



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange,  
Nutholt Lane, Ely on Wednesday, 6<sup>th</sup> March 2019  
at 2.00pm

### **P R E S E N T**

Councillor Mike Rouse (Vice Chairman in the Chair)  
Councillor Christine Ambrose Smith  
Councillor Sue Austen  
Councillor Derrick Beckett  
Councillor David Chaplin  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Mark Goldsack  
Councillor Neil Hitchin (Substitute for Councillor Joshua  
Schumann)  
  
Councillor Bill Hunt  
Councillor Stuart Smith

### **OFFICERS**

Maggie Camp – Legal Services Manager  
Angela Briggs – Planning Team Leader  
Barbara Greengrass – Planning Team Leader  
Anne James – Planning Consultant  
Janis Murfet – Democratic Services Officer  
Andrew Phillips – Planning Team Leader  
Rebecca Saunt – Planning Manager  
Dan Smith – Planning Consultant

### **ALSO IN ATTENDANCE**

5 members of the public

#### **127. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Joshua Schumann.

It was noted that Councillor Neil Hitchin would substitute for Councillor Schumann for the duration of the meeting.

#### **128. DECLARATIONS OF INTEREST**

Councillor Ambrose Smith declared a personal interest in Agenda Item No. 10 (18/01730/FUM – GT & SE Taylor & Sons, 17 Oak Lane, Littleport), saying that it reflected her personal dealings with the gym.

## 129. MINUTES

Further to Minute No. 119 (18/00775/FUL – 51 Cannon Street, Little Downham, CB6 2SS), Councillor Hunt proposed and the Committee agreed that the words '*Members believe...*' be deleted so that the first bullet point of the resolution reads '*Plots 1 & 2 will be cramped and overbearing*'.

It was resolved:

That subject to the agreed amendment, the Minutes of the meeting held on 6<sup>th</sup> February 2019 be confirmed as a correct record and signed by the Chairman.

## 130. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcement:

- Councillor Lorna Dupré had stepped down as a Substitute Member of the Planning Committee. The Chairman thanked her for having put her name forward to serve as a Substitute.
- At the invitation of the Chairman, the Planning Manager read out the following statement regarding the Submitted Local Plan:

*'Following the decision made by Full Council on the 21<sup>st</sup> February 2019 to withdraw the Submitted Local Plan, the status of this emerging plan is reduced to zero for the purpose of decision making on planning matters.*

*The committee reports were written prior to the decision taken by Full Council and therefore any references to the Submitted Local Plan contained within the committee reports, reasons for refusal or reasons for planning conditions should be disregarded as part of the decision making process and must not be used in any final decision made on an application.*

*Members are recommended not to make any reference to the now withdrawn local plan as part of the discussion on any agenda item.'*

Councillor Beckett asked what impact this would have on the Fordham Neighbourhood Plan, and the Planning Manager advised that the Plan still had the 'adopted' status.

## 131. 18/01447/OUT – 59A GREAT FEN ROAD, SOHAM, CB7 5UH

Dan Smith, Planning Consultant, presented a report (reference T210, previously circulated) for an application which sought outline planning permission for the residential redevelopment of the site with the erection of four dwellings.

The indicative plans showed four bungalows; however the detailed matters of access, layout, scale, appearance and landscaping would be reserved for future consideration.

The application site was located outside of the established development envelope of Soham, approximately 3 miles from the nearest extent of the envelope and 4 miles from the town centre and approximately 2 miles outside the envelope of Prickwillow. The existing timber yard was accessed off Great Fen Road. It was located behind existing dwellings on the road frontage and was accessed via a driveway running between the two dwellings. The surrounding area was considered to be primarily agricultural with sporadic, linear housing along Great Fen Road.

Members noted that there was a row of detached single storey dwellings to the front of the site as well as the office building permitted to be replaced by a dwelling under permission 17/00355/FUL. On the land to the rear, there was an agricultural storage building also owned by the applicants, but this was not included in the application site.

The application had been called in to Planning Committee by Councillor Mark Goldsack.

A number of illustrations were displayed at the meeting, including a map, an aerial image, an indicative layout of the proposed development, and views of the current business.

The main considerations in the determination of the application were:

- Sustainability of site;
- Loss of Business Use;
- Flood Risk;
- Visual Impact and Character; and
- Residential Amenity.

The Committee was reminded that the Council was currently unable to demonstrate a 5 year supply of land for housing and therefore all planning applications for housing were to be approved unless there were any adverse impacts which significantly and demonstrably outweighed the benefits of doing so. It was noted that the Council had a 3.94 year supply of deliverable housing land.

With regard to sustainability, the site was located a considerable distance from any other social amenities and occupants would not have easy access to community groups or facilities. It was not accessible by public transport and there was no public footpath or cycleway. Occupants would therefore be heavily reliant on the car to gain access to services and facilities and for access to jobs and social opportunities more widely.

The over-reliance on private motor vehicles and the requirement to travel considerable distances to access even the most basic services and facilities would not be sustainable from an environmental point of view. On

that basis, the proposed development was considered to be in an unsustainable location.

