



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 6th April 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith
Cllr David Ambrose Smith (Substitute for Cllr David Brown)
Cllr Sue Austen
Cllr Matthew Downey
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr Gareth Wilson

OFFICERS

Rebecca Saunt – Planning Manager
Maggie Camp – Legal Services Manager
Caroline Evans – Democratic Services Officer
Toni Hylton – Senior Planning Officer
Annalise Lister – Communications Manager
Andrew Phillips – Planning Team Leader
Isabella Taylor – Planning Officer
Angela Tyrrell – Senior Legal Assistant
Melanie Wright – Communications Officer

IN ATTENDANCE

Dr Lau Berraondo (Applicant, Agenda Item 6 / Minute 84)
Harvey Bibby (Applicant, Agenda Item 6 / Minute 84)
Alex Clark (Applicant, Agenda Item 5 / Minute 83)
Michael Hargreaves (Applicant, Agenda Item 7 / Minute 85)
Gordon Rusk (Objector, Agenda Item 5 / Minute 83)
Adam Tuck (Applicant, Agenda Item 6 / Minute 84)
Parish Cllr Richard Radcliffe (Agenda Item 5 / Minute 83)
Cllr Julia Huffer (Agenda Item 5 / Minute 83)

10 Members of the public.

79. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Brown and Trapp.

Cllr David Ambrose Smith was attending as a substitute for Cllr Brown.

80. DECLARATIONS OF INTEREST

Several Members declared an interest in Agenda Item 6 (21/01694/FUL, Land west of 115 Lancaster Way Business Park, Ely):

- Cllr Every stated that she had spoken to the applicant's agent and to Council Officers whilst researching the proposal, but she remained open-minded.
- Cllr Wilson was a patient of the dental business that was the subject of the application, but remained open-minded.
- Cllr Austen had called-in the item for consideration by the Committee because she had been asked to do so on the grounds of transparency. She remained open-minded.

2:02pm – Cllr Downey joined the meeting.

81. MINUTES

The Committee received the Minutes of the meeting held on 2nd March 2022.

It was resolved:

That the Minutes of the Planning Committee meeting held on 2nd March 2022 be confirmed as a correct record and be signed by the Chairman.

82. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- He reminded all interested parties of the importance of abiding by deadlines for speaker registration and submissions of information for Members to consider. Information received less than 48h before the meeting would not be sent to Members since it was important that they all had sufficient time to carefully read and consider all of the details. Pressure or bullying behaviour directed towards Officers would not be tolerated.
- Formal site visits for Committee Members had re-started for this meeting and, whilst not mandatory, were considered to be an essential part of the decision-making process.
- Russell Wignall, Legal Assistant, was leaving the Council. He was thanked for all of his work and offered the Committee's best wishes for the future.
- There would be an additional Planning Committee meeting added to the calendar to consider the Sunnica planning application. The meeting would be held at a venue near to the site and the Sunnica application would be the sole item for debate. It was emphasised that the Council would not be the determining authority for the application; the meeting would be to consider the Council's recommendations as a consultee on the application.

83. 21/01636/FUL – LAND ACCESSED BETWEEN 2 & 4 FORDHAM ROAD, ISLEHAM

Andrew Phillips, Planning Team Leader, presented a report (W170, previously circulated) on behalf of the Case Officer, recommending approval of an application that sought permission for the construction of four market dwellings with associated parking, garages and landscaping, on plots formerly allocated as self-build.

Members were shown maps and satellite images to illustrate the site's location outside the Local Plan's development envelope but within the Isleham Neighbourhood Plan's development envelope. The Isleham Neighbourhood Plan

had been given moderate weight in the assessment of the application. In addition, the site lay within a wider Bloor Homes development and had previously been allocated for four self-build plots. Two house types were proposed, both of which were present on the wider development, and elevations of both were shown.

The main considerations for the application were deemed to be:

- **Principle of development** – the site had previously received permission for four self-build plots, and the proposal had demonstrated compliance with clause 1.3(b) of the s106 agreement regarding the marketing of the plots. The principle of development was therefore considered to be acceptable.
- **Residential amenity** – concerns of overlooking, loss of privacy, glare and overbearing, intrusiveness and loss of light had been received from neighbours. The Design Guide SPD advised that the distance between rear inter-visible windows should be a minimum of 20m. All proposed dwellings would be over 10m from their rear boundary and the distance between the proposed dwellings and the rear elevations of 35a, 35b and 41 Hall Barn Road were 23.6 – 30.4m. The first-floor windows on the proposed properties' rear elevations were therefore not considered to result in detrimental impacts to residential amenity through significant overlooking or detrimental loss of privacy. They were also not considered to result in significant amenity impacts as a result of glare from the windows.
- **Visual impact** – the site was surrounded by residential development and the proposed dwellings were of a design and scale that would be in keeping with, and complementary to, the surrounding Bloor Homes development. The proposed garages for each property were also in accordance with the Design Guide SPD due to their positioning to the side or rear of each dwelling.
- **Highway safety and parking** – there had been no objection from the Local Highways Authority and the proposed dwellings would be accessed from the existing road for the wider Bloor Homes development. There was sufficient vehicle and cycle storage to comply with the parking standards in policy COM8 of the Local Plan and policy 10 of the Isleham Neighbourhood Plan. To further comply with policy 10 of the Neighbourhood Plan, a condition would be applied regarding electric vehicle charging points.
- **Flooding/Biodiversity** – the Lead Local Flood Authority had not raised any objections to the principle of the development. A drainage condition was proposed and the proposal complied with policy ENV8 and the NPPF. The development would deliver various biodiversity enhancements and would comply with policy ENV7 of the Local Plan, policy 7 of the Isleham Neighbourhood Plan, and with the Natural Environment SPD. The landscape buffer had been transferred to the neighbouring properties and the majority of owners had since incorporated the additional 5m into their curtilages.

In summary, the principle of the development was considered to be acceptable and there would be no detrimental impact to residential amenity. There would be no significant or demonstrable harm to the character of the area and the dwellings would be in keeping with the existing house-types on the wider site. The access arrangements and parking provision were acceptable. The application was therefore recommended for approval.

On the invitation of the Chairman, Gordon Rusk read a statement to the Committee as follows:

“Gordon Rusk 35B Hall Barn Road, Isleham: speaking for residents in 33, 35A, 35B, 41 Hall Barn Road.

