



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday, 6th June 2018
at 2.10pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Derrick Beckett
Councillor David Chaplin
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Mark Goldsack
Councillor Bill Hunt
Councillor Mike Rouse
Councillor Stuart Smith

OFFICERS

Julie Barrow – Senior Planning Officer
Maggie Camp – Legal Services Manager
Oli Haydon – Planning Officer
Catherine Looper – Planning Officer
Janis Murfet – Democratic Services Officer
Andrew Phillips – Senior Planning Officer
Rebecca Saunt – Planning Manager
Cathy White – Senior Trees Officer

ALSO IN ATTENDANCE

Councillor Anna Bailey
Councillor Richard Hobbs
Approximately 22 members of the public

3. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Sue Austen,
and Christine Ambrose Smith.

There were no substitutions.

4. DECLARATIONS OF INTEREST

Councillor Hunt declared an interest in Agenda Item No.8
(EXT/00002/18 – Cambridgeshire County Council, Waterbeach Waste
Management Park, Ely Road, Landbeach), being a County Councillor and
serving on the County Council Planning Committee. He said that he would

make comment, but as the County Council would be determining the application, he would not vote on it.

Councillor Schumann also declared an interest in Agenda Item No.8, being a County Councillor. He said he was coming to the application with an open mind and would vote on it.

5. MINUTES

It was resolved:

That the Minutes of the Planning Committee meetings held on 4th April and 24th May 2018 be confirmed as a correct record and signed by the Chairman.

6. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- An audio recording would be made of Agenda Item No 7 (17/01395/FUL, 33 Cambridge Road, Ely, CB7 4HJ);
- At the invitation of the Chairman, the Planning Manager gave an update on the Council's position regarding the 5 year supply of land for housing following the Appeal Decision for the Gladman development at Mildenhall Road, Fordham:

'The Inspector has concluded that the Council does not have a 5 year supply of housing and the Council is only able to demonstrate a 3.86 year housing land supply. The relevant policies for the supply of housing are considered out of date. Therefore the 'tilted balance' of paragraph 14 of the NPPF is engaged which states that where the relevant policies in the development plan are out of date, planning permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

- A letter dated 4th April 2018 had been received from Canon Stephen Bourne referring to the Planning Committee meeting held on 7th February 2018. He requested a small amendment to Minute No 145 (17/00394/FUL & 17/00395/LBC – Almonry Croft, 34 High Street, Ely). He felt it had probably been unwise on his part to have said the building was 'never purely residential', as he could not be sure that this was true of such an ancient building. As this point had already been subject to challenge, he wished to suggest that the clause in question be amended to read as follows '*...but the building had not in recent memory been purely residential.*'
- On behalf of Members, the Chairman welcomed Molly Hood, Planning Officer to her first meeting of the Planning Committee.

7. **17/00689/FUL – KINGS OF WITCHAM LTD, THE SLADE, WITCHAM, ELY, CB6 2LA**

Oli Haydon, Planning Officer, presented a report (reference T14, previously circulated) which sought consent for the construction of eight detached dwellings on land currently occupied by the Kings of Witcham garage and sales facility.

The proposed dwellings were relatively uniform and traditional in appearance with several plots having detached garages. Three highway fronting dwellings were proposed with the remaining five dwellings located further into the development site.

The site was located within the settlement boundary of Witcham, close to the boundary of the Witcham Conservation Area and was in close proximity to the limited range of facilities and services on offer. The majority of the site fronted The Slade and was in a predominantly residential area, with bungalows on either side, and a mix of single and two storey properties opposite the site.

It was noted that the application had been brought before the Planning Committee as it concerned a site under the ownership of a Council Member and previous applications had been determined by Planning Committee. In order to maintain transparency, it was considered that delegated authority would not be suitable in the determination of this proposal.

A number of illustrations were displayed at the meeting, including a map, an aerial image, layout of the proposal, house types and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Impact;
- Residential Amenity;
- Highways;
- Drainage & Flood Risk; and
- Biodiversity & Ecology.

The Planning Officer reminded Members that the site had been allocated within the 2017 Submitted Local Plan for 10 dwellings. The loss of business use was historically deemed acceptable as the first permission for residential re-development was granted in 1988.