The Planning Consultant stated that only if there was no potential for employment use or any significant environmental or community benefits could the site be developed for residential use. The site provided employment and could continue to do so. No evidence had been provided in respect of the lack of viability of the site as an employment site and no significant environmental benefits had been evidenced which would outweigh the loss of the business use. The application therefore failed to comply with Policy EMP1 of the Local Plan 2015.

It was noted that the application site was wholly within Flood Zone 3 and therefore at a high risk of surface water flooding. Paragraph 155 of the National Planning Policy Framework (NPPF) stated that inappropriate development in areas at risk should be avoided by directing development away from areas at highest risk. The NPPF required a sequential approach be taken to flood risk and Policy ENV8 of the Local Plan 2019 stated that the Sequential Test would be applied strictly.

The applicant had not submitted a Flood Risk Sequential Test, and in the absence of one, the Authority had considered its requirements. There were a number of allocated sites for housing within the Parish of Soham; furthermore, a number of planning applications for new dwellings had recently been approved in more sustainable locations within the Parish and windfall sites not within Flood Zone 3. The application had not demonstrated that the proposed additional dwellings were necessary and the application failed the Sequential Test for this reason.

Speaking next of the visual impact, the Planning Consultant said that the site was currently home to timber storage barns on both sides and the proposed development would not project further back into the open countryside than the existing development. Subject to an appropriate scale of building, it was not considered that such a scheme would cause any significant harm to the visual amenity of the area or to the character of the wider countryside.

The indicative layout plan indicated that it would be possible to position the dwellings such that they would not cause any significant loss of light, visual intrusion or overlooking of neighbouring dwellings. The access road to the dwellings currently served the timber yard and it was considered that there would be no greater impact in terms of noise to the existing dwellings. Noise disturbance during the construction phase of the development could be adequately mitigated by the imposition of a condition restricting construction hours.

It was considered that there would be no significant impact on biodiversity and enhancements could be required by condition. Similarly, contamination could be addressed via a condition for ground investigation and remediation. While the layout of the development was reserved for future consideration, the indicative layout showed that adequate parking and turning could be provided on site for four dwellings.

In connection with the planning balance, the Planning Consultant said that the benefits of the scheme were considered to be relatively limited. The harm caused by the unsustainable location of the site, the loss of the business use and the placing of new residential development in Flood Zone 3 would significantly and demonstrably outweigh the limited benefits. The proposed scheme was therefore recommended for refusal.

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

- The Officer had given three reasons for refusal, the first being that the site was unsustainable because it was outside the development envelope. He considered that this group of dwellings formed an identifiable community and new dwellings in the locale had been granted permission in June 2017 and November 2018;
- The Authority could not demonstrate a 5 year supply of land for housing and the Local Plan was out of date. Paragraph 11 of the NPPF required the benefits and adverse impacts on the tilted balance to weighed;
- This brownfield site would have no adverse impacts and granting permission would help the District's housing shortfall;
- The second reason for refusal related to the conflict with Policy EMP1, but it only applied to B1, B2 and B8 uses and this business was sui generis. A condition tied the business to the applicant's dwelling. There were no employees, only Mr and Mrs Mutton, and they wished to expand their business in East Cambridgeshire. Paragraph 121 of the new NPPF advocated a positive approach to alternative uses of land which was currently developed, and this was exactly the position here;
- The third reason related to flood risk. The Flood Risk assessment made it clear that the proposal was not in a functional flood zone, but in a defended zone. It should therefore be considered as Flood Zone 1. Conditions could be imposed regarding heights and the applicants would be happy to comply with this;
- Other applications, approved by Committee, had been granted permission in the locale and there should be consistency.

Mr Hutchinson then responded to questions from a number of Members. He confirmed that the business was a husband and wife operation that had been going since 2011. There had been no flooding on the site and an agricultural occupancy condition had been removed in November 2001.

Councillor Goldsack asked if the business was tied to the bungalow and Mr Hutchinson confirmed that it was.

Councillor Hunt asked about the size of the field to the rear. It was noted that the field to be accessed was 7 acres in size and the road would be the only access.

Councillor Ambrose Smith enquired whether the barn to the rear would be removed and was advised that it would be retained.

Councillor Hunt asked if any footpaths were planned and whether the spine road would be constructed to an adoptable standard. Mr Hutchinson reminded him that the application was only outline at this stage, but the road would be private.

In response to a question from Councillor Smith, the Planning Consultant reiterated that the business should have been subject to a period of marketing, but there was no evidence that this had taken place.

Councillor Goldsack highlighted the new dwelling to the front of the site, which was recently granted planning permission. The occupants of the proposed development would have to bring their refuse bins out to the roadside and the recommended 'drag distance' was 30 metres. The Planning Consultant commented that in certain locations, this distance was sometimes exceeded and when asked if the development would need a bin store, he confirmed that it would.

Councillor Cox noted that other activities could be carried out in the buildings to be served by the spine road. As access could not be defined at the moment, an unknown amount of agricultural traffic could potentially pass through. The Planning Consultant replied that permission for the agricultural use of the barn would remain and the agricultural use of the land could be retained, but it was not for him to specify how much traffic would use it.

Councillor Chaplin commented that Policy EMP1 only applied regarding B1, B2 and B8 and the Planning Consultant responded, saying that while sui generis uses did not fall within set uses this was an employment site was therefore being considered under policy.

