



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in The Auditorium, The Lighthouse Centre,
13 Lynn Road, Ely on Wednesday, 8th June 2016
at 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Sue Austen
Councillor Derrick Beckett
Councillor Ian Bovingdon
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Bill Hunt (Substitute for Councillor Tom Hunt)
Councillor Mike Rouse
Councillor Lisa Stubbs

OFFICERS

Julie Barrow – Senior Planning Officer
Barbara Greengrass – Senior Planning Officer
Ruth Gunton – Planning Officer
Ruth Lea – Senior Lawyer
Janis Murfet – Democratic Services Officer
Andrew Phillips – Senior Planning Officer
Rebecca Saunt – Planning Manager

ALSO IN ATTENDANCE

Councillor James Palmer
14 members of the public attended the meeting.

3. APOLOGIES AND SUBSTITUTIONS

An apology for absence was received from Councillor Tom Hunt.

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

4. DECLARATIONS OF INTEREST

Councillor Hunt declared a potentially prejudicial interest in Agenda Item No's 5 (16/00158/FUL – 10 Forehill, Ely) and 6 (Land to the Rear, 8 Forehill, Ely). He said that being Chairman of the Asset Development Committee, he did not think it was appropriate for him to comment on either application, as the Council was the adjacent landowner. He would therefore go and sit in the public gallery during the consideration of and voting on both items.

5. **MINUTES**

It was resolved:

That the Minutes of the Planning Committee meeting held on 4th May 2016 be confirmed as a correct record and signed by the Chairman.

6. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman did not make any announcements.

Councillor Hunt removed himself from his seat with the Committee and went and sat in the public gallery.

7. **(a) 16/00158/FUL – 10 FOREHILL, ELY, CB7 4AF**

(b) 16/00412/FUL – LAND TO REAR, 8 FOREHILL, ELY, CB7 4AF

Andrew Phillips, Senior Planning Officer, introduced his reports (R6 and R7, previously circulated) by reiterating that the determination of application 16/00158/FUL would affect the determination of the application at the rear of 8 Forehill, Ely (16/00412/FUL).

Although each application had been listed individually on the agenda, they were linked and he would therefore speak on both of them together.

The proposal for No. 10 Forehill involved the partial demolition of the existing retail unit on site and the creation of 7 residential units (six large 3 bedroom townhouses and a two bedroom flat). It was also proposed to carry out ground works to provide underground car parking for the residential dwellings. Some of the parking spaces would not be for the proposed dwellings, but could be sold or rented to other existing or future properties in Ely.

This application had been called in to Planning Committee by Councillor Austen, to allow for debate and transparency for the general public.

On a point of housekeeping, Members were asked to note the two letters, tabled at the meeting, which had been received from Historic England in respect of each application.

The letter relating to No. 10 Forehill recommended '*The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice*'.

The letter in respect of No. 8 Forehill stated '*Historic England consider the proposed redevelopment scheme would result in overdevelopment of the site in this highly sensitive location and urge your authority to refuse the application in its current form*'.

Numerous illustrations were displayed at the meeting. These included a map of the application site, an aerial photograph, the proposal at 10 Forehill, proposed elevations and 3D indicatives of the dwellings, an indicative of the difference in height/massing of the existing and proposed buildings, floor plans, and a cross section of the site showing the underground car park.

With regarding to 8 Forehill, there were illustrations of the existing and proposed layout, a ground floor plan of the café and the flat, an indicative of the proposed elevations of 8 Forehill to the current elevation of 10 Forehill, and indicative comparisons between 8 and 10 Forehill (not to scale). There were also proposed views from Three Cups Walk and facing 10 Forehill, and a brief history of 'Burgage Plots'.

The Senior Planning Officer said the key issues for consideration in the determination of this application were:

- Principle of development;
- Residential amenity/impact on adjacent land;
- Visual/historic impact; and
- Construction.
- Access and highway safety;

Speaking of the principle of development, the Senior Planning Officer stated that the Local Planning Authority (LPA) was currently unable to demonstrate an adequate five year housing land supply and therefore the policies within the Local Plan relating to the supply of housing should be considered out of date. In view of this, all applications for new housing should be considered in the context of the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF).

Whilst the loss of a large retail unit went against Policy COM2, the comments of the Business Development Manager were noted and accepted. With the legal covenants on this site, it was unlikely that a user would be found who would be willing to pay the market rate for this size of store. The current gross floor area was too big to be commercially viable for an independent retailer and too small to be of interest to many of the larger multiples. The deeds of 10 Forehill showed that no building on the site could be used to sell alcohol, and this would limit who would be willing to take on the store. It was felt that a smaller retail area and more attractive shop front might improve the marketability, given the current level of interest from independent retailers. The proposal was in a very sustainable location and would add seven dwellings into the city centre with easy access to shops and facilities.