- *Prior to planning consent Bloor have constructed up to 1st floor level.*
- *As stated in today’s report 7.3.11 the reserve matters for these plots did not come before the 3yr time period, therefore, the site has no existing permission for these properties.*
- *Neighbours’ main objections are stated in section 5.3 of the report.*
- *We had no discussion on the plots in 2018/19 even though today’s report 7.5.7 states the 2018 outline application considered two storey properties acceptable.*
- *2019 Bloor stated they would build bungalows in key locations to reduce the impact on existing adjacent dwellings. “No overlooking or overbearing.”*
- *6th Nov 2019 Agenda item 3 noted the buffer zone now curtilages would stop existing dwellings overlooking future residents.*
- *Plots 114 –17 do look directly over 35A, and B, 41 Hall Barn Road there will be a loss of privacy.*
- *Today’s item 7.5.3 states there will be overlooking, but not considered detrimental; we beg to differ living opposite. This is not consistent with the previous decision to change houses to bungalows.*
- *A buffer zone was originally planned in the S106, it would provide privacy, reduce overlooking and overbearing.*
- *Bloor imposed a height restriction 2.6m in the transferred zone this could interfere with the compliance of condition 6 of reserved matters application 2019 contrary to the obligation within the S106. Would the committee remind Bloor of this?*
- *The removal of covenant offer by Bloor in 7.12.2 is not forthcoming and other offers reduced.*
- *We ask the committee to reflect a consistency of consideration in their views that bungalows be built.”*

In response to Cllr Jones requesting more detail about the last point, the objector explained that, because the plots were originally intended for self-build, the residents in the three properties that backed onto the application site had not been permitted to speak at the November 2019 meeting which had considered the need for bungalows further along the development site. Now that the plots were to be offered for market housing instead of self-build the residents felt disadvantaged and wanted the same consideration to be offered to them as had been to the residents whose properties backed on to the bungalows.

Cllr Stubbs asked the objector for more information about the covenant that had been mentioned. The objector gave details about a disputed covenant, which applied to the “buffer zone” land that had been transferred to the owners of the Hall Barn Road properties, restricting the height of shrubs and trees in the transferred land. The local residents’ group had understood from discussions with Alex Clark (Bloor Homes) on 14th and 23rd March that the covenant would be removed, but it remained in place and under negotiation.

The Chairman thanked the objector and reminded everyone that the application was for two-storey dwellings, not bungalows, and that the Committee would need to decide the application that was before them.

The Chairman then asked the Democratic Services Officer to read aloud two further statements that had been supplied by objectors who were unable to attend the meeting.

Statement 1:

"We are residents of 29B Hall Barn Road, Isleham which lies in the Northwest Corner of the Bloor Development.

At every stage over the last 4 years, we have by due process commented and placed our objections on record at ECDC regarding the above development.

Having achieved fairness behind 29B with the provision of a bungalow to match the original proposal of bungalows behind the properties most affected. At the planning meeting it was noted in the minutes that the new properties would not overlook or overbear the existing residents. A statement within Mr R Eburne's (Bloor Dir.) email – dated 25 November 2019 (copy available) assured us – "that the finished ground level is the same as the ground beyond the boundary" this has not happened. On the commencement of the foundations of the bungalows we noted this was not the case and informed ECDC. We were subsequently told that the finished floor levels were as per plans submitted! Without being able to confirm their plans for finished floor levels we were not in a position to be able to object to something we know nothing about. We took Mr Eburne's assurance at face level. We are concerned there will now be a slope from the new property to the boundary fence which will in turn present drainage problems to our garden and a subsequent rotting of the fence due to the higher soil level up the fence.

With the agreed transfer of the buffer zone to the residents all along Hall Barn Road with the developer, which was in general agreement, we learned at time of signing/transfer there were many covenants applied by the developer restricting what we could do with the strip of land and any sale of our property in the future the new buyer would have to enter a new contract with the developer regarding the strip of land. This is another stealth impact on our lives which has given us more concern and stress.

The continuing attitude of the developer to run 'rough-shod' over the residents of Hall Barn Road continues and most recently, in the change of planning with the self-builds, which the developer has commenced.

The developer has always stated they wanted to respect the privacy of existing residents, they have not! We have lost considerable light to our gardens; we've lost our privacy and value to our homes. There has been no consideration, communication or common courtesy to us regarding the constant dust and noise from the site over the last 2 years. The developer has fooled the residents of Isleham into believing they were going to build small clusters of properties

that would reflect their location in the heart of a small Cambridgeshire village. We were never fooled, that's why we have continued to fight.

We will not be dismissed by the developer's latest offer of trellising and 2 trees to hide the development in return for a withdrawal of our objections. Especially after having personally spent over £1800 doing so. We want what is fair and just and for the developer to recognise that they haven't fulfilled their promises/ obligations to the residents of Hall Barn Road and Isleham."

Statement 2:

"We are residents of 3 The Briars, Isleham which abuts the Hall Barn Road elevation of this development.

We are again placing on record our objections to and disappointment at this development and the scant regard for the wishes of existing Isleham residents during the various stages of consultation, planning approval and construction.

Over a 3-year period from when the first consultations took place regarding this development we have fought hard to minimise the impact on the existing residential properties, and along Hall Barn Road in particular.

Originally the developer proposed 2-storey houses along this whole elevation but with support of our local and County Councillors we achieved a small concession for bungalows to be constructed where the greatest impact would occur, and in particular behind numbers 2, 3 & 4 The Briars.

The plans presented to ECDC stated that these new bungalows would be built at the same finished floor levels as our properties to avoid being overlooked and this assurance was confirmed in an email from Robert Eburne prior to full planning consent being granted.

Construction is now complete on these bungalows and looking at the original plans, we would estimate that the FFL height of these bungalows are at least 1m higher than were proposed and approved, with the rear gardens now having a steep slope down to our rear boundary fence which will in turn present drainage problems in our gardens.

This increase in the proposed FFL's granted to Bloor was given without any 'statutory notification' to all existing residents as a 'change in planning consent'. This major change to planning consent is totally unacceptable and does not comply with planning regulations and has resulted in a massive infringement on our privacy and quality of life, substantially reduced the value of our homes and frankly made it a very unpleasant place to now live!

The developer had always stated that they wanted to respect the privacy of all existing residents and construct this (awful) development with minimum impact on our village. These undertakings were repeated at all of the planning meetings led by Robert Eburne and his team prior to consent being granted and they have succeeded in fooling everyone concerned into believing they could be trusted as a major house developer in the southeast.

Having spent 20+ years in the construction industry I can frankly say, that in my opinion, this is one of the worst thought out and executed developments in the area. What happened to the original proposals to construct 'small clusters of properties of different designs and styles that reflected their location in the heart of a small Cambridgeshire village?