The 2013 approval stated: “*continued use for employment on the site is not viable, taking account the characteristics of the site and its location*”. The business owner had stated their intent to relocate and expand the business elsewhere in the District to a more sustainable location. The principle of the redevelopment of the site was therefore considered acceptable.

In terms of visual amenity, the site currently offered a minimal visual contribution to the street-scene. The 8 dwellings would range in footprint whilst maintaining a traditional design and the materials palette would be secured by condition to ensure a level of cohesion within the site and within the wider area. The presence of this scale of development would not appear out of keeping with the wider area and it would not disrupt the visual character of the southern edge of Witcham.

Subject to appropriate conditions it was considered that the proposal would not have a significant detrimental effect on residential amenity. Effective positioning of habitable rooms and ensuring separation distances between plots would avoid any harmful levels of overbearing. Sufficient private amenity space had been provided for the 8 dwellings, in compliance with the SPD design Guide 2012. The impact of noise and disturbance from vehicular movements to and from the development was unlikely to represent any exacerbation when compared to the existing noise levels from the business site at present.

Speaking next of highways, the Planning Officer stated that the Local Highways Authority (LHA) had raised no concerns, subject to the previously recommended conditions as part of the 2013 application (13/00734/OUM). There would be adequate parking and turning for each plot, and a new footpath link to Silver Street was proposed.

With regard to other material considerations, Members noted that the applicant had provided acceptable information in respect of trees, ecology and drainage, all of which could be secured by way of condition.

At the invitation of the Chairman, Mr Andrew Fleet, agent, addressed the Committee and made the following remarks:

- He had very little to add to what had been said, but he wished to respond to comments made and concerns raised by the Parish Council;
- Too many houses – the previous approval was for 10, but this scheme proposed 8 dwellings and the site was allocated in the Submitted Local Plan;
- Density – this would be approximately 20 mixed dwellings per hectare;
- The scheme would not be out of keeping with the character of the area and a well-designed development was more preferable;
- Houses on front of site were not too high and the ridge heights are below 7.5 metres – the perimeter hedges are to be retained;

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- Sewage – a surface water drainage scheme was being prepared by a consultant and the capacity for foul water to go to into the public sewer at The Slade was to be investigated and would be subject to consent from Anglian Water;
- Lack of footway – the private driveway would be a 5½ metres wide shared service space. This would be maintained through the length of the development and a footpath would be included.

Councillor Rouse noted that the site had been the subject of several applications and he asked Mr Fleet if the development would take place; Mr Fleet replied that it would.

At the invitation of the Chairman, Parish Councillor Julie Bibby, Witcham Parish Council, addressed the Committee and made the following points:

- She wished to have an explanation as to why the latest amendment to Plot 6 had been submitted;
- Concerns had been raised about some of the plots and these were not being taken into consideration;
- Plot 1 would not directly overlook No. 6 The Slade;
- The Parish Council's previous comments still stood;
- Plots 6 and 8 were previously a chalet bungalow style and should have frosted glass to prevent overlooking;
- There would be a loss of wildlife;
- The current sewerage and drainage was inadequate;
- There was no provision for a footway into the development and this would be hazardous;
- People did not use their garages for cars. This would increase on street parking, something which was already a constant source of complaints. The Parish Council did not want this to be perpetuated.

Councillor Smith asked Councillor Bibby if Witcham Parish Council had made its own submissions in respect of the Local Plan. She replied that they had objected every time because they did not think the proposal fitted in.

Picking up on Councillor Bibby's point about people not using their garages for cars, Councillor Cox agreed that this was likely to be the case. Councillor Bibby gave the example of Westway Place, where many of the people parked on the road.

Councillor Rouse believed the site to be perfectly acceptable and proposed that the Officer's recommendation for approval be supported.

The motion was seconded by Councillor Cox, and when put to the vote,

It was resolved unanimously:

That planning application reference 17/00689/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

8. 17/00893/FUM – LAND SOUTH OF BLACKBERRY LANE, SOHAM

Andrew Phillips, Senior Planning Officer, presented a report (reference T24, previously circulated) which sought consent for a hybrid application: a full application for the erection of 152 dwellings and associated access, parking and public open space, and an outline application for 8 self-build dwellings.

The proposal also sought consent for a noise barrier (a maximum of 5 metres above ground level) along the eastern boundary that was a mix between earth bund and acoustic fence.

