

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 16<sup>th</sup> July 2014 at 2:00pm

**PRESENT**

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

**OTHERS PRESENT**

Ann Caffall – Senior Planning Officer  
Maggie Camp - Senior Legal Assistant  
Sue Finlayson - Development Control Team Leader  
Adrian Scaites-Stokes – Democratic Services Officer  
Sue Wheatley - Principal Development Management Officer  
Members of the Public - 15

19. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors Lis Every and Tom Hunt. Councillor Bill Hunt substituted for Councillor Every for this meeting.

20. **DECLARATIONS OF INTEREST**

Councillor David Ambrose Smith stated he would not take part in Item 4 except to speak as a Ward Member.

21. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcement:

- Agenda item 5, reference 14/00208/FUL, for Long Dolver Drove, Soham had been withdrawn.

22. **14/00017/FUL – LAND TO NORTH EAST OF 5 BACK LANE, LITTLEPORT**

The Committee considered a report, reference P38 previously circulated, which set out details of the application for the erection of new dwellings, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

Senior Planning Officer Ann Caffall advised the Committee that the application was for an edge of settlement boundary location, which had allotments to the north and residential dwellings to the south. An original application for this site

had been received for 21 dwellings but this had since been amended to 5 dwellings only. The proposed 5 dwellings consisted of 4 semi-detached and 1 detached properties in a good design. Opposite the frontage of the site were some single storey dwellings. In principle the application could be accepted as most issues were satisfied or could be mitigated. However there was one outstanding issue regarding impact on the highways. Back Lane was an unadopted road and there had been numerous objections raised by neighbours and the Parish Council, as dwellings and garages backed onto this Lane. Local Highways had stated it would be impacted by this proposed development and were concerned that it was a first step in an incremental approach. So there were concerns over the additional use of this road.

The recommendation was to approve the application if a revised scheme to realign the 5 dwellings across the frontage of the site was agreed by the applicant, otherwise it should be refused.

The Chairman invited Mrs Karen Pring, of the Residents' Association, to address the Committee. Mrs Pring objected to the application stating that she was speaking on behalf of 27 households. The neighbours had some worries about the scheme, which the reduction in the number of dwellings did not affect. The lane was very narrow and it was used by people driving northwards to the railway station as well as pedestrians. Allowing the application to go ahead would see an increase in traffic, an additional 20 to 35 extra vehicular movements could be expected, and parking which would raise safety concerns. This would also impact on the Quay Hill junction. It would have an adverse impact on residents and the new dwellings would be overbearing for the existing bungalows. The final layout for the full 21 dwellings was still shown on the map, so this would be stage 1 of the development. So, if this application were approved, there would be future issues to deal with.

Councillor Mike Rouse asked if Back Lane was a private road and what rights and obligations the neighbours had to it. Mrs Pring explained that the road was owned by the Environment Agency, although some household deeds might give access to it and there was some possible other ownership, though this was not shown on Land Registry. She had accessed this road for over 12 years and, although there was no maintenance obligation, occasional temporary repairs were done by residents to potholes.

Councillor Robert Stevens wanted to know what the development site had been used for previously and whether there were existing problems with traffic. Mrs Pring thought the land had only been used for agricultural purposes. She stated that the Residents Association had been formed when the original application was made and most residents had been living there for a number of years and had used the lane. Making the road surface better might cause more traffic problems.

Councillor Gareth Wilson asked whether if the developer offered to make up the road to an adoptable standard there would still be objections. Mrs Pring stated that the objections would still stand and this idea could possibly make the lane into a 'race track', the new road surface would be concaved and could lead to surface water and flooding.

Councillor Bill Hunt asked where residents put their wheelie bins for collection and whether emergency vehicles used Back Lane for access. Mrs Pring said that wheelie bins were put out on Station Road. The waste truck came down to the highway but then reversed some of the way up the lane and did go to the rear of the properties.

The Chairman then invited Mr Philip Kratz, of Birketts LLP, to address the Committee. Mr Kratz supported the application and stated that in other cases there was some initial anxiety but once a development scheme was completed it was accepted. This site was an exception site and had been accepted in principle. Once this was done then the details were considered. The original proposal for 21 dwellings had also been agreed in principle but not in detail. This had led to the current application for 5 dwellings. All the details had been accepted apart from the highways concerns. In the short term the site was a field and would be better used as a development site. There might be a need in the future for further development on, and an assessment of, this site and it was prudent to plan for this eventuality. So it would be unwise to stop the access to the rear of the site. There was a need for this development and, as the Planning Inspector had pointed out, the Council's draft Local Plan had to address the shortfall in its 5 year potential housing supply. This view changed the burden of proof, meaning there should be a presumption in favour of development. This application was commended.

Councillor Gareth Wilson enquired whether the developer would consider making up Back Lane to an adoptable standard. Mr Kratz confirmed they would.

Councillor Robert Stevens thought this would give good access to waste and emergency vehicles, as it should be unacceptable for them not to use this road. The road would have to be designed so that there was no speeding along it nor flooding to the houses. Was there possible access to the site behind the proposed development site? Mr Kratz revealed that the developers had spoken to the Waste Team about vehicular access and had included this within the design. The distances for waste collections were within County Council guidelines and emergency vehicles would be able to access the site. There was no practical access to the field beyond.

A Ward Member, Councillor David Ambrose Smith, addressed the Committee stating that Littleport needed new housing and the Littleport Masterplan had identified where this should happen. Other areas were suitable for development, which should be done without impacting on others. This application was not in the right location, as explained in paragraph 6.1 of the report. The officer's recommendation was welcome but it did not 'hold water'. Highways had given negative comments for this development, and this would be relevant for any future development of the site as well. Back Lane was frequently used by people going to the station. This application should be refused.