Many residents along Hall Barn Road have also expressed their concerns and will be making separate representations and in particular to the change from 'self-build' properties behind 35a, 35b and 41 Hall Barn Road to 2-storey houses which again is against the developer's undertaking to only construct bungalows."

The Chairman then invited Alex Clark (Director, Bloor Homes), representing the applicants, to address the Committee. The applicant stated that since the principle of four dwellings at that location had already been established in the outline planning permission, the variation was purely the proposed house type. The legal agreement allowed for conversion of the plots from self-build to open-market and the obligations within that agreement had all now been met. The appearance of the proposed dwellings would reflect the wider site and was appropriate for the location. Although there had been concerns that the two-storey properties would adversely affect the neighbouring properties, the recommended separation distances within the Design Guide SPD would be exceeded and the self-build parameters plan had allowed for up to two storeys, consequently there was no planning justification to insist upon bungalows at that location. Bloor Homes had transferred the buffer zone to the neighbouring residents, who had thereby all gained 5m of garden, and had met with Cllr Huffer and the Parish Council and local residents to offer trellis and two large trees for each of the most affected properties. He considered the principle, size and scale to be acceptable and in compliance with the policies of the Local Plan and the Design Guide SPD, and therefore urged the Committee to approve the application.

Cllr Wilson commented that it had been clear at the morning's site visit that construction was already well underway, and he questioned why. The applicant explained that the decision had originally been delegated until it was called-in to Committee in January, Bloor Homes had then decided to commence the foundations on the basis that they could be adapted to any design. Cllr Wilson countered that the construction was significantly more advanced than just foundations. He also questioned the efforts that had been taken to sell the plots for self-build homes and the applicant stated that there was a clear mechanism within the s106 agreement which had been followed to the letter.

Cllrs Jones, Stubbs and C Ambrose Smith all asked questions about the potential for bungalows instead of two-storey dwellings on the application site, or re-designing the upper storey to prevent overlooking. The applicant stated that Bloor Homes was a commercial entity that wished to construct two-storey properties at this location. Although bungalows had been agreed for some more sensitive locations, they had never been promised for the entirety of Hall Barn Road and the parameter plan for the self-build plots had indicated that two-storey designs would be possible. The back-to-back distances would be in excess of the requirements of the Design Guide SPD and an additional 5m of garden had been transferred to

the Hall Barn Road residents. Outside the formal planning process, Bloor Homes was engaging with the community to try to work with them.

Cllr Stubbs asked about the discrepancy between the applicants' and objectors' views about the covenant. The applicant explained that they used standard covenants for their land transfers; within the legal agreement for the 5m land transfers a standard restriction on height had been included.

Cllr D Ambrose Smith commented positively about the build quality and style of the overall development but questioned why the ground floor heights were so high rather than being the same as Hall Barn Road, and asked whether the fence panels along the boundary could be 2.6m tall for the length of Hall Barn Road. The applicant stated that floor levels had been submitted to, and approved by, the Council as part of the reserved matters conditions. Following complaints, the planning control and enforcement team had investigated and had concluded that the construction was in accordance with the plans. Regarding the fence height, the maximum level in the covenant had been raised to 2.6m and, outside the planning process, meetings had been held with residents to consider removing the covenant. A possibility would be for Bloor Homes to plant trees in the residents' gardens, as a way around the restrictions of the covenant, and that could be formalised as a planning condition. Cllr D Ambrose Smith added that Members were in a difficult position since the applicant's viewpoint and that of residents and the Parish Council (as detailed in the Officer's report) were at odds.

Cllr Hunt concluded the questioning by commenting that the buildings under construction were approximately 6ft tall and as such Bloor Homes appeared to be constructing buildings for which they did not yet have planning permission.

At the invitation of the Chairman, Parish Councillor Richard Radcliffe (Chair, Isleham Parish Council) addressed the Committee. He explained that the Parish Council supported the development but were opposed to the construction of two-storey dwellings on the four plots under consideration. The Parish Council considered that insufficient weight had been given to overlooking and overbearing. In their Design and Access Statement, Bloor Homes had quoted part of paragraph 126 of the NPPF but the Parish Council did not consider that the current application "creates better places in which to live and work and helps make development acceptable to communities". Although Bloor Homes claimed that there would be a strong buffer and a healthy back-to-back relationship this was true for bungalows but not for two-storey dwellings. The separation distances from the new bungalows to The Briars were very similar to the distances between the proposed new dwellings and their immediate rear neighbours on Hall Barn Road, whereas other properties further along Hall Barn Road had much greater separation distances. The residents had expected bungalows on these plots. Bloor Homes had previously stated that Hall Barn Road was a sensitive boundary for plots 108-111 and this had been reflected in the construction of bungalows rather than houses; these plots should be treated similarly.

There were no questions for the Chair of the Parish Council.

Cllr Huffer then addressed the Committee as the Ward Councillor for Isleham. She made clear that she had no objections to the principle of the overall development,

but the plots under consideration in this application had originally been designated for self-build. Although Bloor Homes had complied with the Council's policy regarding marketing the plots, she had learned that there was no requirement for market rates to be applied and she therefore believed it to be common practice for large developers to price their self-build plots at an unrealistically high level which would, in time, enable them to convert the unsold self-build allocation to market housing. She urged the Planning Manager and the Chairman to review the policy in order to end this practice. She showed Members a photograph taken from 3 The Briars which illustrated that the bungalows had not been built at the same level as the existing housing, to the severe detriment of existing occupiers who were now choosing to move away. Two-storey dwellings behind 29 – 31 Hall Barn Road were therefore a significant concern and she had recently met with residents and Bloor Homes to discuss the application. She had been assured at that meeting that the foundations were suitable for bungalows as well as two-storey dwellings, and had therefore urged them to build bungalows to protect the privacy and quiet enjoyment of the existing residents. Since that meeting the residents had each been offered trellis and two trees to shield their properties, on the condition that they withdrew their objections and persuaded her to withdraw her call-in to Committee. Her understanding was that that offer had now been withdrawn. She urged the Committee to defer the item and ask Bloor Homes to redesign the homes to a maximum of one storey in order to prevent overlooking and overbearing to the residents of Hall Barn Road.

Cllr Downey asked what planning reason could be given for deferring the application; the Ward Councillor suggested the considerable loss of amenity to existing residents due to overlooking and overbearing. Regarding the marketing of self-build properties, Cllr Wilson suggested that the Council should consider mandating that self-build plots be marketed as affordable housing if they could not be sold for self-build, and Cllr C Ambrose Smith referred to the Council's register of interest in self-build plots. The Ward Councillor agreed with Cllr Wilson's suggestion and gave an example of another development where CLT self-build plots had a waiting list whereas the developer's plots were significantly more expensive and were un-sold. The Planning Manager explained that all parties on the Council's self-build register had been contacted regarding the four self-build plots; the Ward Councillor stated that interest would only be generated if the plots were marketed at realistic prices.