With a distance of 2 metres between 8 and 10 Forehill, residential amenity was a significant concern and Members were required to consider whether, on balance, the rear of No. 8 was residential or commercial land. It

was the view of Officers that as Council tax had not been paid recently, the rear of 8 Forehill had become commercial space.

This weighed in favour of granting approval of the development at 10 Forehill, which in turn meant that the development at the rear of 8 Forehill would need to be refused on the grounds of detrimental overbearing to this proposal. With the two sites not forming an allocation under the Local Plan 2015, and given that No. 8 was already landlocked, it was considered to be unreasonable to refuse both applications under Policy ENV2 that required development to avoid uncoordinated piecemeal development.

In terms of visual amenity and historic environment, Members were reminded that the majority of properties along this side of Forehill followed a linear pattern along the public highway, with only two properties breaking the pattern. The proposal sought to replace the existing building, which was of no architectural merit, with a contemporary take on Georgian architecture. The proposed design was considered to be of a high quality and while it would follow many Georgian principles, it would provide suitable contemporary elements to ensure the scheme would not look like a poor version of Georgian architecture. Conditions could be imposed to ensure that the end finish was of the highest quality. It was noted that the Conservation Officer supported the proposal, believing it would improve the visual appearance of the building in the street scene.

Speaking of construction, the Senior Planning Officer said that it would be significantly difficult as there were Tree Preservation Order (TPO) trees adjacent to both 8 and 10 Forehill and no direct access onto the public highway. The construction method would have to be conditioned, and a separate condition imposed to control when work and deliveries could take place on site.

With regard to other matters, Members noted that 10 Forehill benefitted from one allocated parking space per dwelling in accordance with adopted policy. Surface water could be conditioned, and the shop front to No. 10 would be upgraded to ensure a high quality traditional finish.

The Chairman reminded the Committee that the two applications were being looked at together because they were intrinsically linked, and the decision on the application for 8 Forehill would be delegated to the Planning Manager.

At the invitation of the Chairman, Mr Kim Griffin read from a prepared statement, in objection to the application:

'I speak in objecting to the application but not to the principle of development.

The benefit of hindsight is a positive thing. Would we countenance the construction of the Woolworths building today. Probably not.

So we may well agree, demolish most of the building and create a blank canvas.

So why then build on exactly the same footprint yet increase the height, length and depth to produce a 4 storey building the like of which there

is no other in Ely, let alone so centrally, and, in doing so, blight my property from use for literally any purpose by introducing an overlooking consideration – a beggar thy neighbour attitude that is beyond my comprehension.

The applicant is attempting to ride roughshod over the question of overlooking which revolves around the use of the land to the rear of no. 8. Since 1948 there is no historical evidence, from planning or property records, past or present owners or tenants, for use of the land for anything other than residential garden, neglected or otherwise.

Case Officer incorrectly refers to the need for a change of use of the land to residential. It has never been commercial to require that change. Never. The applicant has provided absolutely no evidence to suggest any commercial use of this land. The case should therefore not even have reached this stage of deliberation. There is clear and unambiguous overlooking consideration which precludes any such development.

So, we are faced with a proposal which blights neighbouring land through overlooking. That on its own should be sufficient but if we then consider the application – the devil is in the detail, except there is precious little attention to detail.

Left unresolved or blatantly ignored are the fundamental questions as to changes in levels on the site, the lack of amenity space for 3 bedroom family accommodation, security, fire access & escape, tree preservation, bin storage, suitable parking arrangements (are people expected to reverse in and out).

Never mind the complete lack of detail as to building height or levels, throw in one or more restrictive covenant conditions, a 50% increase in building mass and any one of those or indeed more issues should give concern, cumulatively they create serious shortcomings. Or is there a political will (as has been independently reported) or heavy hand directing the approval of this proposal and in doing so attempt to overlook or influence the fundamental principles of planning law and due process.

I trust not.

But if not, please explain how the case officer has managed to validate this application with so many issues unresolved and,

How can a Conservation Officer produce a quite incomprehensible report of double standards, inconsistency and flawed assessment for no. 8 yet with no comment whatsoever for much larger scale prospect at no. 10 and no reference to the precedent of the taller new build some 25m closer to the cathedral (passed on appeal). All subject to the same criteria and implied failing.

Then at the 11th hour (why so late – prompted perhaps) lo and behold Historic England repeat verbatim the comments of the Conservation Officer but with the 'No Comment' for no. 10. They advise me no conservation issues apply to no. 10 as they are using the same footprint – oh really !

I sense a desire to fast track this proposal in deference to, or ignoring, any other interest, consideration or principle. This large scale multi million

pound development in the centre of Ely was not even going to be submitted to you at committee by the case officer, until independent representation was made. If not so serious it would be a bad joke.