Councillor Bill Hunt asked how far down Back Lane the refuse vehicles went and Councillor Ambrose Smith indicated they did not go far. He added that

consideration would have to be given to a number of garages on Back Lane if it were to be surfaced.

*Councillor David Ambrose Smith left the meeting at this point, 2:34pm.*

Councillor David Brown was very uncomfortable with the officer's recommendation, as the matter would not come back to the Committee. It suggested that officers could approve it after 28 days, but the Committee should make the decision.

Councillor Mike Rouse appreciated the views of the residents but thought the principle of development on the site was acceptable. There was a need for more housing and over 100 people in Littleport were waiting for some. There would be Highways improvements but leaving the adjacent land cut off was not a good idea. The issues with the Council's Local Plan could not be ignored, particularly the concerns over lack of housing. Therefore this application for 5 houses with the access as shown should be supported.

Councillor Gareth Wilson did not think there was any particular reason to block the access road. If the developers made up Back Lane, with an access road and traffic calming, this would be an advantage. Affordable housing was needed. A decision was needed at the meeting, as it was not sensible to delay it by 28 days. The application for the 5 houses should be accepted.

Councillor Derrick Beckett was astounded by the recommendation, which sought approval but could be refused, which was not sensible. The Committee had the right to make a decision on this application for 5 houses and for any future applications for this site. It was intended to improve the road without footpaths, similar to a recent application that had been approved. This application would provide much needed affordable housing so it should be approved, with conditions to improve the road including all necessary drainage and allowing access to the garages.

Councillor Robert Stevens did not think that an additional 5 houses would make matters of access worse. The site itself could take up to 10 dwellings, so the other land could be used for allotments. The proposed closing of access to the rear land was unreasonable.

Councillor Bill Hunt thought the application was a mess, so the Committee ought to either defer it or refuse it. If approved, the development would be detrimental to road safety and there was no way of knowing what would happen if the road was made up to adoptable standards. He then made a proposal to defer the application so revised plans could be considered.

Councillor Jeremy Friend-Smith, in seconding this proposal, could not approve it due to so many unknown factors. These included the construction of the road and concerns about the rear of the site. Although he was generally in support of affordable housing, this application should be deferred.

The Chairman clarified the reasons for deferring and the following issues that had to be addressed were agreed by the Committee:

- Access to the adjacent field;
- The access road;
- The roadway upgrades;
- The revised application should be for approval or refusal.

When put to the vote this proposal was declared carried.

It was resolved:

That application 14/00017/FUL be DEFERRED for officers to seek further information about the proposed improvements to Back Lane, including the condition of the road, whether a pavement is to be provided, drainage details, and the height relationship with existing development.

*Councillor David Ambrose Smith rejoined the meeting at this point, 2:51pm.*

23. **14/00488/FUM – 34 NEWMARKET ROAD, BURWELL**

The Committee considered a report, reference P40 previously circulated, which set out details of the application for the erection of a new dwelling, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

Development Control Team Leader Sue Finlayson reminded the Committee that the application was for a single dwelling with access via the side of the host dwelling. Highways asked for a 5 metre width roadway, but only part of this one met that standard. Most of the in-depth development near this site had been through comprehensive schemes, but this was not. The dwelling would fill most of the plot and would be much larger than the neighbouring dwellings.

The new dwelling was only a single dwelling development and would not leave a great gap between it and the host dwelling. Although the roof design had been altered, it would still overpower the existing dwellings. Therefore it was recommended to refuse the application as it would be contrary to the character of the area, the proximity and scale would be detrimental and the gablet feature was discordant.

The Chairman invited Mr Philip Kratz, of Birketts LLP, to address the Committee. Mr Kratz supported the application and stated that although there could be a presumption against backland development, this was not a problem in this case due to the principles of neighbourliness. There would be no overlooking, no overshadowing or loss of privacy. The means of access could impact on the host dwelling but this would be mitigated by the material used for the drive. So there would be no impact on the host dwelling or on neighbours. This was the first of this type of design in the street but it would fit in, as the character of Newmarket Road had changed. The immediate neighbours and Parish Council had accepted the application and the three reasons given could not justify refusal.

Councillor Mike Rouse thought the recommendation was a classic reason why houses were not being built. The application was perfectly acceptable and it

would be unreasonable to wait for a more comprehensive scheme. There was no problem with the discordant feature nor overlooking. Therefore a proposal was made to approve the application.

Councillor David Brown could see no planning reason why the application should be refused. The roof changes were acceptable and a more comprehensive scheme would have had to be crammed in.

Councillor Gareth Wilson did not think the gablet feature was bad, as a different look was a good thing. He thereafter seconded the proposal to approve the application.

The Chairman summarised the reasons for approving the application against the officer's recommendation, in that there was a need to build houses, there were no issues with the roof, accommodation had been removed from the roof space and it was in keeping with other developments. Councillor Robert Stevens added there would be sufficient access and the amenity of the host dwelling would not be compromised. The Chairman also added there would be no adverse impact on amenity of existing buildings.

Upon being put to the vote the application was declared approved.

It was resolved:

That application 14/00488/FUM be APPROVED for the following reasons:

- Need to build houses;
- No issues with the gablet. Variety is good;
- The accommodation in the roofspace has been removed;
- The more comprehensive development was crammed in;
- The amenity of the host dwelling and neighbouring dwellings would not be compromised.

with delegated authority given to the Principal Development Management Officer for the agreement of appropriate conditions.

The Chairman offered thanks to Sue Finlayson, Development Control Team Leader, for her hard work, as it was her last Planning Committee, and wished her well into the future.

The meeting concluded at 3:15pm.