Cllr Jones expressed concern that the self-build plots had permission for up to two storeys, and therefore refusal of permission could lead to an appeal. The Ward Councillor explained that Bloor Homes had indicated that the foundations were suitable for single-, 1.5- and two-storey buildings and that was why she had proposed a deferral. If the developer was able to construct bungalows then they should be encouraged to do so.

The Chairman invited further comments from the Planning Team Leader, and then questions for him from Members. The Planning Team Leader drew Members' attention to paragraph 7.4.3 of the Officer's report which detailed the marketing of the self-build plots, and paragraph 7.12 which addressed the issue of the covenant.

In response to a question from Cllr Jones about the likelihood of an appeal if the application was refused, the Planning Team Leader reminded Members that the

application complied with the Design Code in respect of the rear separation distances and stated his professional opinion that an appeal would be likely, with the possibility of costs being awarded against the Council. Cllr D Ambrose Smith asked whether the Ward Councillor's proposal of a deferral would enable the Officers and the developer to work together to modify the properties to reduce the overlooking. The Planning Team Leader stated that the Committee should approve or refuse the application as submitted; a deferral would require very clear reasons, and Officers already worked with developers in the earlier stages of considering applications. Therefore, in his professional opinion, a deferral could result in the developer appealing for non-determination.

Cllr Every asked the Chairman for permission to question the applicant again. Having received permission, she asked Alex Clark whether, in view of all that he had heard, he could see a merit in deferring for further discussion to reduce the opposition to the four dwellings. The applicant replied that Bloor Homes' view was that they were following the clear parameters in the outline planning permission, the legal agreement and the parameter plan. The application had been under consideration for a long time and the view of the professionals was clear; there was a strong planning case for approval.

Cllr Hunt sought and received confirmation from the Planning Team Leader that, if the application was refused, the applicants could resubmit a revised application free of charge.

Commenting that the possibility of two-storey properties had been allowed for the self-build plots in order to improve their marketability, Cllr Jones asked whether it would be reasonable to impose different conditions on the same plots now that they were to be market dwellings. The Planning Team Leader explained that the tests regarding residential amenity were the same whether or not the plots were intended for self-build, and that it was not reasonably possible to have different rules according to whether or not the plot was for self-build. The original development was required to contain a minimum number of bungalows, all of which had been provided.

Finally, Cllr Downey asked whether there was any requirement within the Local Plan or other policies that required a developer to act in an honest or fair way, since it was clear that not everyone felt that to have been the case. The Planning Manager explained that community engagement was encouraged but the behaviour of developers was outside the responsibilities of the Council.

The Chairman then opened the debate. Cllr Wilson stated that he considered this to effectively be a retrospective application since it was clear from the site visit that construction was already underway. He did not see any valid planning reasons to refuse or defer the application and therefore saw no option but to very reluctantly approve it. However, he suggested that if it were to be approved then strict conditions should be applied in order to assist in reducing the site's impact. He suggested that trees of an appropriate height and size could screen the buildings, and frosted glass on the rear windows of the new buildings would reduce overlooking. The Planning Team Leader explained that any tree-related conditions would need to be located within the site's red line; a legal agreement would be required instead if the trees were to be on neighbouring land. It was not considered

reasonable to condition obscure glazing for bedrooms since all residents deserved an outlook. Cllr C Ambrose Smith suggested that the roofline could be altered such that the rear bedrooms were served by velux windows instead; the Planning Manager reminded Members that a decision needed to be reached on the application as submitted.

Cllr D Ambrose Smith proposed that the application be refused on the grounds that it did not meet the requirements of policy ENV2 due to its significant detrimental effects on the nearby neighbours' residential amenity. Cllr Austen seconded the proposal.

Cllr Jones agreed with Cllr Wilson's assessment that, since up to two storeys had been allowed for self-build, there was unfortunately no planning reason to refuse two-storey dwellings at this stage. He would therefore be proposing that the Officer's recommendation for approval be accepted.

Cllr Downey considered that the Committee was in a difficult position since the community opposed the application and felt misled about it. He felt that Cllr D Ambrose Smith had made a good argument concerning the reduction in residential amenity, however, the developer and Officers had disagreed with that view. He therefore remained undecided. Cllr Stubbs also declared her indecision although she echoed Cllr Jones' comments about the difficulty relating to the previous acceptance of the potential for two-storey dwellings on the site. She considered that Bloor Homes had damaged a previously good reputation for the sake of only four properties.

The motion to refuse the application was then put to the vote.

It was resolved with 5 votes in favour, 3 votes against, and 2 abstentions:

That planning application ref 21/01636/FUL be REFUSED on the grounds that it did not meet the requirements of policy ENV2 due to its significant detrimental effects on the nearby neighbours' residential amenity.

84. 21/01649/FUL – LAND WEST OF 115 LANCASTER WAY BUSINESS PARK, ELY

Toni Hylton, Senior Planning Officer, presented a report (W171, previously circulated) recommending refusal of an application seeking permission to erect a two-storey steel-clad building, with aluminium roof, doors and windows, and a green roof system for the porch and the bin and cycle store. The building would be used by "Enhance"; a dental business specialising in orthodontics, endodontics, periodontics, dental implants, mouth rehabilitation and facial rejuvenation. An additional statement had been supplied by the agent, after publication of the agenda papers, and had been circulated to all Members in advance of the meeting.

Members were shown a location plan, aerial view and block plan illustrating the site's location on the edge of the Lancaster Way Business Park and with access from the Lancaster Way roundabout. A further parcel of land to the west of the main parcel would be used for ecological improvements. Elevations and floor plans for the proposed two-storey building were also shown. Five dentist rooms and a

reception area were proposed for the ground floor, with offices, a meeting/training suite, and five other rooms on the first floor. Despite requests from the Officer, the agent had not provided information regarding the purpose of the five unidentified first-floor rooms.