Perhaps the nub of the issue is the 12 additional parking spaces to be allocated to a Market Square development, under the same ownership, proposal for which has not even been put to the Public. Who knows what is happening behind closed doors. A powerful influence to progress this application perhaps, we shall see.

There are in fact no additional parking spaces created as up to 12 cars are currently parked, pay for the privilege and who will be displaced as a result. This loss of amenity to existing residents and businesses is not acknowledged in the detail of the application.

A senior executive of East Cambs District Council refers to this area as The Gateway to Ely. It is or will be used by 10s, if not 100s of thousands of visitors, the silent majority whose first impression when approaching Ely from Broad Street car park will be that of an imposing dominating structure ... not the Cathedral but this 4 storey flat roofed building towering over the existing 10 foot wall within 5-6 feet by another 20ft or more.

Ely Conservation Area Appraisal suggests 3 Cups Walk can be a rather foreboding place. It will certainly be no less so if this application is passed.

In his submission regarding no.8 the applicant representative states, and I quote 'It is well established that the Council should consider relevant neighbouring planning applications when considering the application'

I couldn't agree more. This is piecemeal development with no regard to neighbouring property. The proposal for no.8 is an inclusive proposal which allows the sensible progressive development of 3 Cups Walk and does not preclude development of neighbouring land, in fact in this case it enhances that opportunity by removing the principle objections.

If you pass this application for no.10 you condemn the remaining area to permanent neglect. There will be then no practical use that can become this corner of 3 Cups Walk.

I ask you to refuse the application for no.10 but encourage a more uniform and co-ordinated proposal. Anything else would be a gross injustice. Thank you for listening.'

At the invitation of the Chairman, Ms Amy Richardson, agent for the applicant, accompanied by Mr Gary Johns, architect, addressed the Committee and read from the following prepared statement:

'I am hoping that it is was obvious from this morning's site visit that the building is in poor condition and this application is an opportunity to vastly improve this site, which currently detracts from this part of Forehill and the rear of the site detracts from the lovely setting of the Cathedral and the meadows as you walk towards Three Cups Walk.

There is the issue of Policy COM2, and the loss of retail space. You have heard that there is a covenant on this site prohibiting the sale of alcohol which does limit the marketability of the unit. Grovemere who previously owned the site confirmed that they struggled to let the property as it did not appeal to National Retailers as it is too small, and was too big for independent retailers. During their ownership the last two occupiers were of poor covenant strength and both occupiers felt that the first floor accommodation had no benefit to their business due to restricted head heights and poor quality natural light. Letting this property has proven difficult for the applicant and they too have had issues with recovery of rent due to the quality of the tenants.

The Council's Business Development Manager has agreed that the size of retail area is a problem, and that a smaller more attractive shop would be more marketable. A detailed design for the shop front has been submitted and the suggested planning condition will have effect that the revised frontage will be delivered as part of this scheme.

The condition of the building is not great; Carter Jonas has confirmed to the Planning Officer that significant investment is needed on this site. This application does offer an opportunity to retain part of the retail use, whilst also offering the opportunity for houses to come forward in a sustainable location. There is very little opportunity for houses to be brought forward in such a location, flats are more common, but are often restricted on floor area and rarely offer usable outside accommodation and on-site parking.

The residential element of this scheme is essential to cross subsidise the works that are proposed to the frontage and the provision of a high end retail unit. Care has been taken to ensure that the design of the residential element is complementary to the historic setting of the cathedral. The view from the bottom of the car park is significant and what is proposed is a great improvement on what is currently offered. The officer has confirmed that the proposed design is considered to be of a high quality, and whilst has a nod to Georgian principles it does incorporate some more contemporary elements.

Seeking to address some of the private matters which have been raised.

With regard to the issue of whether the rear of 8 Forehill is garden land, then we agree with the officer's conclusion. A conveyance (whatever its age) referring to garden land can never be relied upon to confirm a planning use.

The correct way to determine this issue would be through a Certificate of Lawfulness application, where the relevant test on such matters for considering evidence is the balance of probability. Whilst there is no such application in front of the Council, a conclusion should be reached that there is currently too much ambiguity over the use of the land, and too much contradictory evidence. The Council has confirmed that no Council tax is paid for residential use, there has been no dwelling to attach to a garden as both floors of the shop are rented out for retail and an application for tree works on the site referred to the land as "derelict and unused except for tipping of rubbish and building waste", and recent the licence for use as

garden land does not go back for 10 years. We believe the use would need to be for 10 years as it is a change of use to garden land and not a pure residential use.

I can confirm that the applicant has sufficient access rights over the Council's car park in order to facilitate this development. There has always been a vehicular crossover of Three Cups Walk at this point and the County Council have not raised concern. There is a planning condition that requires pedestrian visibility splays and this can be complied with. The use of the car park to the rear of our site linked to a residential use will be greatly reduced compared to the amount of potential vehicle movements when linked to a retail unit.

