of occasions through people turning in the road.
- The dwelling was a short walk to the primary and secondary school and a 10 minute walk into town.
- The application had been submitted prior to the Council obtaining legal advice on housing land supply.
- The Applicant was informed that the application could not be refused on the basis that it was outside of the development envelope.
- The Planning Committee recently refused an application for 128 residential dwellings in Witchford, outside of the development envelope. Subsequent to the receipt of legal advice the Committee were advised not to refuse the application as the Applicant could win on appeal.

- Should a large developer gain an unfair advantage to a single individual?
- The Committee had earlier in the meeting approved a less sustainable application.

Cllr Wilson enquired whether the road to the application site was adopted and whether refuse would be collected from the site. The Senior Planning Officer was unsure whether the road was adopted, but noted that it was not a classified road. Regarding waste collection the Waste Officer had been consulted and had not raised this as an issue. The consultation response was that the Council would not enter private property to collect waste or recycling. Each new property required two bins and the Council was permitted to make a charge for the provision of waste collection receptacles.

The Chairman was of the opinion that the road to the application site was an adopted road.

In response to a question by Cllr T Hunt the Senior Planning Officer explained that applications had to be considered in accordance with the policies and the Development Plan at the time of determination, not at the time the application was submitted.

Cllr Stevens noted that the officer's report did not mention that the dwelling would be of exemplar design. The Senior Planning Officer explained that she had not been aware that the dwelling was proposed to be of exemplar design. The application for consideration was an outline application and such matters would need to be dealt with via a full application, not at outline stage.

Cllr Wilson suggested that the application should be refused and the Committee should await a full application that provided the specifics of a carbon neutral development.

The Senior Planning Officer quoted from the National Planning Policy Framework that an Authority should avoid new isolated homes in the countryside unless there were special circumstances, and for a dwelling to be categorised as exceptional in design it must:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The Chairman enquired whether the Senior Planning Officer had informed the Applicant that the application could not be refused on the basis that it was outside of the development envelope. The Senior Planning Officer explained that she had informed that Applicant that the Council was in the process of obtaining legal advice regarding housing land supply and if it

was deemed not to have a 5 year housing supply a reason for refusal could not be that the application was outside of the development envelope.

Cllr Beckett stated that Soham was a sustainable location and was more sustainable than Wardy Hill. Cllr Beckett stated that the site location was remote that he was unable to approve the application.

Cllr T Hunt stated the Local Plan provided a degree of freedom. Cllr T Hunt noted that there were no Highway objections to the application and the neighbouring cottage wanted the application approved. It was shame that the exemplar development had not been made obvious before the Committee meeting. Cllr T Hunt wanted to approve the application pending further information regarding the exemplar development.

The Chairman suggested that the application could be refused or approved and conditioned and could come back to Committee.

Cllr Wilson stated that the application should be deferred otherwise there would be no control as to the type of development.

Cllr B Hunt stated that the Committee had to make a decision on the information before them and if a new application was submitted with full details of an exemplar development the Committee could consider it, as it had done when it had considered the green development in Wentworth.

Cllr Friend-Smith agreed with Cllr Beckett and stated that he could not see a reason to support the application. Referring to the application in Wardy Hill that the Committee had earlier approved, Cllr Friend-Smith noted that the application site was not remote from other dwellings.

The Planning Manager explained that the Committee should not disregard the Development Plan without due consideration as it was the starting point when determining an application. Development located in the countryside, outside of the development envelope was a material consideration. If Members were minded to explore the suggestion of an exemplar development this would require a full application. The Planning Manager explained that the current application could not be conditioned to achieve this.

The proposal to accept the officer's recommendation of refusal for the reasons listed within the officer's report was proposed and seconded and on being put to the vote was carried.

It was resolved:

That planning application reference 14/00969/OUT be refused for the following reasons:

- i. The application site lies in the open countryside, outside the Development Envelope of Soham where development is strictly

controlled. New housing development in the countryside requires special justification and is only likely to be appropriate where it meets an essential rural need that cannot otherwise be met. A statement of justification for any of the exceptions specified in policy CS2 of the Core Strategy and GROWTH 2 of the Draft Local Plan did not accompany the application. As such, the proposal fails to comply with policy CS1 and CS2 of the East Cambridgeshire Core Strategy 2009 and policy GROWTH 2 of the Draft Local Plan Pre-submission version (as amended June 2014) and advice contained in paragraph 55 of the National Planning Policy Framework 2012.

- ii. Due to the existing use of the site and the characteristics of the area, which is undeveloped flat and open agricultural land, with fields separated by hedges and ditches allowing views of the countryside and its locality, the proposal would change the overall character and appearance of the area. The proposed dwelling would erode the rural character of this part of Soham and lead to increasing pressure for further development in the future. The proposal would therefore not comply with the principles outlined in policy EN1 of the Core Strategy 2009 and policy ENV1 of the Draft Local Plan Pre-submission version (as amended June 2014), which state that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance, amongst other things, the settlement edge, space between settlements, and their wider landscape setting.

The meeting closed at 5.52pm.