



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange, Nutholt Lane
Ely on Wednesday, 6th January 2016 at 2.00pm

P R E S E N T

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

OFFICERS

Jo Brooks – Director, Regulatory Services
Maggie Camp – Legal Services Manager
Richard Fitzjohn – Planning Officer
Janis Murfet – Democratic Services Officer
Jon Pavey-Smith – Planning Officer
Andrew Phillips – Senior Planning Officer
Gareth Pritchard – Planning Officer
Rebecca Saunt – Planning Manager

ALSO IN ATTENDANCE

Councillor Lis Every
Councillor Richard Hobbs
6 members of the public attended the meeting.

Members observed a minute's silence as a mark of respect following the passing of Mr Philip Read, former District Councillor and Chairman of the Planning Committee.

65. APOLOGIES AND SUBSTITUTIONS

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

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

66. **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

67. **MINUTES**

It was resolved:

That the Minutes of the Planning Committee meeting held on 2nd December 2015 be confirmed as a correct record and signed by the Chairman.

68. **CHAIRMAN'S ANNOUNCEMENTS**

- The Chairman wished all present a Happy New Year;
- The Chairman welcomed Gareth Pritchard, Planning Officer, to his first meeting of the Planning Committee;
- The Chairman also welcomed Richard Fitzjohn, Planning Officer, upon his return to the Authority.

69. **15/01138/FUL (PLOT 2) AND 15/01139/FUL (PLOT 1) – LAND ADJACENT TO 14 (PLOT 1 AND PLOT 2) THE COTES, SOHAM, CB7 5EP**

Andrew Phillips, Senior Planning Officer, presented a report (Q151, previously circulated) which sought consent for the erection of two dwellings with parking, access and associated site works.

The application in respect of Plot 1, which was located to the south of the host dwelling, was for a single storey two bedroom dwelling with access only along the southern track.

The application in respect of Plot 2 was for a single storey four bedroom dwelling with access onto both the southern track and Blackberry Lane (a Public Footpath). This plot was located to the north of the host dwelling.

It was noted that the sites were located outside the established village framework and were within the centre of a small cluster of dwellings and located near to industrial buildings. The sites were located on mowed grass areas connected to the host dwelling, which would sit within the centre of the two proposed dwellings.

A number of illustrations were displayed at the meeting including maps indicating the application sites, an aerial photograph, the proposal for Plot 1 and the elevations for Plot 2.

Members were reminded that the main considerations in the determination of this application were:

- Principle of development;
- Highway safety;
- Refuse collection.

In summarising his report, the Senior Planning Officer reiterated that the Local Planning Authority (LPA) was not currently able to demonstrate that it had an adequate five year supply of land for housing and therefore all applications for new housing should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 in the National Planning Policy Framework (NPPF) sought to locate housing where it would enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated buildings unless there was an essential need for a rural worker to live permanently, optimal viable use of heritage asset, re-use disused buildings or exceptional quality and/or innovative nature of the design.

The Senior Planning Officer drew attention to paragraph 7.4 of his report, reminding Members that a dwelling on Plot 2 (13/00670/FUL) had already been determined at appeal. The Planning Inspector had concluded that *“the proposal would not be appropriate to its location, given the substantial conflict I have identified with development plan and national policy relating to new housing.”* As such, significant weight should be given to the Inspector’s decision.

The Local Highways Authority (LHA) was of the view that no suitable visibility splays had been proven for the Blackberry Lane access and both access tracks were too narrow for two cars to pass and this would force vehicles to reverse onto the public highway. However, the Planning Inspector had already determined that the risk to users of the public highway was not significant.

The Committee was duly cautioned that going against the Inspector could result in costs being awarded against the Council, and Members should therefore carefully balance the views of the LHA and the Planning Inspectorate.

With regard to refuse collection, Policy ENV2 required developers to comply with RECAP guidance; the maximum recommended distance between a dwelling and the public highway should be no more than 55 metres. The nearest plot was 180 metres from the public highway, which would put a significant burden on the resident or the Council in order to collect waste and recycling. As this was substantially further than the maximum collection distance, it was considered that the development did not comply with ENV2.

Although the proposal would provide two additional dwellings, it was considered that it was not in a sustainable location and it did not outweigh the significant and demonstrable harm as identified. It was therefore recommended for refusal.