There is a restrictive covenant in regard to a requirement for translucent windows in the south west elevation on first floor windows, but this was imposed by the Chapter and is for the privacy of the Deanery and not for the benefit of 8 Forehill. It does not apply to all the windows on the western elevation, just those on the gable overlooking the meadow.

This is a slightly unique situation, having two neighbouring applications submitted at the same time, but the correct approach must be to consider the applications in accordance with the Development plan unless material considerations indicate otherwise. Whilst this application will lead to the loss of retail floor space, sufficient information and evidence has been put forward to demonstrate that the usability of this space is compromised and the partial loss can be justified as something far superior can be offered in its place. The bringing forward of much needed housing in such a sustainable location with on-site parking, and the enhancement of this site weigh in favour of the application and we believe that it should be approved.'

Councillor Rouse asked if any consideration had been given to totally demolishing the site and starting again. Mr Johns responded saying that it had not, because he wished to retain the car park for his clients, and there was restricted access. With regard to the frontage on Forehill, it would have quite attractive architectural details.

There being no further comments or questions, the Chairman said that he would now invite Mr Kim Griffin, the applicant for 16/00412/FUL (No. 8 Forehill) to address the Committee.

Mr Griffin made the following comments:

- Before he had purchased the land, it was graffiti ridden;
- Regeneration, including the development of the café would make the area a less foreboding environment;
- The proposal would offer additional employer prospects, including staff accommodation;
- The style was suitable and would not compromise personal space;
- The eastern elevation would avoid overlooking and the building line had been set back;

- He accepted that there were issues with the design, but it had been commissioned at short notice;
- There was plenty of parking in Ely and this site was close to the town centre;
- This application was an invitation to join an inclusive development of the area;
- Overlooking would be removed.

Mr Griffin concluded by commending his application to the Committee.

Councillor Rouse commended Mr Griffin for the work that had been done on 3 Cups Walk, recalling a time when it was a very unpleasant area. He remembered the back of No. 8 Forehill having been derelict and asked if the improvements were recent. Mr Griffin said they were a work in progress and he reiterated that the land had never been used for commercial purposes.

Councillor Bovingdon raised the issue of the adjoined land at No. 10, and asked whether Mr Griffin had spoken to the owners. Mr Griffin replied that they had approached him saying that his land was worthless and the planners were going to rubber stamp their application. He accepted that his land had limitations but he was compromised regarding his ability to coordinate with the owners of No. 10.

The Chairman said that once debate on each application had concluded, the Committee would take a separate vote first on 10 Forehill, and then on 8 Forehill.

Councillor Beckett commented that it would have made more sense to get co-operation on the two sites. The Senior Planning Officer responded saying that he had been speaking to both parties. The application for 10 Forehill had come in early, followed by that for No.8. They had been written up as two separate applications and each should be considered on its own merits.

Speaking of the application for 10 Forehill, Councillor Rouse believed it to be an imaginative scheme but he acknowledged that the site had many constraints. The proposal would be an improvement and he was therefore minded to support it.

With regard to the application for 8 Forehill, Councillor Rouse said he had sympathy with Mr Griffin because it was a difficult, tight site and the clearing of the land showed that something could be achieved with it, possibly a unit to the rear. However, looking down, he could see there would be overlooking and he was worried that this town centre site should not be left landlocked and derelict. In view of the fact that the two landowners had not worked together, he would support the recommendation for each application.

Councillor Beckett said he liked the proposal for 10 Forehill and felt that the innovative approach to car parking had much merit. With regard to

No. 8, he thought the proposal would improve 3 Cups Walk and make it look more attractive. However, he was disappointed that the two applicants could not work together to have a cohesive development of the whole of this area of Ely. He thought that both applications should be refused and something brought back that would deliver the best of both and work for Ely.

The Chairman reminded Members that deferral was not an option and if they were minded to refuse the applications, they would need to give valid reasons for doing so.

The Senior Lawyer concurred, saying that Members should consider the applications as they were before them today. They should be very clear about the impact of each upon the other and focus on this. Deferral was not appropriate and if Members did not find the applications acceptable, then they should refuse them.

Councillor Bovingdon said he struggled with why the two applications had to be taken together and agreed with Councillor Beckett's that both should be refused and brought back to Committee.

It was duly proposed by Councillor Rouse and seconded by Councillor Cox that the Officer's recommendation for approval of application 16/00158/FUL be supported and planning permission granted.

When put to the vote, there was an equality declared, there being 4 votes for and 4 votes against. The Chairman used his casting vote in favour of the proposal and the motion to grant permission was declared carried.

The Senior Planning Officer asked Members to now consider the impact on No. 8 Forehill.

Councillor Beckett said he felt this application was very difficult, because it had a blank wall facing the other property. He asked the Planning Manager if the order in which the applications were being considered was because one had been submitted before the other. She replied this was the case; applications were always taken in the order in which they were received.