Councillor Hunt said he found the Officer's observations to be valid and there was no evidence that any marketing had taken place. He was unhappy about agricultural machinery travelling along the spine road when there would be no pavements because it would be dangerous.

Councillor Smith said that although the houses would be screened by trees, the scheme still needed to be carefully designed and he felt the development could be a 'one off'.

Councillor Ambrose Smith agreed, adding that it seemed to be a sustainable site because there were other houses along the road. Although the application was only outline at this stage, she was minded to support approval.

Councillors Edwards and Beckett declared their support for the recommendation to refuse the application, the latter saying that the proposal would have an urbanising effect. There were numerous farmyards and if this one went, others would be lost.

Councillor Goldsack said that he had called in the application as one of the local Members, as he thought the Committee would be best placed to make the decision. It was difficult because Members had to be true to the

principles they wanted. He thought the agent had put forward a good argument and the flood risk had been mitigated, so it came down to sustainability. However, he was worried that giving approval would set a precedent and he would therefore support the Officer's recommendation.

Councillor Hitchin commented that he was unhappy to set a precedent whereby people could not move their business on elsewhere without permission; this was a concern.

It was proposed by Councillor Hunt and seconded by Councillor Cox that the Officer's recommendation for refusal be supported. Councillor Hunt asked that an additional reason for refusal, relating to the impact on residential amenity of the new dwellings from agricultural machinery going through the site to access the field, be included.

Councillor Goldsack asked if deferral was an option and the Planning Manager said it was, but the application would not come back to Committee next month.

Members then returned to the motion for refusal, which when put to the vote was declared carried, there being 6 votes for, 4 votes against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 18/01447/OUT be REFUSED for the reasons given in the Officer's report and for the following additional reason:

- Impact on residential amenity from agricultural vehicles/equipment accessing the field to the rear of the site.

**132. 18/01448/FUL – FORGE FARM COTTAGE, BRINKLEY ROAD, WESTLEY WATERLESS, CB8 0RD**

Barbara Greengrass, Planning Team Leader, presented a report (reference T211, previously circulated) on behalf of the Case Officer, which sought consent for the construction of a dwelling on garden land adjacent to Forge Farm Cottage

On a point of housekeeping, Members were asked to note the following:

- Paragraph 5.2 of the report – a site notice was displayed;
- Paragraph 7.5 – the application site was 0.2 miles from the settlement boundary of Brinkley.

The application site was located outside of the development envelope of Westley Waterless, along a 60mph road. It comprised garden land to Forge Cottage and was enclosed by a mature hedgerow. The surrounding area was agricultural land and open in nature.

The application was called in to Planning Committee by Councillor Alan Sharp.

A number of illustrations were displayed at the meeting. They included a map of the location site, an aerial image, the layout of the proposal, elevations and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity;
- Visual Amenity; and
- Highway Safety.

Members were reminded that the Council was currently unable to demonstrate an adequate five year housing supply and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so. The application site was located outside of the development envelope of Westley Waterless and was considered to have poor access to the services and facilities available. The location of the proposed dwelling would result in the reliance on a motor vehicle to access any services or facilities and was therefore considered to be unsustainable, contrary to policies within the Local Plan and the NPPF.

With regard to residential amenity, the location and scale of the proposed dwelling was not considered to cause significant and demonstrable harm to the adjacent Forge Farm Cottage as it did not create significant levels of overlooking, overbearing or overshadowing.

In terms of visual amenity, the proposal would constitute a cramped and contrived form of development by virtue of its design and positioning. The location did not lend itself to residential development and would have an urbanising impact that was not characteristic in the vicinity of the site. Furthermore, the introduction of a further dwelling would necessitate the removal of a significant section of mature hedgerow to the front of the site, which would increase the urbanising impact of the proposal in the rural setting.

It was noted that the applicant proposed creating a new driveway access off the public highway. The County Highways Authority had been consulted and had stated that they raised no objections in principal to the application. The proposal provided sufficient parking spaces for the proposed dwellings, and therefore highways matters were considered to be acceptable.

The Planning Team Leader said that on balance the application would provide one additional house to the district's housing stock. However this was considered to be an unsustainable location outside of the defined development envelope of Westley Waterless and would result in the reliance on a vehicle in order to access basic services. In addition, the proposal

would appear cramped and contrived, on a site which did not warrant residential development and would be harmful to the character and appearance of the area. The application was therefore recommended for refusal subject to the removal of references to the Submitted Local Plan 2018 from the reasons for refusal.

Councillor Beckett asked about the means of sewage disposal, as the site seemed very small and he queried whether they would be building on the septic tank. The Planning Team Leader said that the applicant had stated mains sewer; she too had noticed the septic tank but she wondered if the new house would be connected to the mains.

Councillor Goldsack asked the Planning Team Leader to explain about highways conditions, and she replied that the standard conditions included no gates across the access, and the provision of parking and turning space.

Councillor Goldsack continued, saying he was not sure about visibility, as the splay was over a bridge and the trees were almost level with the road. Councillor Beckett concurred, adding that he thought a splay of 100 – 180 metres would be required and he did not see how the distance could be achieved for this 60 mph road. The Planning Team Leader reminded the Committee that Highways had raised no objection to the principle of the application.

The Chairman cautioned Members to remember the recommended reasons for refusal.