At the invitation of the Chairman, Mr Keith Hutchinson, agent for the applicant, addressed the Committee and made the following points:

- Each application raised similar issues, so he would deal with them as a single one;
- The acceptability of the schemes depended on the Council being unable to demonstrate a five year supply of land for housing;
- Paragraph 49 of the NPPF stated that housing applications should be considered in the context of the presumption in favour of sustainable development;
- These applications should therefore be judged on sustainability;
- Soham, with its wide range of facilities, was the main settlement and would cater for considerable development;
- The site at The Cotes was on the edge of the settlement and the development would be more sustainable than those at Isleham or Coveney;
- The Inspector's decisions were appended to the Officer's report, but they had been made when shortfall was assessed against the NPPF. The position was different now;
- With regard to the second appeal decision, housing land supply had not been raised by the appellant because he was not aware of the Witchford appeal decision;
- The LHA's objection was overruled by the Inspector, who had said that the proposal would not materially harm highway safety;
- Paragraph 7.12 of the Officer's report was not about a matter of balance; this was the persistent disregard of paragraph 49 of the NPPF;
- The report mentioned excessive distance in relation to the collection of refuse and recycling, but this was already taking place in respect of two more houses along the route, and Members had seen it for themselves during their site visit;
- This was sustainable development and the applications should be allowed.

Councillor Rouse believed that the decision would rest on whether or not this was a sustainable site, and he asked Mr Hutchinson how close it was to the nearest shops or facilities in Soham. Mr Hutchinson replied that he believed it was approximately a mile but there was a footpath link across the fields to the school.

Councillor Hunt said although he did not attend today's site visit, he had previously been to the site. On each occasion there had been another vehicle and this had resulted in one of them having to

reverse 50 yards down the road. It was a chaotic situation, particularly with the road being in such a poor condition, and he duly proposed that the Officer's recommendation for refusal be accepted.

In seconding Councillor Hunt's motion, Councillor Chaplin observed that there was already one dwelling at the location. He believed that what was maybe acceptable for one was not necessarily so for three dwellings.

The Chairman said he did not wish to close the debate on the applications too soon and he invited further comment from Members.

Councillor Beckett remarked that should the matter go to appeal, the possibility of costs being awarded against the Council should not sway the Committee. Despite the lack of an adequate five year supply of land for housing, the Council still had a duty of care regarding sustainable locations. He believed that due to the distance from Soham's facilities and the poor quality access to the site, it would not be sustainable development in that location.

Councillor Cox said he had noted there were a number of businesses in close proximity to the proposed site, with some having numerous vehicles. They would be adding considerably to the number of vehicle movements and there would be a greater volume of traffic use than was mentioned in the Officer's report.

There being no further comments or questions, the motion was put to the vote and,

It was resolved unanimously:

That planning applications reference 15/01138/FUL and 15/01139/FUL be REFUSED for the reasons as detailed in the Officer's report.

70. **15/01177/OUT – LAND SOUTH OF 70 THE BUTTS, SOHAM, CB7 5AW**

Jon Pavey-Smith, Planning Officer, presented a report (Q152, previously circulated) which sought outline planning permission for the erection of one detached dwelling and associated works, with all matters reserved apart from access.

It was noted that the application had been brought before the Planning Committee as one of the applicants was an East Cambridgeshire District Councillor.

As the application was in an outline format, the plan submitted with the application showed an indicative appearance, layout, scale and landscaping for the proposal and these matters would be assessed as part of a reserved matters application. A contamination report had also been submitted with the application.

Other illustrations displayed at the meeting included a map of the application site, an aerial photograph and photographs relating to residential amenity and the impact on the character and appearance of the countryside.

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

- Principle of development;
- Residential amenity;
- Impact on the character and appearance of the countryside;
- Highway safety; and
- Trees.

Members were reminded that the Council could not currently demonstrate a robust five year housing land supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up to date. In view of this, all applications for new housing should be considered in the context of the presumption in favour of sustainable development.

Whilst the proposal would be outside the development boundary, it would be within close proximity to the development envelope and a number of the services available in Soham. It was therefore considered that the proposal related well to the existing built form of the settlement and would be considered a sustainable location.