Councillor Beckett questioned the Planning Officers to clarify how No. 8 Forehill should be viewed in the light of No. 10 having just been approved. The Case Officer, Andrew Phillips, replied that now Members had approved No. 10, they did need to consider the future amenity of these residents.

It was proposed by Councillor Rouse and seconded by the Chairman that the Officer's recommendation for refusal of application 16/00412/FUL be supported.

When put to the vote, the motion was declared carried, there being 6 votes for, 1 vote against, and 1 abstention. Whereupon,

It was resolved:

- (a) That planning application reference 16/00158/FUL be APPROVED, subject to the conditions as set out in the Officer's report; and
- (b) That the Planning Manager be given delegated authority to REFUSE planning application reference 16/00412/FUL on the grounds as set out in the Officer's report, subject that no new material planning considerations are raised.

At this point, Councillor Hunt returned to his seat on the Committee.

8. **16/00211/RMA – FENLANDS, 40 LODE WAY, HADDENHAM, CB6 3UL**

Barbara Greengrass, Senior Planning Officer, presented a report (R8, previously circulated) from which Members were asked to consider a reserved matters application following the grant of outline planning permission for the erection of two detached houses with garages and outbuildings, following the demolition of an existing bungalow. The only matter considered at outline stage was access and this was approved showing provision of two access points, one for each dwelling.

Officers had expressed concern regarding the size of the dwellings and an amendment had been submitted showing a reduction in the ridge height from 9.8 metres to 9 metres. A street scene plan and illustrative sketch had also been submitted, showing the dwellings in relation to adjoining built form.

It was noted that this application had been called in to Planning Committee by Councillor Steve Cheetham.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial photograph, the layout of the proposal, photographs of the site, the elevations for plots 1 and 2, and a photograph of the street scene.

The Senior Planning Officer said the main considerations in the determination of this application were:

- Principle of development;
- Visual impact;
- Residential amenity; and
- Highway safety.

Members were reminded that the Local Planning Authority (LPA) was currently unable to demonstrate an adequate five year housing land supply and therefore the policies within the Local Plan relating to the supply of housing should be considered out of date. In view of this, all applications for new housing should be considered in the context of the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF).

This application would go some way to addressing the five year housing supply shortfall and would bring economic benefits in terms of construction work and additional population to support local businesses.

With regard to visual impact, the Senior Planning Officer stressed that she had tried to work with the applicants to achieve an acceptable design solution for the site, but they had been unwilling to make the necessary changes to overcome Officers' concerns. There were also additional concerns regarding the materials proposed as they were of a colour which was not characteristic of other properties in this part of Lode Way. It was considered that these materials would only serve to enhance the inappropriateness of the development in this location as they would not help the development to blend into its surroundings. However, the materials could be dealt with by way of a condition

It was considered that sufficient amenity space could be provided on the plots for the future occupiers in accordance with the Design Guide SPD. However, the residential amenity of the occupiers of the bungalow would be adversely affected by the dwelling on Plot 1, given the close proximity of the two storey built form to a number of windows on the side elevation of the bungalow. In addition, there would be a harmful impact on the residents of the bungalow due to the siting of the carport to the front of the site adjacent to the front elevation window of the bungalow. In this respect, the proposal conflicted with Policy ENV2 of the Local Plan.

Access provision was determined as part of the outline planning permission and the County Highway Authority had raised no objections.

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

- Planning permission had been granted and Members were now looking at reserved matters;
- Access had been determined;
- There was no problem with landscaping and no criticism of the architecture;
- This was to do with the scale of the proposal;
- The Council was currently unable to demonstrate a 5 year supply of housing land;
- None of the policies in the Design Guide had been offended, and policy was not inviolable, so Members should look at the proposal with an open mind;
- Haddenham was not affected by 'nice house syndrome';
- The bungalow was set back, so there would be no overshadowing or loss of privacy;
- The two large houses were here because of the two large plots and the garages would be at the front.

Councillor Hunt said he was speaking as the County Member for the Haddenham Division. Having had confirmation that 0.348 hectares was approximately 1 acre, he said he thought the plots were well proportioned. The highway at Lode Way went along to Aldreth and there were only four other houses looking along the plot. Family homes were badly needed in the settlement.

Councillor Hunt proposed and Councillor Bovingdon seconded that the Committee should go against the Officer's recommendation for refusal and planning permission be granted.

In connection with this, the Chairman observed that the neighbour in the bungalow had not raised any objections to the proposal.

Councillor Rouse stated that as a Planning Committee, Members were not here to determine the lowest common denominator and there was a question of degree as to what was too large. He supported Councillor Hunt's motion.

Councillor Beckett commented that he had no objection to the size of the dwellings, but he was not sure that due consideration had been given to the bungalow. The car port would have a detrimental impact and there would be overlooking. He believed that some things could have been done better.