It was duly proposed by Councillor Beckett and seconded by Councillor Goldsack that the Officer's recommendation for refusal be supported. When put to the vote, the motion for refusal was declared carried, there being 9 votes for and 2 abstentions.

It was resolved:

That planning application reference 18/01448/FUL be REFUSED for the reasons given in the Officer's report.

**133. 18/01548/RMA – LAND REAR OF LISLE LANE, ELY**

Angela Briggs, Planning Team Leader, presented a report (reference T212, previously circulated) which sought permission for seven dwellings on land to the rear of 32 Lisle Lane. The proposal was submitted as a reserved matters application and included appearance, landscaping, layout and scale. The application followed a previously approved outline permission (reference 15/00956/OUT) for residential development.

The Chairman said that in his view, and that of Councillor Schumann, this application should not have come before the Committee as access had already been approved.

The site was located within the established development framework of Ely and within the Ely Conservation Area. It had once formed a garden area

to the rear of 32 Lisle Lane but had been cleared of most vegetation and was unkempt. It was noted that the site lay within a Water Treatment Works Safeguarding Area, was approximately 300 metres from the River Great Ouse County Wildlife Site, and within a 2 kilometre consultation zone for the Ely Pits and Meadows Site of Special Scientific Interest (SSSI).

The application had been brought to Planning Committee at the request of Councillor Andy Pearson on the grounds of the impact on highway safety on the wider area.

A number of illustrations were displayed at the meeting. They included a location plan, an aerial image, the layout of both the original and amended block plans, and the proposed elevations.

The main considerations in the determination of the application were:

- Access approved as part of the outline consent;
- Impact on visual amenity and character of the Conservation Area;
- Residential Amenity;
- Landscaping; and
- Parking provision.

The Planning Team Leader reiterated that means of access had already been considered and determined as part of the outline permission 15/00956/OUT and therefore the principle of development had been secured. Access could not be considered as part of a reserved matters application.

It was noted that the area was characterised by a mix of both residential and commercial properties. The application proposed seven two-storey dwellings, varying in design but no more than 7 metres in height and laid out in a linear form. The dwellings were characteristic of the area and it was considered that the design and layout were acceptable and would make efficient use of this infill plot.

With regard to residential amenity, all the proposed dwellings would have a separation distance of 20 metres or more between them and Willow Walk and Willow Grove. There would be no significant over-looking or over-bearing and there would be sufficient space around each dwelling with modest amenity areas to the front and rear. As such, it was considered that the proposal was acceptable and would not cause significant harm to the residential amenity of future occupants.

Speaking of landscaping, the Planning Team Leader said that some of the proposals had been amended to ensure there were suitable types of vegetation to complement the area in which they were to be planted. The Trees Officer had confirmed that the tree planting was acceptable and the hard landscaping was also considered to be acceptable.

Members noted that two car parking spaces were provided per dwelling, in accordance with the Council's car parking standards. Whilst

cycle parking was not indicated on the plan, there was sufficient space for each dwelling, in accordance with the Council's cycle parking standards

Turning to other matters, the Planning Team Leader stated that surface and foul water drainage, ecology, archaeology, renewable energy, tree protection, land contamination and other pollutants were all assessed as part of the outline application and relevant conditions appended to that decision.

In connection with the planning balance, the Council was unable to demonstrate a 5 year supply of housing land. In this situation the presumption in favour of development as set out in the NPPF meant that development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits that indicate that development should be restricted.

The benefits of the scheme were the addition of seven dwellings to the District's housing stock and a short term benefit to the local economy during the construction phase. There would also be a positive contribution to the natural environment by providing green spaces for habitats to develop. The application was therefore recommended for approval.

In response to a number of questions from Members, the Planning Team Leader confirmed that the dwellings would be a mix of two and three bed properties. There would be general highway restrictions regarding parking; each dwelling would have two parking spaces and five would have tandem parking.

It was proposed by Councillor Beckett and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported. When put to the vote,

It was resolved unanimously:

That planning application reference 18/01548/RMA be APPROVED subject to the recommended conditions as set out in the Officer's report.

*The Chairman announced a comfort break at 3.10pm and the meeting reconvened at 3.15pm.*

#### **134. 18/01514/FUM – GT & SE TAYLOR & SONS, 17 OAK LANE, LITTLEPORT**

Anne James, Planning Consultant, presented a report (reference T213, previously circulated) which sought permission to regularise a number of uses operating from Building 3, 17 Oak Lane and to apply for a change of use on a number of vacant units to B8, B2 and B1 uses (part retrospective).

Paragraph 2.2 of the Officer's report set out a table listing what was being proposed to retain and what was being applied for.

The application site comprised a rectangular shaped area of land measuring 0.34 hectares, which formed part of a wider site area located 2 kilometres to the south west of Littleport in an area of open countryside.

The Committee noted that the application had been called in to Planning Committee, in line with the Council's Constitution as it comprised over 1,000 square metres of floor space. Councillor David Ambrose Smith had also requested that the application be considered by the Committee, as he believed it to be in the public's interest.

A number of illustrations were displayed at the meeting, including a location plan, a table of uses, and photographs of the site looking south west from the A10 and from the junction with Oak Lane and Grange Lane.