In response to the agent's assertion that no change of use application would be required if Enhance chose to move into any existing building on the business park, the Case Officer explained that the outline planning permission granted in 1994 had restricted the use classes by condition to B1, B2 and B8. Although use classes had been changed in 2020, and B1, B2 and B8 all now fell within use class E, the condition restricted and maintained the previous B1 use to the new E(g) class across the majority of the site. Commercial buildings were use class E(g) whereas the proposed building would be use class E(e) (medical or health services). The agent had also emphasised that Enhance's current practice had no parking whereas, in addition to the allocated spaces at the proposed new building, there would be additional parking available at other site within the business park. The Case Officer argued that the original planning permission for the current business identified five on-site staff parking spaces, and the building was also in close proximity to town centre car parks. The additional parking that had been suggested by the agent was not part of the application and was not under the control of the applicants.

The main considerations for the application were deemed to be:

- **Impact on the viability of Ely City Centre** – relocation of the dental practice from the city centre to Lancaster Way would reduce the footfall in the city centre and remove the local community's easy access to an important healthcare facility. Dentists were considered to be a town centre use and therefore, in principle, should be located in town centres and were not a suitable use for a business park. In addition, the Lancaster Way Business Park only had planning permission for use classes B1, B2 and B8, none of which related to dental practices. Trade counters had been allowed for several businesses on-site since they fell within use class B8. Reeds were restricted to the area of A1 use and to a personal permission. A more detailed sequential test should have been provided by the applicants, and there were limited public transport links to Lancaster Way since they were designed to support the working pattern of the site. The proposed development was therefore considered to be contrary to policies COM1, COM3 and EMP1.
- **Lack of suitable parking spaces** – the proposal had a shortfall of 33 car parking spaces and 10 cycle parking spaces in terms of the requirements of policy COM8.

In summary, the proposal was considered to cause harm to the vitality of Ely city centre, to be contrary to the use class restrictions for Lancaster Way Business Park, and to result in a significant shortfall of parking spaces. It was therefore contrary to policies COM1, COM3, COM8 and EMP1 and consequently was recommended for refusal.

On the invitation of the Chairman, Adam Tuck (agent) and Dr Lao Berraondo (Enhance Clinical Director), addressed the Committee in support of the application. Mr Tuck stated that Enhance's current location was outside the town centre

boundary and there were also four other dental practices within Ely, therefore the relocation of the practice would not harm the city centre. A detailed sequential test had supported the applicant's claim that there were no other suitable buildings, and the applicant had now spent over four years searching for new premises to avoid moving out of the District. From 1st December 2020, use class E had replaced use class B1 and therefore if a B1 building became available on the business park then Enhance would be able to use it without requiring a separate permission. The planning policy regarding parking provision allowed for flexibility and the applicants considered 17 spaces to be sufficient, with the additional shared spaces also being available if needed. There would be a substantial biodiversity net gain from the proposal and no objections had been received. Dr Berraondo explained that the dental practice's current site was not fit for purpose due to its lack of parking and its poor accessibility. Enhance wanted to remain in Ely and since there was no opportunity for expansion in the city they had looked for a location as close as possible to the city. The business park already had a coffee shop, gym, play area and museum so there was precedent for more diverse uses. The proposed new facility would be for dental work and associated training and research, and would support NHS and private practices in the region. The recent award of a grant from the Council was very welcome, and planning permission for the new facility would enable the District to have a nationally dental significant centre.

Cllr Jones asked about the parking provision when considering staff needs and "one in, one out" for each patient room, and about the five unidentified first-floor rooms that the Officer had mentioned. Dr Berraondo explained that they currently operated six surgeries and the intention was to increase the capacity in the new building. Space was needed for patients recovering from IV sedation, and also dual-use rooms for delegates. Regarding parking, he reiterated the lack of parking provision at the current practice and stated that he considered the required number of spaces, as proposed by the Officer, to be unnecessary for a practice of the proposed size.

In response to several questions from Cllr Every, Dr Berraondo explained that in addition to a cohort of local patients the practice saw patients from the wider Cambridgeshire area as well as from much further afield. Their specialisms and reputation meant that patients were referred from much of the south of England. He had been searching for a new premises in Ely or its immediate surroundings for several years without success, although he only had access to advertised properties and would therefore be unaware of potential locations that were not marketed. Regarding the concerns about non-dentistry treatments, he stated that the botox (and similar) treatments on offer were more medical than cosmetic and that he was the only practitioner; there was no intention to offer beautician services.

Cllr D Ambrose Smith commented that he did not consider the current practice to be located in the city centre, and asked whether Enhance's design and development activities could be considered to be world-leading and more than simply a dental practice. Dr Berraondo agreed with that description. Cllr Hunt asked whether NHS patients were seen at the practice, and whether the applicants would accept a use restriction to office, research and health services. Dr Berraondo explained that referrals were received from NHS practitioners for complex cases that could not be handled by the NHS, and confirmed that the proposed use restriction would be present no problems to their operation.

Cllr C Ambrose Smith asked whether the practice would move out of the area if a new location was not found imminently. Dr Berraondo agreed that the business needed to move and would therefore need to look elsewhere if there was no suitable site in or close to Ely. He also confirmed to Cllr Wilson that, if Enhance moved to Lancaster Way, they would continue to serve all of their existing patients and that three NHS dentist practices and one private practice would still be present in Ely.

The Chairman invited further comments from the Case Officer before inviting questions from Members. The Case Officer reiterated her concerns about the five undesignated first-floor rooms, the insufficient parking provision, and the lack of compliance with policies COM1, COM3 and EMP1.

Cllr Downey asked for further information about the various facilities that the applicants had mentioned existed on the Lancaster Way Business Park, including a gym and a coffee shop. The Planning Team Leader explained that Officers worked closely with the business park to support the Enterprise Zone for B1/B2/B8 uses and that the facilities in question were intended to support the workers on the business park whereas the proposed dental surgery would be targeting a much wider population.

In response to a request from Cllr D Ambrose Smith, the Case Officer explained the permitted use classes on the business park. Permission had been granted in 1994 with restrictions to use classes B1, B2 and B8. In 2020 the naming of use classes had changed; B2 and B8 had been retained but B1 uses now came under E(g) within the wider use class E. Medical and healthcare uses were restricted to use class E(e); this was previously known as D2 and was not one of the use classes in the original planning permission. On the basis of the 1994 planning permission, E(g) uses would be permitted but E(e) would not since they did not fall within the original restrictive condition. Cllr Downey questioned the relevance of the 1994 planning permission since the application was for a new building. The Case Officer explained that the applicant's agent had claimed that a dentist could use any existing building on the business park if one should become available; that assertion was incorrect due to the existing restrictions.