The Committee then returned to Councillor Hunt's motion. When put to the vote, it was declared carried, there being 8 votes for and 1 against. Whereupon,

It was resolved:

That planning application reference 16/00211/RMA be APPROVED for the following reasons:

- Members believe it will not harm the character of the street scene;
- It will add to the visual impact of the area;
- There will be no impact on highway safety;
- It will complement other substantial houses in Lode Way;
- It will help with housing supply; and
- It will have minimal impact on the residential amenity of the bungalow.

It was further resolved:

That the Planning Manager, in consultation with the Chairman of the Planning Committee, be given delegated authority to impose suitable conditions.

9. **16/00242/OUT – 81 BROOK STREET, SOHAM, CB7 5AE**

Barbara Greengrass, Senior Planning Officer, presented a report (R9, previously circulated) from which Members were asked to consider an outline

application with all matters reserved, for the erection of a bungalow, garage and provision of a new access drive along the southern boundary of the site.

The bungalow was proposed to the rear of the existing dwelling on land which formed part of a larger field. The access was proposed via an existing opening, but there was no dropped kerb so this had not been used as a formal access. Access to the host dwelling was on the other side of the property.

It was noted that the application had been called in to Planning Committee by Councillor James Palmer. The bungalow would be within the planning envelope and he did not believe it would have a detrimental effect on the future development of SOH1 or neighbouring properties.

A number of illustrations were displayed at the meeting, including a map of the application site, an aerial photograph, the layout of the proposal, a photograph of the site, and two photographs relating to residential amenity.

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

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

With regard to the principle of development, it was noted that the Local Planning Authority (LPA) was currently unable to demonstrate an adequate five year housing land supply and therefore the policies within the Local Plan relating to the supply of housing should be considered out of date. In view of this, all applications for new housing should be considered in the context of the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF).

In the context of a shortfall of housing supply, this bungalow would make a modest contribution to the overall supply and a positive contribution to the local and wider economy in the short term through construction work. Another factor giving some weight to the proposal was that it would provide accommodation for the applicant, fulfilling a need generated by a medical condition.

However, the site was identified within Policy SOH1 of the Local Plan as a housing allocation for approximately 400 dwellings and it was important that this allocation was developed in a comprehensive manner. The Policy sought the provision of a master plan to be submitted with any planning application to ensure this occurred. It was therefore considered that the proposal was unacceptable, being piecemeal and premature. The Senior Planning Officer said that Brook Street had a strong linear character and this proposal would be out of keeping with the established character of the built form in the vicinity of the site. As a form of backland development it was contrary to the Design Guide SPD and would set a dangerous precedent.

Members noted that the provision of a new property with access alongside the host dwelling was considered unacceptable in terms of the resultant loss of residential amenity to those occupiers. The applicant was happy to erect a fence outside the windows of the habitable rooms on the side elevation to mitigate the loss, but it was felt that this was not the best solution.

It was also highly likely that the occupiers of the host dwelling would experience noise and disturbance from passing vehicles to an extent that there would be an unacceptable loss of residential amenity which could not be overcome by the provision of a boundary fence.

The Highway Authority had initially recommended refusal of the application on the grounds that there was inadequate visibility and there would be danger and inconvenience to users of the footpath, however these objections had been overcome.

At the invitation of the Chairman, Councillor James Palmer addressed the Committee and made the following remarks:

- He was here today to speak on behalf of the applicant;
- He thanked the Officer for mentioning that there was no problem with Highways;
- The site was within the development envelope and it would not be piecemeal;
- The applicant would have no opportunity to develop unless Mrs Turner sold the land, and there was no pressure to sell because it was not piecemeal;
- The siting of the proposal would not be outside the linear line of The Brook;
- A precedent had been set because another application had already been granted planning permission further along the street;
- Highways had no objection to the scheme;
- The impact on the current property would be minimal, with no detriment.

Councillor Hunt asked Councillor Palmer if the applicant would have a problem with offering the occupiers of the host dwelling a choice of boundary materials, and he confirmed that they would have none at all.

The Chairman asked if the Ward Members were in favour of the proposal and Councillor Palmer replied that they were, and happy for him to act on behalf of the applicant.

Councillor Hunt said although the scheme was backland development, the area was in the Local Plan and covered by Policy SOH1. He believed there would be minimal impact on the amenity of the bungalow and the application should be approved.

Councillor Hunt duly proposed that the Officer's recommendation for refusal should be rejected and that the application should be granted planning permission.

At this point the Chairman interjected to say that as The Brook had been mentioned, he felt he should now declare a personal interest because his family ran the business.

In seconding Councillor Hunt's proposal, Councillor Rouse said he had no problem with the proposal because the dwelling would be erected on allocated land and it was needed in the short term. This site would be developed and he was sure there would be a way to work around the bungalow.