The main considerations in the determination of the application were:

- The Principle of Development;
- Residential Amenity;
- Visual Amenity;
- Rural Economy;
- Highway; and
- Other Matters.

Members noted that a number of unregulated uses were operating from the application site. The Council had been in discussion with the applicants and their agents towards the regularisation of the site and this had resulted in the submission of a number of planning applications.

The Planning Consultant stated that the change of use from an agricultural use to B1, B2 and B8 was supported by both national and local planning policy. The proposal would still result in over 50% of the site in agricultural use and it would not result in any external changes to the appearance of Building 3. The operational activity of these uses would not harm the character and appearance of the area and would not detrimentally impact on residential amenity when considered against the existing agricultural uses carried out at the site.

In terms of residential amenity, it was noted that the closest residential property was located approximately 90 metres away. No concerns had been identified by the Environmental Health Department and conditions would be imposed on the paving slab manufacturing business operating from Unit 5 to control the hours of operation of this activity and regulate future uses operating from the site.

It was considered that vehicular trips made by employees would occur within normal working hours and therefore the general disturbance from the additional vehicular movements would not be sufficiently harmful to warrant refusal of the scheme. Deliveries to and from the site could be conditioned to prevent out of hours visits to the detriment of residential amenity.

With regard to visual amenity, the site comprised a number of large agricultural buildings predominantly in use for the storage of potato crops. As the scheme did not seek to demolish or redesign the existing building, both the existing and proposed changes of use complied with Policy and would not detract from the landscape character.

Speaking next of the rural economy, the Planning Consultant said that the proposal would regularise some existing uses and change the use of the other units within Building 3 to attract other small start-up businesses which fell within the definition of the 'B' Use Class. The change of use and subdivision of the building would comply with Policy EMP2 of the Local Plan 2015 and was considered acceptable.

The site was located on a single track road with no footways or lighting and with poor connectivity to Littleport. There was no safe and convenient means of access to the site either on foot, by bus, or by bicycle. However, the businesses would not attract visitors and the site would generate one vehicle movement every two minutes during the peak period. A vehicle passing bay would be constructed and travel plans as well as secure cycle storage would be imposed by condition. The Highways Authority had considered the mitigation proposed to be acceptable and as such, the proposal was considered to comply with Policy.

Flood risk, ecology, biodiversity, archaeology and ground contamination, were all considered acceptable.

The Planning Consultant concluded her presentation by saying that the application had been evaluated against the extant Development Plan and was considered to represent sustainable development; the proposal was therefore recommended for approval, subject to conditions.

At the invitation of the Chairman, Mr Ian Smith, agent, addressed the Committee and made the following comments:

- He was pleased to see the application was recommended for approval and felt that the discussions had been constructive;
- The site was formerly a vegetable packing station and the current owner purchased it 6 or 7 years ago;
- The units were mostly used for storage and half the site was in agricultural use. This application was concerned with 12 of the 15 units;
- Various highways improvements were being progressed;
- The scheme met Policy criteria at all levels;
- Officers were keen to secure a degree of planning control over the site.

Councillor Goldsack asked why retrospective permission was being sought for seven of the units. Mr Smith replied that he had only become involved with the application after the units became occupied in September 2018.

Councillor Cox enquired about proposed vehicle movements and was advised that there would be 1 per minute at peak times.

In proposing that the Officer's recommendation for approval be supported, Councillor Beckett said he thought the scheme would be a good use of the site.

Councillor Ambrose Smith seconded the motion, which when put to the vote was declared carried. Whereupon,

It was resolved unanimously:

That planning application reference 18/01514/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

**135. 18/01596/FUL – UNIT 11, 17 OAK LANE, LITTLEPORT, CB6 1RS**

Anne James, Planning Consultant, presented a report (reference T214, previously circulated) which sought retrospective planning permission to retain Unit 11 in retail (A1) use as set out in the Town & Country Planning (Use Classes) (Amendment) (England) order 2015.

The application was made on behalf of 'Little Bettys', which sold second hand furniture, collectables, bric-a-brac and craft related goods by a number of local traders operating from part of a farm building at 17 Oak Lane, which had been subdivided into 18 separate units.

The application site comprised Unit 11 and was located 2 kilometres south west of Littleport in an area of open countryside. The A10 was located to the east of the site with pockets of residential accommodation to the south west of the site along Woodfen Road and Oak Lane.

It was noted that the application had been called in to Planning Committee by Councillor David Ambrose Smith, as it was recommended for refusal; he believed it would be in the public interest to have the application determined by the Committee.

A number of illustrations were displayed at the meeting. They included a location map, a floor plan showing the layout of the stalls and two photographs, one showing the frontage of Little Bettys and the other the surrounding area from the junction with Oak Lane and Grange Lane.

The main considerations in the determination of the application were:

- Principle of Development;
- Town Centre Retail Hierarchy;
- Residential Amenity;
- Visual Amenity;
- Access and Highway; and
- Other Matters.

Members noted that a number of unregulated uses were operating from the site. The Council had been in discussion with the applicants and their agents towards the regularisation of the site and this was the second of three applications.

Speaking of the principle of development, the Planning Consultant reminded Members of the local and national planning policy which sought to

protect retail uses and ensure that they remained on the high street. If new retail uses were allowed to operate outside of the town centre then it would weaken both national and local planning policies and might lead to the setting of an undesirable precedent whereby it would be difficult to object to other applications being submitted for retail uses outside the designated town centres.