Referring to paragraph 1.1 of the Officer's report, Cllr Every asked why a dentist was considered to be a town centre use and what evidence there was that the relocation of Enhance would cause harm to the vitality of the city centre. She also commented that she considered the practice's current location to be on the outskirts of Ely rather than in the centre. The Case Officer explained that legislation considered dentists to be a town centre use, and that information from the Economic Development Officer had been provided in the report regarding the town centre footfall of visitors to the practice. In addition, the close proximity of the current practice to a pharmacy, a complementary health centre, and a GP practice resulted in a convenient "medical hub".

The Chairman then opened the debate. Cllr Downey recognised the Officer's reasoning for recommending refusal, but considered there to be a strong argument in favour of approving the application since the location was within cycling and walking distance of Ely and would enhance the local area and business park. He

therefore proposed that the application should be approved subject to restrictions that would limit the activities to those in the proposal. The Planning Manager confirmed that this could be achieved *via* planning conditions without the need for a separate legal agreement.

Cllrs Stubbs and Every also recognised the Officer's work and the difficult task of balancing planning policies. They considered it to be important to support successful local businesses to stay in the area, bringing in more jobs, and considered that the applicant's current site was no longer fit for purpose.

Cllr D Ambrose Smith also spoke in favour of the application but expressed concern about the use restrictions in Cllr Downey's proposal because he did not want to prevent the business from being able to develop further. Cllr Wilson agreed that the business should be facilitated to continue their excellent work. Cllr Hunt spoke of the importance of ensuring that the proposed building was only used for purposes that were suitable for the business park, and therefore it would be important to place restrictions on its potential future uses. Cllr Downey sought and received confirmation from the Planning Manager that a future planning application could be submitted for consideration if an occupant wanted to expand into a different use class, and consequently confirmed that he did not wish to amend his original proposal.

It was resolved unanimously:

That planning application ref 21/01694/FUL be APPROVED on the grounds that it was not considered to be contrary to policies COM1, COM3, COM8 and EMP1.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions, including restricting the permitted activities to those detailed in the application: office, research and development, and healthcare services.

85. 22/00037/FUL – LAND WEST OF SAUNDERS PIECE, ELY ROAD, LITTLE THETFORD

Toni Hylton, Senior Planning Officer, presented a report (W172, previously circulated) recommending approval of an application seeking permission for the change of use of land to a mix of Gypsy and Traveller residential and equestrian, with the siting of three pitches to provide two mobile homes, two touring caravans, and one day room per pitch. Each pitch would also have two paddocks and a set of stables with a tack room. The proposal also included a new access located off a lay-by on the A10. Since publication of the Officer's report, a pre-commencement condition had been requested by the Internal Drainage Board (IDB), to read "*No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation and maintained in perpetuity.*" This condition would replace condition 7 in Appendix 1 of the report.

Members were shown a location plan and aerial view of the application site, which had an operational camping and caravan site to its east and farmland to the west. A block plan illustrated the proposed layout of the site, elevations were provided for the day rooms and stables, and photographs showed the existing condition of the site.

The main considerations for the application were deemed to be:

- **Need** – the proposed occupiers had Traveller status and, although the Council did not have an extensive waiting list for Council Traveller sites there were a couple of applications for pitches. There was a very low known need for additional Traveller pitches but it was considered that there was likely to be “unknown need” and therefore it could not be demonstrated that there was no need. The proposed development was therefore considered to comply with policy HOU9.
- **Visual amenity** – due to the year-round operation of a camping and touring caravan site immediately adjacent to the application site, the presence of caravans in the locality was an established feature. The land level, fencing and trees of the application site were also comparable to the adjacent site, meaning that the visual prominence was likely to be low. The proposal would not harm any heritage assets.
- **Access** – the site would be accessed from a lay-by that already served vehicular traffic and was used for access to the existing camping and caravan site that operated all year round. The Local Highways Authority had no objections to the proposal, and sufficient vehicle parking was provided. The proposed development was therefore considered to comply with policies COM7 and COM8.
- **Other matters** – the application site was located in Flood Zone 1, the lowest risk zone, where developments of this nature should be located. Contamination investigations and surface and foul water drainage could be secured by condition. The change of use to paddocks and the provision of stables was considered to be an acceptable countryside use causing no significant harm in accordance with policy EMP5. The site’s remote location was the only identified harm which could not be mitigated. However, when compared with the planning permissions for other local sites, the application site was a similar distance from local services and facilities.

In summary, the location needed to be weighed against the need for Gypsy/Traveller plots and the lack of any other identified significant harm. The application was therefore recommended for approval, subject to the recommended conditions, including the revised condition requested by the IDB.

On the invitation of the Chairman, Michael Hargreaves then addressed the Committee as the agent for the applicants. He outlined the proposal and confirmed that he was speaking on behalf of three individual Traveller families. Nationally there was a chronic shortage of Gypsy and Traveller pitches and Government policy was clear that further provision was necessary. The previous needs statement was now out of date and many Local Authorities had commissioned a new statement that would soon be published. In early 2020 the Committee had approved a similar application on the same site with the main difference being that the application under consideration had three double pitches rather than one double pitch with equestrian facilities. The design was such that two thirds of the

site would remain in equestrian and strategic landscape use, and was a high-quality Traveller site in terms of its landscaping and biodiversity enhancements. Visually the site would appear to be an extension of the neighbouring Saunders Piece site and would therefore have limited impact on the countryside. Land prices and lack of local support generally prohibited Traveller sites from being close to villages, and they were therefore inevitably in countryside locations such as the application site. It was noteworthy that there had been no objections from local residents, and he considered that the proposed conditions would address all concerns from the consultation process. In short, the application was for a high-quality scheme in a suitable location and he urged the Committee to approve it.

Cllr D Ambrose Smith commented that he considered the proposal to be an improvement on the previously-approved scheme, but he questioned what would happen to the horse waste generated on-site. With the permission of the Chairman, one of the applicants responded from the public gallery to explain that all manure would be recycled on people's gardens and would not build up in large quantities on-site.

Cllr Hunt asked about the fencing that divided the site from the lay-by and which he understood did not have planning permission. The agent explained that it had been erected to replace some unattractive corrugated fencing but the application scheme included wire fencing and planting as a replacement boundary treatment. If planning permission for the scheme was not granted then the Council would have the right to take enforcement action against the current fencing.

The Case Officer had no additional comments to make, but in answer to a question from Cllr Downey, explained that radon gas was prolific locally so, although Stretham Parish Council had raised concerns about it, the situation was common in the District and a condition was in place requiring investigation of any contamination prior to commencement of development.