The site was located within the village framework on the eastern edge of Soham, between Regal Lane to the west, Blackberry Lane to the north and Longmere Lane running southwest – south. It was allocated in both the Adopted Local Plan 2015 and the Submitted Local Plan 2017. It was partially within Flood Zones 2 and 3 in the northwest corner; there were two TPOs on site and it was within 2000 metres of a Site of Special Scientific Interest (SSSI). Furthermore, a Public Right of Way crossed the site.

It was noted that the application was required to be determined by the Planning Committee due to the Council's Constitution regarding delegated powers. Councillor Ross had also expressed interest in this application being determined by the Planning Committee.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout of the proposal, a cross section of the bund/acoustic fence, elevations, the layout of the self-build plots and a constraints map.

The main considerations in the determination of the application were:

- Principle;
- Residential Amenity- Specifically Noise;
- Visual Amenity;
- Highways;
- Flood Risk and Drainage;
- Ecology; and
- Contributions.

With regard to the principle of development, Members were reminded that the Adopted Local Plan 2015 had slightly greater weight as it had gone through the entire consultation and adoption process. The Council had also been recently found to not have a five year land supply and this reduced the weight that can be placed on the Submitted Local Plan 2017. The reduction in numbers in the Submitted Local Plan was based on enabling a more substantial buffer zone, for the benefit of landscaping, to assist noise attenuation, air quality and reduce the need for visually intrusive bunds. The amount of public open space remained approximately 1.1 hectares under both policy allocations. It would be unreasonable to refuse the application on the grounds that it proposed more than 130 dwellings. In principle the proposal was therefore considered to be acceptable.

The Constraints Map indicated the position of Flood Zones 2 and 3, the positive Green Corridor connections and the noise buffer if only a 3 metre barrier was provided.

Turning next to residential amenity (noise), the Senior Planning Officer said that the greatest concern was night time noise levels during the hotter months when people were more likely to have bedroom windows open. The developer was not providing any mechanical ventilation on this scheme and would achieve lower background noise by providing a 5 metres high barrier along the A142. The barrier would comprise a living willow fence on top of an earth bund and the inside of the fence could be softened from the development side by planting additional willow trees, bushes and climbers.

Members noted that the proposed landscaping would quickly obscure the fence and significantly soften this boundary, and the whole barrier would become part of the landscape feature.

Some of the plots fell slightly below the back to back distance as sought by the Design Guide SPD, but the level of harm to residential amenity caused by this slight loss of privacy on this size of scheme was considered to be minor. The proposed dwellings were not considered to cause any substantial overbearing or loss of light to each other and it was considered that there was no reason to refuse the application.

The design of the proposed dwellings was considered to be standard and while not detrimental to the character of the area, would not enhance the visual public realm.

In connection with highway safety, it was noted that there had been concerns regarding the speed of growth of the living willow fence. Amendments to the scheme had overcome the concerns of the LHA and those of the Public Rights of Way Team; the S106 would tie the affordable housing provider to maintain it in perpetuity.

Following detailed negotiations between the developer and the Environment Agency, the concerns regarding flooding had been overcome. The developer would provide a replacement floodplain in the public open space in the northwest corner of the site whilst ensuring dwellings were above predicted flood water levels. The Lead Local Flood Authority was seeking a condition to ensure the surface water drainage measures were put

in place. The long term maintenance of the drainage would be secured as part of a S106 Agreement.

Speaking next of ecology, the Senior Planning Officer stated that the developer had worked with Natural England and The Wildlife Trust to identify solutions to protect the SSSI. The increase in space on site would provide more recreational space that should help to stop people wanting to cross the A142. The open space would connect up to wider walk routes.

In terms of contributions, it was expected that CIL money would provide a substantial amount of the required infrastructure. £160,000 was being sought by the County Council for the A142/A1123/Fordham Road. This would be negotiated within the S106 Agreement. A contribution would need to be secured to part fund a ghost right hand turn on Regal Lane/Fordham Road and to part fund cycle improvements.

The developer was offering 20% affordable housing in line with Policy LP6 of the Submitted Local Plan and this would be controlled by means of a S106 Agreement.