The proposal would result in the introduction of a non-conforming use which would detract from the landscape character of this part of the District which was mainly agricultural in nature and there would be no safe and secure access for visitors to the site.

Turning next to the town centre retail hierarchy, the Planning Consultant reminded the Committee that Section 7 of the NPPF defined the extent of town centres and primary shopping areas, and made clear the range of uses permitted in such locations. The proposal constituted a town centre use located in an out of town centre location. The applicants had not demonstrated the sequential approach had been taken and a Retail Impact Assessment had not been carried out. The proposal would weaken the economic vitality of the existing town centre and set an undesirable precedent for further retail applications in out of town centre locations.

In terms of residential amenity, it was noted that the closest residential property was located approximately 90 metres away. No concerns had been identified by the Environmental Health Department and no external alterations were proposed.

It was considered that due to the low number of vehicular trips made by employees and visitors to the site, which would occur during normal working hours, the general disturbance would not be sufficiently harmful to warrant refusal of the scheme. However, once a retail use was established the end user could change the existing A1 retail use to one which attracted a greater footfall than the existing and this could result in a considerable increase in the numbers of visitors to the site.

With regard to visual amenity, the change of use would be out of character with the primary use undertaken at the farm which was the storage and distribution of potato crops. Furthermore, the retail use was not associated with any agricultural practice carried out on site and would therefore not be in keeping with the form and function of the site, part of which was developing into a business park.

The site was located on a single track road with no footways or lighting and with poor connectivity to Littleport. There was no safe and convenient means of access to the site either on foot, by bus, or by bicycle. It was noted that insufficient information had been provided that the mitigation measures proposed would provide visitors with safe and secure access to the site and insufficient visitor parking had been provided.

Flood risk, ecology, biodiversity, archaeology and ground contamination, were all considered acceptable.

The Planning Consultant concluded her presentation by saying that the application had been evaluated against the extant Development Plan and

was considered not to represent sustainable development. The proposal was therefore recommended for refusal.

At the invitation of the Chairman, Mr Philip Kratz, agent, addressed the Committee and made the following points:

- He had been involved with this application for only a short time;
- A safe, easy and convenient access could be secured;
- There were Permitted Development Rights to change uses. One could change up to 500 square metres to retail, including D2 use, subject to the prior approval of the Local Planning Authority. No approval was required for up to 150 square metres;
- This was 280 square metres and a prior approval notice could be served, as there were identical ones elsewhere;
- This sort of use would not have an impact on the High Street retail provision and it was an archetypal use for this sort of building;
- The applicant wanted the whole site to be correctly regulated and because it was a change of use, there would be no problem making it a personal use;
- The application should be looked at in the round. It would cause no harm and there would be no traffic chaos.

Councillor Ambrose Smith asked if the proprietors had considered moving into premises in Littleport and Mr Kratz replied that they had given it thought; however, it would not be economically viable to operate in a town centreshop.

Councillor Edwards noted that the applicant was trading seven days per week and she wondered what impact this had on the other premises in the High Street. Mr Kratz said that in his opinion, there was no impact at all and the scheme could be conditioned specifically to be personal. Trading was ad hoc and the equivalent of four days per week and the hours could be conditioned.

Councillor Beckett wished to know if the farm shop was included in the calculation of the floor space and Mr Kratz said it had just been mentioned by way of context.

In response to a comment from Councillor Hitchin about access and the premises becoming busier, Mr Kratz said retail use was changing. With the influence of such as Ebay, Royal Mail and couriers would come and collect goods for delivery more often than people visiting in person.

Councillor Chaplin asked how much space was used in the collection and sorting of goods. Mr Kratz replied that half had been set aside to retail; it was closer to the sui generis use and the applicant wanted planning permission with conditions.

Councillor Austen asked if the scheme would be accessible to the disabled and have accessible toilet facilities. Mr Kratz replied that he was not

aware of it having been assessed as such; there was 'at level' access, but he was unsure about the toilet.

Councillor Beckett said he thought the farm shop should be included for the purposes of permitted development rights. The Planning Consultant said that 50% was in B1, B2 and B8 use; the applicant could not have that and then 500 square metres of something else. This was not being considered as a prior notification, because if it was, the farm shop would have been included.

Councillor Beckett then asked whether the proposal should now be an industrial site rather than a business park. The Planning Consultant advised that it was not general industrial, as the concrete slabs business was the only industrial process. The site was evolving, possibly into a retail centre, and the Authority wished to steer things in the right direction.

Councillor Chaplin sought clarification as to what the Committee was being asked to consider.

Councillor Hunt proposed that the Officer's recommendation for refusal be supported. He did not see how permission could be granted when the Council was trying to encourage town centre viability and 'talking up' Littleport. Everyone would be moaning when the town centre died and he believed this scheme would talk down Littleport.

Councillor Goldsack acknowledged that the Parish Council had raised no adverse comments. The Officer had presented a good but difficult case. We were in the middle of a fundamental change in retail; most sales came from Ebay and Gumtree, and rent paid on an industrial level was probably 20% of that in a city centre location.

Councillor Cox said this proposal had been before Littleport Parish Council several times. The general view was one of great concern because the access was hopelessly inadequate; with only a single road and one passing place it was dangerous.