In terms of residential amenity, it was considered that the size of the plot and potential amenity space all accorded with the East Cambridgeshire Design Guide. Due to the siting of the proposed dwelling, there would not be an unacceptable level of overlooking and it would not have an overbearing impact on any nearby residential properties. The proposal therefore complied with Policy ENV2 of the Local Plan.

At present the application site was an agricultural field with existing hedging and fences defining the boundaries. However, it was surrounded by built form with dwellings to the north and east, and stable buildings to the south. The proposed dwelling was therefore deemed not to be detached from the built form of the settlement of Soham by open countryside. The reserved matters application would ensure that the design of the dwelling was in keeping with the rural area. It was therefore considered that the proposal would not have an adverse impact on the character and appearance of the area and would comply with Policy ENV1 of the Local Plan.

The Planning Officer reiterated that this application was for outline planning permission with access to be the only matter determined at this stage. The Highways Authority had no objections in

principle to the proposal, but as no inter-vehicle visibility splays had been included in the application, it had added that these splays should be entirely within the curtilage of the site boundary. However, there appeared to be sufficient space to accommodate these splays and as such, the Highways Authority had no objections to this aspect of the proposal as long as these conditions were met as part of the proposal. The proposal would provide at least two parking spaces and would accord with Policy COM8 of the Local Plan.

With regard to ecology and trees, it was noted that there was vegetation, including an Ash tree, at the front of the site. The vegetation did not have a high landscape value, but the Arboricultural Officer believed that it would be of benefit for the trees to be retained and was supportive that this application sought to retain this feature.

The application site was located in Flood Zone 1, and the proposal would therefore not have an adverse impact on flood risk.

In response to a question from Councillor Beckett regarding an undeveloped area to the bottom right of the application site, it was confirmed that this area of land was to be allocated in the new Local Plan. Councillor Beckett said that in view of this he could see no reason why permission should not be granted.

The Chairman observed that the development envelope reached just into the site, and having asked how far it was from the site to the town centre, he was advised that it was less than half a mile.

Councillor Hunt said that the application site was effectively in the village and he proposed that the Officer's recommendation for approval be accepted. Councillor Beckett seconded the motion.

There being no further comments or questions, the motion was put to the vote, and

It was resolved unanimously:

That planning application reference 15/01177/OUT be APPROVED, subject to the conditions as detailed in the Officer's report.

71.

15/00814/FUL – 2 BARTON SQUARE, ELY, CB7 4DF

Rebecca Saunt, Planning Manager, presented a report (Q153, previously circulated), which sought permission for the subdivision of one dwelling to create two, two bedroom dwellings.

The proposal would also include a first floor extension above the existing flat roofed garage and utility room, which would match the ridge height of the existing dwelling. The garage and utility room would be converted to a dining room and lounge area. The extension would replicate the design of the existing building and would be constructed in materials to match the existing dwelling.

Members noted that the site was located within the development envelope and conservation area of Ely.

The application had been called in to Planning Committee by Councillors Lis Every and Richard Hobbs.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial view, an illustrative of the proposal and its layout, and a depiction of the existing and proposed elevations.

The Planning Manager reminded Members that the key considerations in the determination of this application were:

- Principle of development;
- Residential amenity;
- Visual amenity (including trees);
- The historic environment; and
- Highway safety.

In summarising the main points of her report, the Planning Manager reiterated that the Council could not currently demonstrate that it had an adequate five year supply of land for housing. Therefore housing applications should be assessed in terms of the presumption in favour of sustainable development as set out in the NPPF. This meant that proposals should be approved unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The application site was located within the development framework of Ely, in a built up residential area, close to the facilities and services on offer in the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site was therefore considered to be in a sustainable location.

The benefits of the proposal were that it would provide an additional dwelling and would have a positive contribution to the local and wider economy in the short term through construction work.

Due to the siting of the proposed extension to the building in relation to the neighbouring properties, it was considered that the proposal would not have an overbearing impact on the neighbouring properties. The extension and its fenestration pattern had been designed to ensure that there would not be an unacceptable level of overlooking.

Members noted that the existing dwelling had a limited amount of amenity space to the side of the dwelling and this proposal required that space to be allocated to one of the two dwellings proposed. Although the amount of amenity space was below that recommended

by the East Cambridgeshire Design Guide SPD, it was not unusual for dwellings located close to or within the town centre to have limited or no amenity space. Given that the current arrangement was limited, it was considered that refusal of the application on this ground would not be warranted.