At the invitation of the Chairman, Mr Geoff Armstrong, agent, addressed the Committee and made the following comments:

- He was the consultant for this application and his company was an active housing developer, having delivered a wide range of affordable housing;
- Reinvestment enabled the provision of high quality homes without public subsidy;
- This site was allocated for 160 dwellings in the 2015 Local Plan. Orbit Homes had been working with the Council and others since the Plan was adopted;
- Working with Natural England and the Wildlife trust and on a Biodiversity Strategy;
- Noise standards would be met by means of a green noise barrier. This was an innovative solution which would conform to the landscape area and reduce the number of dwellings needing mechanical ventilation;
- Work with the Environment Agency and the LHA to overcome issues;
- 1 letter of objection to the scheme had been received;
- This site was part of the Council's land supply and it was important that it came forward;
- The applicant had addressed all the comments raised and the scheme would bring significant benefits to the town.

Councillor Goldsack said that while he was glad to see the site come forward, he believed that tandem parking would be an issue. Mr Armstrong

replied that he had spoken at length with Officers and tandem parking would not be on many of the plots. It was now a lot less than when the application process had started.

Councillor Goldsack then expressed concern about the density in the south-east corner of the layout, assuming that it included the water flow and bund. The Senior Planning Officer responded that the SuDS would be underground as it was not intended to have it coming up above ground level.

The Chairman wished to know why, when the Local Plan said 'up to 160 dwellings', was the applicant going for the full amount and not reducing the numbers. Mr Armstrong said that initial discussions were for more than 160 and then it became clear that it should be for 160 dwellings. He had not discussed numbers with Officers; it was about the layout of the site being right.

In response to a question from Councillor Cox regarding concrete being part of the fabric of the acoustic fence, Mr Armstrong stated that there was concrete within the fence, but it would not be visible.

Councillor Hunt put a number of questions to Mr Armstrong. He thought there looked to be a lot of tandem parking on the site and asked if Mr Armstrong had read the Local Plan and was aware of the Council's views about excluding tandem parking. Mr Armstrong said he had read the Plan and had discussed the issue. It was agreed that this would be the best way forward despite the Authority being keen not to see tandem parking.

Councillor Hunt asked how much of the road network would be to adoptable standard and was advised that all of it would be.

Councillor Hunt then asked if consideration had been given to putting forward a lesser volume further away from the A142 with more parking places. Mr Armstrong replied that it had not; the scheme had been amended following pre-application discussions and concerns had been dealt with as they arose.

Councillor Goldsack queried that Officers had not given advice regarding tandem parking and Mr Armstrong said that it had been discussed with a view to minimising it.

The Committee noted that Councillor Carol Sennitt, Ward Member, was unable to attend the meeting and had requested that a statement be read out in her absence. With the permission of the Chairman, the Democratic Services Officer read out the following:

'I am in full support for this site which was allocated by the Local Plan and will add to the much needed housing stock.

There are two points of concern:

Firstly, this development will sit on a flood plain and I understand this will be given careful consideration.

Secondly, this development will increase the traffic onto Fordham Road which is already congested at peak times.'

In response to a question from the Chairman, the Senior Planning Officer said that the number of dwellings had been discussed with the applicant and it was agreed that 160 would be acceptable in principle. The Planning Manager interjected to say that the developer was aware that the Submitted Local Plan made provision for 130 dwellings, which was confirmed by the Senior Planning Officer. They went back to the applicant on this point, but it could only be given limited weight.

Councillor Goldsack asked about funding for the ghost right turn and was informed that the Transport Assessment and contributions would address this issue.

Referring to the Constraints Map, Councillor Beckett made the point that with water flowing downhill, he thought there would be flooding and waterlogging in the northeast of the site because the SuDS would be at the opposite end of the development. The Senior Planning Officer assured him that concerns had been overcome, as confirmed by the Lead Local Flood Authority and the scheme was acceptable in the view of Officers.

The Chairman read out the following from page 31 of the Design Guide SPD relating to the landscape criteria for new developments:

'Paying particular attention to the edges of new development, especially where boundaries are adjacent to the countryside. Avoid clutter, bland or repetitive compositions and large scale masses.'

The Senior Planning Officer added that there had been much discussion on this matter. The 10 year landscape scheme would ensure that the bund would blend in and on balance it would make the scheme acceptable. Councillor Goldsack concurred, saying the access to the site was better than he had expected. The creation of a green corridor was a positive move as the bund would be hardly visible along the A142 due to existing landscaping.