Councillor Chaplin considered the site to be marginally viable and he believed it would not detract from the High Street. Whilst this was a throwaway world, the business was repurposing goods. Councillor Ambrose Smith concurred with these comments, adding that on balance, she supported approval of the scheme.

Councillor Smith expressed concern that there did not appear to be any safety measures and felt that the car park needed to be marked out.

The motion for refusal was seconded by Councillor Beckett who made the point that if permission was granted, the recycling element could be gone within a week and replaced by a shop. Councillor Chaplin remarked that the permission would be personal to the applicant, so it would not happen.

The Committee voted on the motion for refusal and an equality of votes was declared, there being 5 votes for, 5 against and 1 abstention. The Chairman exercised his casting vote against refusal and the motion was duly declared lost.

It was next proposed by Councillor Goldsack and seconded by Councillor Chaplin that the planning application be granted permission.

Councillor Goldsack noted that the proposal had attracted no adverse comments and it should therefore be supported.

Councillor Hunt requested that a recorded vote be taken, the results of which were as follows:

For Approval (5): Councillors Chaplin, Edwards, Goldsack, Hitchin and Rouse;

Against (5): Councillors Austen, Beckett, Cox, Hunt and Smith;

Abstentions(1): Councillor Ambrose Smith.

An equality of votes having been declared, the Chairman used his casting vote in favour of approval and the motion was declared carried.

It was resolved:

That planning application reference 18/01596/FUL be APPROVED for the following reasons:

- The business would have a limited, if any, impact on the viability of the town centre of Littleport;
- There is no lack of support from the Parish Council;
- Vehicular access for the site, localised pedestrian access to the site and parking can be conditioned;
- The grant of planning permission can be made personal to the applicant.

It was further resolved:

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

**136. 18/01730/FUM – GT & SE TAYLOR & SONS, 17 OAK LANE, LITTLEPORT**

Anne James, Planning Consultant, presented a report (reference T215, previously circulated) on behalf of the Case Officer, which comprised the retrospective change of use of Unit 16 to be retained as a gym (D2) use and sought planning permission to change Unit 17 into a children's play centre complete with a clip and climb and bouldering wall as well as a catering facility (D2) use. The combined total of gross internal floor space to be created would be approximately 1,347 square metres located within an existing farm building in Oak Lane.

The application site was located 2 kilometres south west of Littleport in an area of open countryside. The A10 was located to the east of the site with pockets of residential accommodation to the south west of the site along Woodfen Road and Oak Lane.

It comprised two detached farm buildings, one behind the other in Oak Lane. Units 16 and 17 were located within an existing farm building to the rear of the site, which benefitted from its own parking area accessed via a long, narrow entrance from Oak Lane.

It was noted that the application had been called in to Planning Committee by Councillor David Ambrose Smith, as it was recommended for refusal; he believed it would be in the public interest to have the application determined by the Committee.

A number of illustrations were displayed at the meeting. They included a map, a photograph showing the position of the farm buildings and a floor plan of the proposal.

The main considerations in the determination of the application were:

- Principle of Development;
- New Community Facilities;
- Residential Amenity;
- Visual Amenity;
- Access and Highway safety; and
- Other Matters.

Speaking of the principle of development, the Planning Consultant reiterated that the change of use from an agricultural use to a D2 use was not supported by either national or local planning policy. Members noted that no justification had been received to demonstrate that there were no suitable sequentially preferable sites available. The uses would generate a considerable amount of vehicular trips to and from the site to the detriment of existing residential amenity; there is no safe and secure access for visitors to the site and on-site parking was insufficient.

In terms of residential amenity, the closest residential property was located approximately 90 metres away. From the information submitted with the application, Unit 16 attracted 150 visitors and this might increase. A number of alterations were proposed to Unit 17 and with the introduction of a further children's play centre, the volume of traffic accessing and egressing the site would increase exponentially. This would increase noise and general disturbance to residents.

The proposal constituted a town centre use located in an out of town centre location. It was in an unsustainable location and was not accessible by foot or cycle and the applicants had not demonstrated that the sequential approach had been followed. It was considered that the proposal would weaken the economic vitality of the existing town centre and set an undesirable precedent for further leisure facilities in out of town centre locations.

Members noted that while the scheme did not seek to demolish or redesign the existing building, the number of external alterations proposed would alter the agricultural appearance of the building. The proposal would

introduce a non-conforming use which was out of character with the primary use undertaken at the farm and which was developing into a business park rather than a leisure centre. It was considered that the scheme would detract from the landscape character in this part of the countryside and it did not comply with Policy ENV1 of the Local Plan 2015.

The Highways Authority had objected to the proposal on the basis of the inadequacy of the approach roads, their high speed nature and restricted width, the lack of pedestrian and cycling provision, street lighting and public transport links. Insufficient information had been provided that the mitigation measures proposed would provide visitors with safe and secure access to the site. The site was not in a sustainable location and given its use, it had the potential to be a popular community facility with access along the single track road remaining unsafe for users of the facility to the detriment of highway and pedestrian safety.