Turning next to the issue of visual amenity, the Planning Manager said that initial concerns had been raised with the applicant regarding the impact of the proposal on the two existing trees in situ on the corner of the site between Barton Square and Barton Road. The Trees Officer had reviewed the information submitted by the applicant and although the loss of the existing trees would be detrimental and have a negative impact on the layout of this conservation area in Barton Square, this would be compensated by the proposed two new trees as they matured. The proposed species were suitable for their location and they were good choices for becoming specimen trees in this key landscape area. The Trees Officer therefore supported the new landscape proposals.

With regard to the historic environment, Members noted that the proposal had been designed sympathetically to the original dwelling and the extension would be constructed of materials to match the existing building. It would replicate the existing features and the proposal would not have a detrimental impact on the character or appearance of the conservation area.

The Planning Manager stated that the proposal did not meet the recommended car parking requirements of Policy COM8 of the Local Plan. However, there was flexibility allowed within the policy and given the location of the site and its accessibility to the train station and the centre of Ely, on balance it was considered that the lack of parking would not be a sufficient reason to warrant refusal of the application. The Committee noted that the Highways Authority had raised no objections to the proposal, subject to recommended conditions.

At the invitation of the Chairman, Mr Gary Johns, agent for the applicant, addressed the Committee and made the following points:

- When he accepted this commission, he had not expected it to be so controversial. The site was narrow and lacking in amenity space outside and did not lend itself to good quality accommodation for a family home;
- The property had been on the market for some time;
- He saw this as a positive opportunity to enhance the building and improve it in a wider setting;
- One property would not have amenity space. This might not be attractive to a family, but it could be to a commuter;

- The refuse bins would not be left outside, there would be space provided for them at the rear/side of the site;
- The second property would have some amenity space and parking in close proximity to where the existing garage is situated;
- This property was important to Barton Square, and his proposals would improve the aesthetics.

Mr Johns then responded to comments and questions from Members.

In response to a number of queries from Councillor Hunt, Mr Johns confirmed that there would only be one parking space, that policy recognised a garage as a parking space, and that the drive on Property 1 was not long enough to park a car on it.

Councillor Beckett enquired about the depth of the building, as to him, it appeared to be very narrow. The Planning Manager confirmed that it measured 3.6 metres at the central point of the building.

Councillor Stubbs sought clarification regarding the existing and proposed arrangements for refuse. Mr Johns replied that it was proposed to have an indent into the site wall so that the refuse bins for both properties could be stored within the amenity space. This would be within 30 metres of the kerb and residents would wheel their bins out across to the footpath. At present all three bins were left in the same area of the footpath, but if this was found to cause problems then perhaps an alternative, such as bags, could be considered.

Councillor Rouse asked Mr Johns if the garage area was structurally sound or whether it would have to be demolished and rebuilt. Mr Johns said it would be demolished as it was very poor quality; a party wall would then be provided to enable the installation of a toilet.

At the invitation of the Chairman, Councillor Lis Every, a Ward Member for Ely East, addressed the Committee and made the following comments:

- She was also speaking on behalf of Councillor Richard Hobbs, the other Ward Member for Ely East;
- Residents had contacted them with concerns because this was a very sensitive area of Ely, being in the conservation area and in close proximity to the Cathedral;
- The application was controversial and needed an airing in public;
- The proposal was to turn one dwelling into two dwellings, to be available for sale or let;

- There would only be parking available for one vehicle yet the recommended requirement was for four spaces. Policy AMP7 stated that road safety should not be jeopardised;
- The City of Ely Council had recommended refusal of this application on the grounds that there was no off-street parking outside the dwelling or near Barton Square;
- The entrance was close to a very busy road and there was movement between the buildings by pupils at the King's School, right through the day until the early evening;
- The location of the parking space would mean having to manoeuvre around the very busy cul de sac. This was already very dangerous and the safety of the pupils was paramount;
- The proposal was out of character and did not conform;
- It would adversely impact on the street scene and nearby heritage assets.

The Chairman said he felt he should now declare a personal interest in this application because he was a teacher at King's School; he had not done so earlier in the meeting because, at that point, he was not aware that King's would be raised during this debate.

Councillor Beckett enquired about the time limit for the car park at Barton Square and was advised that it was two hours at the beginning of the day, and overnight parking. He then asked how parents could drop off their children or how there could be more cars in the cul de sac if there was no parking. Councillor Every replied that people went round the cul de sac and then out onto Barton Road; parents dropping off school children parked as and when they could.