Councillor Beckett agreed, adding that as this was within the envelope, development would come eventually. However, he struggled because the driveway would affect No. 81, as there would be traffic going past that had not done so before. He also did not like the access onto Brook Street but thought a wall could be erected in the future. The Senior Planning Officer reiterated that there would be no impingement on visibility.

The Chairman said the driveway was not expected to be a 'Spaghetti Junction'. Whilst he appreciated that cars would come past, he did not think there would be a significant amount of traffic. The proposal was restricted to one dwelling, and if the area was to be developed in the future Members could look at any applications and refuse access.

On this latter point, Councillor Hunt asked that, in the interests of clarity, it be recorded in the minutes that access was being granted for one dwelling.

There being no further comments or questions, the Committee returned to Councillor Hunt's motion.

When put to the vote, the motion to approve the application was declared carried, there being 7 votes for, and 2 abstentions.

It was resolved:

That planning application reference 16/00242/OUT be APPROVED for the following reasons:

- It is part of a larger allocated site, and therefore not backland development;
- The bungalow, on its own would, not preclude or prevent further development;
- Access will have minimal impact on the residents of No. 81 Brook Street; and
- It will be possible to consider the type of boundary treatment for No. 81.

It was further resolved:

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

10. **16/00372/RM3M – LAND ADJACENT TO ELY RUGBY CLUB, DOWNHAM ROAD, ELY, CB6 2SH**

Rebecca Saunt, Planning Manager, presented a report (R10, previously circulated), from which Members were asked to consider a reserved matters application following the grant of outline permission, which sought the approval of appearance, landscaping, layout and scale. Access was the only matter considered at outline stage.

Paragraphs 2.4 – 2.6 of the Officer's report set out the details of the phase 2 development.

Numerous illustrations were displayed at the meeting. They included a map of the application site, an aerial photograph, the proposal, elevations, and floor plans for the ground and first floors.

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

- Principle of development;
- Residential amenity;
- Visual amenity;
- Landscaping;
- Historic Environment;
- Highways;
- Ecology; and
- Flood risk and drainage.

The site was allocated in the East Cambridgeshire Local Plan as a leisure allocation under Policy ELY10. The principle of the development had been established through the approval of application 14/01353/FUM and the subsequent variation of condition application 15/01134/VARM, which granted outline permission for the proposed leisure centre.

In terms of residential amenity, the Committee noted that the siting of the development was assessed as part of the original application. It was considered that due to the distance between the proposed development and existing properties the development would not be overbearing. Conditions were placed on the original application to protect the amenity of those properties within close proximity to the site.

Turning next to visual amenity, the Planning Manager showed Members some visuals of the building. The design was simple with key elements such as the oriel window and canopy adding detail to the formation

of intersecting boxes, with each 'window' containing specific functions and being characterised by different materials and finishes. A condition requesting samples of the materials was recommended to ensure they were in keeping and would compliment the materials approved for the adjacent development. It was also recommended that the details of the hard surfacing were secured by condition.

It was noted that the applicant had submitted a Softworks Specification, 10 Year Landscape Plan and associated drawings. The planting proposed would provide an attractive addition to the proposed development, and the soft landscaping would reinforce the existing boundary lines. It was felt that the proposal would sit comfortably with the cinema site.

One of the key considerations as part of the original permission was the impact of the proposal on the Cathedral. The siting of the building was, on the whole, in the location previously assessed as part of the Visual Impact Assessment. As the building was of a similar height to that modelled, this issue had been addressed, assessed and considered acceptable.

The access to the leisure centre development was approved as part of the hybrid application, via Downham Road. It was considered that there would be no significant adverse effect upon the public highway.

An Ecological Appraisal was submitted with the hybrid permission and taken into account in the determination of the application. Previous permissions would ensure the development was carried out in accordance with the recommendations of the Appraisal. Habitat enhancements would be incorporated through the proposed landscaping.

Drainage and flood risk were both covered by the hybrid permission and therefore no further conditions were recommended as part of this application.

With regard to other material matters, the Planning Manager said that the issue of fire hydrants had yet to be resolved, so she would add a condition requesting details prior to commencement of work.

Councillor Beckett commented that the tank of the swimming pool at the Paradise Centre was still in a usable condition, and he asked that when consideration was given to the tank for the leisure centre, it should be something with a substantial lifetime. The Planning Manager replied that this would be raised during discussions.

Councillor Rouse said he welcomed this application and he wished to thank the Planning Manager for all the work she had carried out on it, because it had been a massive application. He was also happy to see that by positioning it where it was, there was some future proofing and it could be extended.

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

It was resolved unanimously:

That planning application reference 16/00372/RM3M be APPROVED subject to the conditions as set out in the Officer's report with the addition of a condition requesting details of fire hydrants as this had not been resolved as part of the application.