Councillor Hunt agreed, saying that much work had been done and it had merit. However, he was uncomfortable with the overall scheme because he felt there had been misinterpretation of the Local Plan. The developers were trying to squeeze too much into the site and 130 dwellings would have allowed for a much better plan. The current scheme would cause vehicular chaos.

Councillor Rouse regretted that the numbers had not been reduced, as he thought an opportunity had been missed to create something better. Water was a problem on the site and he would have liked to see the green barrier widened and the developer should have made a feature of the water and this was a missed opportunity for the site. However, there was the issue of the 5 year supply of land for housing and on balance he was minded to support the application.

Councillor Chaplin believed the engineers had been allowed to 'max out' and noted that the underground SuDS would be in an area that was already waterlogged. He believed that a feature could be made of the water. Whilst being very wary, he too was also inclined to support the Officer's recommendation for approval.

Councillor Beckett said he had a number of concerns about the proposal. The Council had said it did not want tandem parking and yet this scheme would have approximately 80 – 90%. Particular attention should be paid as to how water from the site would drain into the Lode. Land for housing supply was a consideration, but he thought the application should be refused and the applicant should come back with a fresh less dense proposal.

The Chairman said that he too had concerns regarding residential amenity, waterlogging, parking, the 5 metre high bund, protected trees as they would overbear on a number of dwellings and the future the Council would receive applications to remove the trees. It was for the Committee to consider future risks and Members were obliged to make a decision as they saw fit, and if this resulted in a challenge, then so be it.

Councillor Hunt commented that the principle of development on the site had been established and it should therefore be developed. However, if the Committee rejected the application, the applicant would come back to Committee with a modified proposal. To grant approval today would be a panic measure and he duly proposed that the Officer's recommendation for approval be refused.

Councillor Cox said the proposal was too dense but the bund was essential and would not be able to be designed out. He believed the bund would not be overpowering but felt that more thought should be given to accommodation for parking and he seconded the motion.

Councillor Rouse said that having listened to Members' comments, he was now inclined not to support the application.

Councillor Goldsack said he had looked at the site layout and had concerns regarding Plots 64 – 67. Someone living there would have problems getting into the site when returning home from work. They would also have issues parking and then have to listen to the sound of road traffic. For these reasons he believed the developer should think again.

The Committee returned to the motion for refusal and when put to the vote, it was declared carried, there being 7 votes for and 2 against. Whereupon,

It was resolved:

That planning application reference 17/00893/FUM be REFUSED for the following reasons:

- There will be a risk of flooding;
- The proposed bund will lead to poor amenity to future residents;
- Members have concerns regarding the visual impact of the bund and landscaping; and
- Members believe the proposed scheme to be overdevelopment.

At this point the Chairman reminded all present that the next agenda item would be audio recorded.

9. **17/01395/FUL – 33 CAMBRIDGE ROAD, ELY, CB7 4HJ**

Catherine Looper, Planning Officer, introduced her report (T15, previously circulated) by reminding Members that the application had originally been determined at Planning Committee on 3rd January 2018 where Members had agreed with the Officer recommendations to approve the application subject to specific conditions.

Following this decision the application was the subject of a Judicial Review application, as a result of which the decision was quashed by consent for two reasons. Firstly, the Council failed to accord considerable importance and weight to the harm the development would cause to the Conservation Area and failed to identify any public benefits that could or would outweigh that harm. Secondly, by concluding that views to the claimant's property from the ground floor windows in the south elevation of the proposed extension would be blocked by the boundary fence between the dwellings, the Council made an error of fact amounting to an error of law.

The application had therefore been re-assessed as a new application and was being brought back to Committee on that basis. Members were advised that in considering the application they should ignore the previous decision and disregard anything which was said, considered or taken into account in making that decision.

The application sought consent for a single storey rear extension and loft conversion, including a dormer window to the rear aspect of the roof. Permission was also being sought for an alteration to the pitch roof at the rear of the dwelling. This would extend the side elevation of the rear element of the dwelling by 1.3 metres. The proposed single storey rear extension would bring the side elevation of the dwelling closer to the south boundary of the site and would extend the ground floor level by 4 metres further into the garden area.