Councillor Hunt added that during the site visit there had been young children crossing under supervision at the top of Back Hill. The majority of the movement was between the Theological College and Hereward Hall. He also commented on the narrow footpath on Barton Road and the volume of movement by commuters using the train station, believing that all this should be taken into consideration.

In connection with this, the Chairman asked if there was a footpath through the middle of Barton Square and also whether there had been any accidents or near misses in the locality in recent history. He was advised that there was a footpath and no incidents had been recorded.

Councillor Hunt said that those who knew Ely were aware of two special squares and Barton Square was one of them. It was not just because it was in the conservation area; within this locality were the Porta, the Monastic Barn, the Cottage and Hill House, all of which

were precious. The Council had a duty to preserve them, and he was always keen to listen to local democracy. The City of Ely Council and the local Members opposed the application, and he believed the proposal would harm the area; history would judge the Council badly.

It was proposed by Councillor Hunt and seconded by Councillor Edwards that the Officer's recommendation for approval be rejected for the following reasons:

- The proposal would be overdevelopment;
- It was out of character for the area;
- There would be a reduction in car parking spaces and an increase in the number of houses;
- It would be a danger to the school children and other pedestrians;
- There would be a loss of trees and inadequate amenity space;
- It was not proven that the proposal would enhance the conservation area; and
- The access to Barton Road would be made more dangerous.

Councillor Rouse thanked the Planning Manager for a very balanced report. He said the fact that the garage was going to be demolished had changed his view, because he believed it would not be demolished as part of the application. This was a nice house, but the extension would take away the parking; he felt an opportunity was being missed and too much was being done. He opposed the Officer's recommendation because of the parking issue but he also thought that child safety was being overestimated.

The Chairman concurred that the removal of the garage would improve the view and he thought the application had the potential to improve the street scene. With regard to parking, he reminded the Committee that there were many places in Ely and Cambridge that had zero parking. On balance he felt that the application would not cause significant harm to the conservation area.

Councillor Beckett declared himself to be amazed at the "hype and fuss" being made about parking. The parking spaces in Barton Square were always very limited and this would not change. This was an urban area and people should be walking and cycling rather than using cars. The proposal represented the potential for two properties for commuters, and if someone bought a property with no parking, then surely they would do so with their eyes open. With regard to the refuse bins, he questioned whether it would be any harder to walk past four rather than two. In terms of visual impact, he wondered whether they would have to wait until the building started to crumble

before something would be done about it. He thought the application to be a reasonable proposal which would enhance the building and Barton Square; for this reason he agreed with the Officer's recommendation.

Councillor Cox added his support, congratulating the architect on making what he thought was the best of a bad job. He said he was not too hung up about the issue of parking and he could see that the proposal would make improvements to what would be a quality house.

Councillor Beckett reminded the Committee that permission had been granted by this Authority for four houses on the Market Place in Soham, none of which had amenity space or parking. If Members were minded to refuse the application, he urged caution regarding the reasons being put forward.

The motion for refusal was put to the vote and an equality declared, there being 5 votes for and 5 votes against. The Chairman used his casting vote against the motion, which was duly declared lost.

Returning to the Officer's recommendation, it was proposed by Councillor Beckett and seconded by Councillor Hitchin that the application be approved. When put to the vote, the motion was declared carried, there being 6 votes for and 4 votes against. Whereupon,

It was resolved:

That planning application reference 15/00814/FUL be APPROVED, subject to the conditions as detailed in the Officer's report.

72.

PLANNING PERFORMANCE REPORT – NOVEMBER 2015

Rebecca Saunt, Planning Manager, presented a report (Q154, previously circulated) which summarised the planning performance figures for November 2015.

Members were asked to note two corrections to the published figures: in Validation the number of other applications should state 121, and 5 appeals were received.

Noting the outcomes against performance targets, the Chairman said that Officers should be very proud of their achievements and he asked for the Committee's congratulations to be passed on to the team.

Councillor Beckett asked how many appeals were determined under delegated authority or by Committee and the Planning Manager replied that this information would be included in future reports.

It was resolved:

That the Planning Performance Report for November 2015 be noted.

The meeting closed at 3.23pm.