11. **16/00448/FUL – 80 BARTON ROAD, ELY, CB7 4HZ**

Ruth Gunton, Planning Officer, presented a report (R11, previously circulated), which sought permission for a one and a half storey double garage and store with games room/gym above, and single storey utility room linking the garage to the dwelling following the demolition of two existing outbuildings.

It was noted that the application had been brought before the Planning Committee as it concerned the home of a Council Member. In order to maintain transparency it was considered that delegated powers would not be suitable in the determination of this proposal.

A number of illustrations were displayed at the meeting, including a map of the application site, an aerial photograph, block plans, and elevations.

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

- Impact on residential amenity – especially of 78a and 82 Barton Road;
- Impact on visual amenity and the Conservation Area.

In connection with residential amenity, it was noted that there had been Officer concerns and neighbour comments regarding the potential for overlooking and loss of privacy to 82 Barton Road from the closest dormer window on the front slope of the garage roof. To overcome this, the number of dormers was reduced and the closest moved further away from the boundary. There would be some overlooking, but not to an extent that would warrant refusal of the application.

With regard to the residential amenity of No. 78a, there had been concerns about the potential for overlooking into the rear garden from the proposed roof lights on the north east slope of the garage. In order to address this, amended plans were submitted which showed that the roof lights would now be obscurely glazed and a condition would be applied to this effect to ensure that they were fixed closed. The location of the proposal was such that whilst there would be some overshadowing, it was not considered to be of a significant detrimental impact.

Speaking of the impact on visual amenity and the Conservation Area, the Planning Officer said it was considered that the site could take the development without appearing cramped and it was therefore not considered to be out of scale. The Conservation Officer had been formally consulted on the amended plans and noted that the amendments that had been made had addressed previous concerns. It was considered that the amended design would preserve the Conservation Area.

At the invitation of the Chairman, Mr Colin Every, applicant, addressed the Committee. He said he had spoken to both neighbours face to face, to ensure that they were happy with the proposed changes, and he was able to confirm that they were. He had nothing else to add except that he would be happy to answer any questions from Members.

Councillor Hunt asked Mr Every if the area to the rear of the existing garages was unusable, and Mr Every replied that it was, because it was very damp and shady; he also confirmed that only one garage was used.

In proposing that the Officer's recommendation for approval be accepted, Councillor Hunt said he believed the scheme would be a huge improvement to the area as it would increase the security of the house, look better, and take more cars off the road.

Councillor Bovingdon seconded the motion, and when put to the vote,

It was resolved unanimously:

That planning application reference 16/00448/FUL be APPROVED subject to the conditions as set out in the Officer's report.

12. **PLANNING PERFORMANCE REPORT – APRIL 2016**

Rebecca Saunt, Planning Manager, presented a report (r12, previously circulated) which summarised the planning performance figures for April 2016.

She asked Members to note that the teams had been re-jigged and Julie Barrow, Senior Planning Officer, was now managing one Officer and the Enforcement Team. Everyone was extremely busy and a new Planning Officer would be starting on 27th June 2016.

The Senior Planning Officer informed the Committee that enforcement was an extremely busy area that had been identified as needing attention. A new Officer had been recruited and would take up post on 11th July 2016. One improvement had been to bring all the Officers in the department to work in the Planning office and this was contributing to a more joined up approach to dealing with issues. Inroads had been made into historic cases; there had been liaison with Highways regarding retrospective applications and cases had been closed. Officers were now back on top of things.

Attention would now be focussed on how to work more effectively. This would include the development of a breach form and a system to better deal with incoming information. Policies and procedures would be reviewed, and there would be some proactive work regarding unauthorised advertisements.

Councillor Bovingdon asked what was in place to deal with pre-applications, given that there were 170 sites. The Planning Manager said that people were being advised that things were taking a bit longer. The new Officer, because of her background, would be able to deal with some of the cases and hopefully this would improve capacity.

Councillor Beckett, directing his comments to the Senior Planning Officer, said he had been asked by someone what was the point of putting on conditions when they were not enforced; he was glad to hear that she was dealing with the matter. The Senior Planning Officer replied that Officers were trying to deal with enforcement as a whole department so that the correct conditions could be imposed.

It was resolved:

That the Planning Performance Report for April 2016 be noted.

13. **EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 13 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 2 & 6 Part I Schedule 12A to the Local Government Act 1972 (as Amended).

14. **NON COMPLIANCE WITH A PLANNING ENFORCEMENT NOTICE**

The Planning Manager presented an exempt report (R13, previously circulated) which sought Member agreement for a specific course of action in relation to non compliance with a Planning Enforcement Notice.

The report set out the background to the case, the options available to Members, the financial implications, and issues regarding equality and human rights. Following discussion, and having asked questions of the Planning Manager,

It was resolved unanimously:

To authorise the Planning Service to take the action recommended in the Officer's report.

The meeting closed at 4.30pm.

Chairman:

Date: 6th July 2016