The site was located within the Conservation Area of Ely and the property was under an Article 4 Direction which restricted permitted development. Cambridge Road was characterised by large dwellings which were positioned closely together. The dwellings were generally set back from the public highway with a small amenity space to the front.

A number of illustrations were displayed at the meeting, including a map, an aerial image, the floor plans and elevations of the proposal, a block plan and a photograph of the street scene.

The main considerations in the determination of the application were:

- Residential Amenity;
- Visual Amenity; and
- Conservation Area.

The Planning Officer stated that the ground floor extension would feature a flat roof with a maximum height of 2.9 metres. Windows were proposed in the south elevation at ground floor level, which faced No. 35. This would be set back from the boundary line by approximately 1 metre. There were concerns that the ground floor extension was significant and would result in a new façade which would dominate the outlook from neighbouring windows due to the close proximity to the boundary.

At first floor level, the extension would increase the width of the first floor element and the pitch of the roof had been changed accordingly. The windows would be partially obscure glazing and the increase in width by 1.3 metres was not considered to create a significant level of overbearing.

It was noted that the applicant proposed Velux roof lights with a vertical element in the south elevation at first floor level; they would be obscurely glazed and fixed shut and a condition could be imposed to ensure that this was not changed in the future. This would prevent significant overlooking to neighbouring occupiers.

With regard to visual impact, the proposed alterations to the dwelling would not be highly visible from the public highway. Materials would be used to match the original dwelling and therefore the proposal would not appear uncoordinated. Neighbours had raised concerns that the proposed works would be clearly visible in the 2 metres gap between No. 33 and 35. While this might be partially visible when viewed from certain aspects of Cambridge Road, the views were minimal and would not significantly alter the appearance of the dwelling within the street scene.

With the application having been re-assessed as part of the determination process, comments were received from the Council's new Conservation Officer. The heritage asset in relation to this application was the Ely Conservation Area, and it was considered that the proposed extensions would not impact on the significance of this heritage asset. Furthermore, the single storey extension had been designed to have a minimal impact and it was considered that it would cause no harm to the character and appearance of the Conservation Area. There was therefore no need to weigh the public benefits against any harm.

Members noted that concerns had been raised during the neighbour consultation regarding parking arrangements for the property. As the proposal was for extensions to the property, there was no requirement to provide additional parking. Concerns had also been raised that the area of land to the north of the dwelling was not a parking area owned by the applicant; the applicant had stated that he owned the land. The Planning Officer reminded Members that land ownership issues were not a material planning consideration and would not affect the determination of the application. As the application did not propose parking or provide the details for this to be considered, any approval would not include permission for a new parking area.

Further concerns had been raised by neighbours regarding the use of the house as a Home of Multiple Occupation (HMO) and that if the application was granted approval, there would be the potential for sub-division of the property to increase tenant's rooms and occupancy. The

lawful use of the property was for a C3/C4 dwelling house which could accommodate no more than 6 residents as a HMO and this had not been changed under a planning application. It was noted that the use of the property had been investigated.

In summary the Planning Officer stated that the proposal was not considered to create significantly harmful impacts to the neighbouring dwellings or on the visual amenity and character and appearance of the Conservation Area. On balance, it was therefore recommended for approval.

At the invitation of the Chairman, Mr Andrew Turton spoke in objection to the application and made the following comments:

- He lived immediately adjacent at No.35 and his objections were the same as last time;
- The previous decision had been quashed and yet there had been no changes to the proposal and the factual legal issues had not been addressed;
- Overlooking and privacy at ground floor level was a verifiable intervisibility issue and an error of fact, so why had the Officer failed to print the error in her report?
- The ground floor windows at the side were only 1 metre from the boundary and looked directly into his main living area. This was a major infringement on his privacy and amenity. While the report accepted the risk of intervisibility and stated that views would be limited by the boundary fence, this was incorrect because the fence could not obscure intervisibility;
- The applicant had failed to submit any accurate drawings and therefore it would be impossible to assess the impact of the proposal;
- He (Mr Turton) had complained to the Officer in November 2017 about the lack of drawings and had ended up having some produced himself to indicate the overlooking privacy issue. There was and would be direct intervisibility;
- The size of the extension was very large at 12 metres in length and would be very dominant. It would have a significant detrimental impact on his amenity and he failed to see how the Officer had concluded that it would not be significantly overbearing;
- With regard to the property being used as a HMO, there had consistently been 10 people living there since November. All the neighbours had raised this issue and it would appear that the illegal use was continuing;
- The 40 foot extension would be 4 metres from his house and overlooking would be continual. To say otherwise was an error of fact because his children could be watched in their play room.