The Chairman then opened the debate. Cllr Stubbs expressed concern about the IDB's additional condition which suggested to her that there were potential flooding issues, and about the Environmental Health Scientific Officer's comments regarding contamination. She recognised the need for further pitches but proposed deferring the application in order to address the environmental concerns relating to the site. With the Chairman's permission, the applicants' agent explained that detailed technical advice had been submitted regarding surface and foul water drainage, and he understood that the purpose of the IDB's condition was simply to ensure that appropriate strategies were in place prior to commencement of the development. The Planning Manager added that the condition was a standard wording that was applied to most planning applications.

Cllr Every supported the Case Officer's conclusions and proposed that the application be approved subject to the conditions detailed in the report and the additional condition highlighted in the Officer's presentation. Cllr Wilson seconded the proposal.

Cllr Hunt seconded Cllr Stubbs motion for deferral. He highlighted his concerns regarding the lack of street lighting and stated that he considered it would be dangerous for residents to turn right out of the lay-by onto the A10 to reach the

nearest shops. Cllr Wilson then referenced the lack of concerns or objections from the Local Highways Authority.

As the first proposal to have received a seconder, the motion to approve the application was put to the vote.

It was resolved with 8 votes in favour, 2 votes against, and 0 abstentions:

That planning application ref 22/00037/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report, with condition 7 being replaced by *"No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation and maintained in perpetuity."*

86. 22/00042/FUL – 1 LINK LANE, SUTTON, ELY, CB6 2NF

Isabella Taylor, Planning Officer, presented a report (W173, previously circulated) recommending refusal of an application seeking permission to convert and extend an existing garage and workshop to create an annexe containing a living area, kitchen, dining area, bedroom and bathroom. Permission was also sought to raise the existing garage roof to create a sloped roof for additional internal head height. Cllr Dupré had requested that the application be considered by the Committee in order to ensure consistency in decision-making regarding annexes.

The Case Officer drew Members' attention to a document of amended tables that had been circulated the previous day and revised the square feet measurements contained within the report. The square metre values in the report had been correct and were therefore unchanged in the new document.

Members were shown a location plan, aerial and site photos, and a site plan, all demonstrating the site's location on a prominent corner plot in a residential location. Existing and proposed floor plans and elevations illustrated the proposed changes and highlighted the existing structures' subservience to the host dwelling by virtue of the low, flat roof in contrast to the taller sloped roof of the proposed annexe. It was also noted that the proposed roof sloped up towards the neighbouring property rather than towards the host dwelling. The proposal was not considered to represent good architecture or be sympathetic to the existing street-scene.

The main considerations for the application were deemed to be:

- **Excessive scale** – The dimensions of the existing garage and proposed annexe were provided to further illustrate the noticeable changes when compared to the existing structures, and to emphasise the loss of subservience to the host dwelling. In terms of overall floor area, the proposal was similar to the minimum national standards for a 2-bedroom 3-person dwelling although its garden size would not be considered appropriate for a new dwelling.
- **Independent self-contained unit** – an annexe was, by definition, intended to be reliant on the host dwelling, whereas the proposal included all facilities necessary to function as an independent dwelling. The design included a kitchen with dining area, living room, bedroom, bathroom, storage and front

and back doors. The utility meters would, however, be shared with the host dwelling.

- **Impacts on neighbouring amenity** – the proposal would increase the roof height and the depth of the built structure, both of which would negatively impact the neighbouring property since the proposed annexe was immediately adjacent to the boundary.

In summary, the proposal was considered to be excessive in scale, appropriate for use as a self-contained unit rather than being reliant on the host dwelling, and damaging to neighbouring amenity. It was therefore considered to be contrary to policies NP3 of the Sutton Neighbourhood Plan and ENV1 and ENV2 of the Local Plan 2015, and was recommended for refusal.

On the invitation of the Chairman, the Democratic Services Officer read aloud the statements supplied by the applicant's agent and the Ward Councillor in support of the application.

Statement from Edward Clarke, agent for the applicant:

"Thank you Chair and Members.

According to the officer report the concerns relate to whether the annexe could be used as a separate dwelling and residential amenity in respect of 3 Link Lane, Sutton.

As of yesterday, the officer's report contained a large number of errors. Whilst I requested the report be amended so that it is an accurate representation of the proposal, I thought it necessary to provide an accurate summary of the proposal.

The proposal is to convert the existing single storey garage to an annexe which will be occupied by the applicant and his partner. The applicant's son will reside in the host dwelling and help care for the applicant.

The footprint of the existing garage is 51.9 square metres, the footprint of the proposed annexe is 60.7 square metres – an increase in floor area of 8.8 square metres, which is a modest increase of 14%.

The annexe will share the following with the host dwelling: all utility connections, utility meters, vehicular and pedestrian access, post box, parking spaces; and private amenity space. As such, there would be a clear functional relationship between the annexe and host dwelling, which, as demonstrated by the planning analysis of approved annexe applications in East Cambridgeshire, reinforces the acceptability of the proposal. This is further backed up by recent appeal decisions within the district and case law.

In short, the annexe could not and will not function as a separate dwelling.

In response to the case officer's residential amenity comments, the garage exists and has a roof height of approximately 2.3m which is 500mm above the existing 1.8 metre fence separating the application site from 3 Link Lane.

The proposal will increase the height of the roof by 800mm at the highest point, sloping down to an increase of approximately 200mm; this is to provide sufficient head room and a source of natural light.

It should be noted that the existing garage on the neighbouring site blocks almost 50% of the views of the proposed annexe.

The neighbour at 3 Link Lane was formally consulted and raised no objections or concerns to the proposal.

The proposed annexe sits more than a metre below the surrounding built form and has been designed to be subservient to the host dwelling and neighbouring dwelling. Therefore, the proposed annexe will not create overshadowing or have an overbearing impact on any neighbouring dwellings.

To conclude, the proposal has received no objections or concerns but in fact support from local residents and councillors.

The proposed use and occupancy of the garage as an annexe for the applicant and his partner could be restricted by a suitably worded planning condition. Whilst I recognise that such a condition could be breached, this principle is comparable to many occupancy conditions. No compelling reasons have been advanced to demonstrate that such a condition could not be monitored and readily enforced.

I reiterate my full support for the proposal and trust that this modest and necessary application is supported, thereby allowing the applicant to remain on site and receive the care he needs.”

Statement from Cllr Lorna Dupré, supported by Cllr Mark Inskip, Ward Members for Sutton:

“I regret that I am unable to attend this meeting of the Planning Committee as I would very much have wished to attend and speak in support of this application.

The applicant wishes to convert an outbuilding and a small amount of additional covered space into an annexe to his existing property. The annexe will be used as ancillary accommodation by the applicant, while the primary dwelling will be occupied by the applicant’s son (caregiver).

The case officer has given two reasons for the recommendation of refusal.