With regard to parking provision, the Planning Consultant said that there was a requirement for 61 parking spaces in accordance with the Council's parking standards. The application form stated that 53 car parking spaces would be provided, but it was considered that the popularity of the uses proposed would likely place additional pressure on the already oversubscribed and limited amount of on-site parking.

Taking into consideration that the site supported a number of other uses, the scheme failed to provide sufficient visitor parking spaces and cycle parking contrary to Policy COM8 of the adopted Local Plan.

The Planning Consultant concluded her presentation by saying that the application had been evaluated against the extant Development Plan and was considered not to represent sustainable development. The proposal was therefore recommended for refusal.

At the invitation of the Chairman, Mr Philip Kratz, agent, addressed the Committee and made the following remarks:

- There were analogies to be drawn between this and the previous application;
- This proposal was for the Littleport Children's Community Gym, which had had to leave the leisure centre because of a conflict regarding hours;
- The application was retrospective and activity had been ongoing for a few months. Why not grant personal permission for 1 year and then assess the situation?
- The submitted Transport and Traffic Impact Assessments showed 29 – 30 cars were at the site at the club's peak times;
- Internal traffic management was proposed and there would be off-site highway improvements. The proposed passing place would make vehicular access safe;
- This was a community club and he was hard pushed to see where the gym could be located in the town centre.

The Chairman asked Mr Kratz to comment on the children's play centre. Mr Kratz replied that it would be more of a nursery facility and such premises were often seen on business parks.

Councillor Hunt thought that Members should look at the site in order to get an idea regarding the dangers. He posed the question that if one had a business and was operating illegally, would one modify one's behaviour if permission was granted. Mr Kratz responded saying that this was pure speculation; the applicant was doing the utmost to run a gym club and wished the application to be assessed with nothing hidden. The club would be the occupier and consent could be made personal to the club and applicant.

Councillor Goldsack declared himself to be confused because the gym element of the scheme would take about  $\frac{1}{3}$  of the occupancy, but there were no details regarding the use of the other  $\frac{2}{3}$ ; he wondered if Members were looking at a 'Planet Zoom' type of place.

Councillor Ambrose Smith said she queried Mr Kratz's statement about why the gym club had moved. The instructor had not been asked to leave the community centre, she wanted to start her own business.

Councillor Cox said the Parish Council had expressed concerns about pedestrian access to the site and he asked Mr Kratz if there was a general concern regarding access. Mr Kratz acknowledged that pedestrian access was inadequate but he thought the site was a vehicular destination. In this respect it was adequate and safe and there was insufficient evidence to support a contrary view. He reiterated his point about having a 12 month trial run.

Councillor Smith noted there were no safety barriers and he asked if any forklifts operated near the gym. Mr Kratz replied that he had not seen any, but they would have audible presence indicators.

In response to a question from Councillor Beckett, Mr Kratz stated that the Transport Assessment took account of the proposed use.

Councillor Goldsack asked the Planning Consultant to comment on what would be a sufficient number of parking spaces. She replied that the popularity of the gym was unknown and she questioned how sufficient spaces could be quantified if this was not known. The popularity of the new facility, once established, would increase and grow exponentially, and this would cause problems. The business in Building 2 were using their parking spaces, so this did not add up.

The Chairman urged caution, saying that there had been much concentration on the gym, but the proposal was an outdoor type of centre. He reminded the Committee that an application along the same lines had been rejected at Chettisham because of safety concerns.

Councillor Hunt said that the Authority employed very competent Planning Officers and the recommendation was to delegate refusal to the Planning Manager. There was an inbuilt obligation to protect children, and mixing children with vehicles was dangerous. He was therefore minded to support the recommendation.

Councillor Beckett agreed with Councillor Hunt, adding that there was no degree of separation. Parking might or might not be available and the site would be a very busy place. Business/farm use and children did not go together.

It was duly proposed by Councillor Hunt and seconded by Councillor Beckett that the Officer's recommendation for delegated refusal be supported. When put to the vote, the motion was declared carried, there being 10 votes for and 1 abstention.

It was resolved:

That REFUSAL of planning application reference 18/01730/FUM be delegated to the Planning Manager following the expiry of the advert on the 14<sup>th</sup> March and subject to no additional material considerations being raised as part of this consultation which are not covered in this report, the reasons for refusal being as set out in the Officer's report.

### **137. PLANNING PERFORMANCE REPORT – JANUARY 2019**

The Planning Manager presented a report (T216, previously circulated) which summarised the planning performance figures for January 2019.

The Department had received a total of 196 applications during January 2019 which was a 15% increase on January 2018 (171) and an 18% decrease from December 2018 (194).

Officers were hitting their targets apart from that for DIS/NMA, but this was being worked on.

With regard to staffing, Members noted that the Support Team was back to full capacity. Gemma Driver, Planning Assistant, would be taking up post on 25<sup>th</sup> March and Rachel Forbes, Planning Officer, would join the Department on 25<sup>th</sup> April.

Speaking of appeals, the Planning Manager said that she could circulate costs decision to Members.

It was noted that no costs had been awarded against the Authority in respect of Blackberry Lane. The applicant had submitted additional information regarding drainage and the Planning Manager had had to take a view whether or not to defend. Concerns had been raised and she had followed advice given by the Council's Planning Barrister.

It was resolved:

That the Planning Performance Report for January 2019 be noted.

The meeting closed at 5.05pm.