- 1. That the proposal ‘by virtue of its scale and massing is considered to be a self-contained unit and not an annexe that relies on the host dwelling for its services’.*
- 2. That the proposal would ‘have an adverse impact on number 3 Link Lane by virtue of overshadowing and being overbearing’.*

1. Self-containment

The annexe will contain one bedroom, a bathroom, a dining and basic kitchen area, a living room, and domestic storage space. It will be no bigger than required for these basic functions.

The annexe is intended to be integral to the host property, with shared utility connections and meters, shared post box, shared vehicular access, shared parking facilities, and shared front garden and rear garden space. It is by every definition complementary and ancillary to the host dwelling.

The applicant's agent has compiled an excellent analysis of this council's approach to the consideration of planning applications for annexes. This repays close reading, not just in association with this application, but more generally.

This analysis considers nine applications for annexes approved by officers under delegated powers, and four recent applications where this council's refusal was overturned at appeal. It is clear that a series of planning inspectors have not been persuaded by the same arguments used over and over again by this council in refusing applications.

This application is near identical or very similar to applications approved by officers under delegated powers at:

- 18 Spring Close, Burwell (21/00561/FUL)*
- 7 St Andrew's Close, Isleham (21/01642/FUL)*
- 48 Swaffham Road, Burwell (20/01271/FUL)*
- Milfoil Lodge, 3 Haddenham Road, Wilburton (21/01274/FUL)*
- The Mill House, Brinkley Road, Burrough Green (21/00955/FUL)*
- Amber House, 3 Laurel Close, Mepal (21/00109/FUL)*
- Cross Green House, Soham (20/00214/FUL)*
- 42 Dovehouse Close, Ely (18/008126/FUL)*
- Arden Barn, 10 Tea Kettle Lane, Stetchworth (18/00477/FUL)*

I listed in my reasons for calling in this application the four cases in which annexes were allowed at appeal, following refusal by this authority, and some of the inspectors' comments in those cases. These are published in the case officers' report and demonstrate that the argument on the grounds of self-containment holds no water.

2. Overshadowing and overbearing

I hope members will note that, as the case officer's report states, no objection whatsoever has been received from the resident at number 3 Link Lane in regard to this application.

Conclusion

It is clear from the above that the first ground on which this application is recommended for refusal has been repeatedly and systematically rejected by planning inspectors. It would therefore seem perverse yet again to refuse yet another application on the same ground, and force the applicant yet again to pursue a lengthy appeal route to the same conclusion.

The second ground is not one that appears to have concerned the household it is alleged to affect.

I urge members of the Planning Committee to allow this application."

The Chairman invited additional comments from the Case Officer and then questions from Members. The Case Officer explained that, in terms of floor space, the existing garage and workshop occupied 31 sqm whereas the proposed annexe covered 60.7 sqm; Officers had attempted to work with the applicant to reduce the size by approximately 15 sqm which would have been more likely to gain support. Regarding the appeals that had been referenced in the two statements, the differences between those applications and the application under consideration had been highlighted in the Officer's report. The differences included properties that were conversions rather than extensions, and properties that would be significantly harder to separate from the host dwelling than would be the case for the current application.

Cllr Every asked whether the appeals history suggested that refusal of this application would later be overturned. The Case Officer explained that there could be no guarantees, but in most cases those applications had been situations such as conversions of existing buildings or located in rear gardens. An annexe at 3 Nunns Way, Sutton, had been referenced as an appropriate comparison but that application had been for a conversion of an existing building and represented only 33% of the size of the host dwelling.

Cllr D Ambrose Smith commented that the Officer's presentation had made clear to him the impact of the proposed height of the annexe and its proximity to the neighbouring property. He questioned whether the proposed annexe would be viewed more favourably if it was attached to the host dwelling. The Case Officer commented that when annexes were joined to their hosts there was a more obvious functional link.

Cllr Jones drew attention to the discrepancy between the Officer's figures and the agent's figures for the existing footprint. The Case Officer explained that the agent had included the floor area for the covered storage area at the rear (but not the car port at the front) whereas she had not included the storage area since it was not a fully enclosed structure. Cllr Jones questioned whether the proposed annexe could be a gateway to an independent dwelling, and how often that situation occurred. The Planning Manager explained that the Council relied on members of the public to report breaches of planning conditions and therefore some annexes did, over time, acquire a certificate of lawfulness to become an independent unit of accommodation by breaching the condition for 10 years without challenge. The Planning Team Leader added that for total control a legal agreement was required rather than a planning condition.

Cllr Hunt questioned whether any pre-application advice had been sought by the applicant, and asked for more details about the parking situation. The Case Officer confirmed that there had been no request for pre-application advice, and car parking was proposed in front of the host dwelling and the annexe, therefore there would be potential for the parking for the two buildings to be separated in future.

The Chairman then opened the debate. Cllr C Ambrose Smith stated that she did not consider the size to be overly large but the design was unattractive and a better proposal could have been forthcoming, for example by extending the existing bungalow.

Cllr Hunt proposed that the application be refused, in line with the Officer's recommendation. Cllr Stubbs seconded the proposal and commented that it was unfortunate that the applicant had not worked with the Officer to revise the proposal.

Cllr Jones disagreed, and considered that Cllr Dupré's statement had included valid points regarding a lack of consistency in dealing with applications for annexes. He did not consider that there would be a substantial impact on the street-scene although the direction of slope of the roof would have been better away from the neighbour rather than towards it, and there had been no objections from neighbours. He therefore proposed that the application should be approved. Cllr Downey agreed, and seconded the proposal. He did not consider that the presumption should be made that there would be a breach of the restriction to use it as an annexe, and the proposal was reasonable with no good reasons for refusal.

As the first proposal to be seconded, Cllr Hunt's proposal to refuse the application was put to the vote.

It was resolved with 6 votes in favour, 3 votes against, and 1 abstention:

That planning application ref 22/00042/FUL be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

87. PLANNING PERFORMANCE REPORT – FEBRUARY 2022

Rebecca Saunt, Planning Manager, presented a report (W174, previously circulated) summarising the performance of the Planning Department in February 2022.

In response to a question from Cllr C Ambrose Smith, the Planning Manager explained that workloads remained very high and applications were increasing as was usual for the time of year. A full-time agency worker had joined the department on 1st April on a short-term basis to assist with the backlog of applications.

Cllr Every thanked the department for their handling of a recent enforcement issue that had been skilfully resolved in a manner which was positive for both parties.

It was resolved:

That the Planning Performance Report for February 2022 be noted.

The meeting concluded at 5:30pm.