The Chairman noted Mr Turton's remark that the Officer had failed to highlight the potential impact of the proposal on residential amenity in her report and he drew his attention to paragraphs 7.7 – 7.9 and 7.13. He asked Mr Turton how he concluded that she had failed in this respect and Mr Turton replied that the failure was around overlooking. It was possible to see the heads of the people next door and the facts regarding the boundary fence were incorrect. He had produced his own drawings but they had not been taken into account.

Referring specifically to paragraph 7.9 of the Officer's report, the Chairman said that the Officer might not have concluded that there was as much of an impact as Mr Turton, but overlooking and overbearing was considered.

At this point the Planning Manager interjected to say that Officers had not had sight of Mr Turton's drawing and she asked for a copy. Handing her one, Mr Turton said that he had produced the drawing because none had been submitted with the application and he wished to demonstrate just how serious an issue it was.

Councillor Hunt wished to know how Mr Turton had concluded that there were 10-12 people living in the house. Mr Turton replied that he had lived at No.35 for 7 years and during that time he had got to know the faces. He had been told by other tenants about the numbers living there and he had kept a log between January and March 2018. During the application period the numbers of tenants had gone down but once the previous permission had been granted, they went back up again.

Councillor Hunt next asked if Mr Turton was aware of any local residents being in favour of the application and Mr Turton replied that there was nothing on the Planning Portal. Councillor Hunt next asked him why he thought the Officer's judgement was wrong; Mr Turton said it was incorrect to state that a 6 ft boundary fence would be sufficient because ground levels had not been taken into account. The internal floor levels of the houses were quite high whereas the ground was lower at the boundary and this would cause direct overlooking.

Councillor Hunt concluded by asking on what basis Mr Turton thought there would be an increased use of the property as an HMO. Mr Turton said that it had always been an HMO, part of a large investment folio. Why would one design an extension with windows down the side where neighbours could look in? The extension could be sub-divided, and having shown his drawings to a planning professional, she had come to the same conclusion.

Councillor Goldsack noted that the wall of the new extension would be only 1 metre from Mr Turton's boundary; Mr Turton confirmed this was correct and added that most of his rear windows faced that direction.

Councillor Beckett asked if the plans were the same as those previously brought to Planning Committee and it was confirmed that they were the same.

Councillor Cox stated that the original house had 3 bedrooms and the applicant was now proposing 4 bedrooms.

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

- This was not an HMO application, it was amendments to the built form;
- The previous decision was quashed at the insistence of solicitors and with the consent of both the Council and the applicant, not because of the merits of the decision. It was because of alleged procedural shortcomings in the methodology and these had been put entirely right today;
- The application had been revisited by the new Conservation Officer;
- There are lawful uses to use a family home as a small HMO for up to 6 people and these are within the Permitted Development Rights;
- The property had been the subject of numerous spot visits in the last few weeks and no transgressions had been found;
- The house had never been used as a big HMO and it was risible to suggest that 20-30 people would be living there;
- This was a very modest proposal to consolidate existing extensions and also an opportunity to revisit the existing fenestration;
- Never mind if someone 8'6" tall could see out of the windows into next door, it was an opportunity to make better the windows on the first floor. There would be Velux windows above the gutter line and being fixed and obscure glazed, no overlooking whatsoever;
- The windows would be brought up to modern standards;
- The Officer had given Members the material considerations and it was now a planning balance exercise to weigh harm against public benefit.

Picking up on Mr Kratz's point about an 8'6" tall resident, Councillor Hunt thought this to be a very cavalier remark and asked him if it was rather flippant and Mr Kratz agreed that it was.

Council Hunt enquired whether the Council Officers had given notice before making their inspections. Mr Kratz replied that they were surprise visits, and nothing had been found. The Planning Manager said that her inspection had been pre-arranged, but this might be different for Environmental Health. Mr Kratz stated that the Environmental Health regime was the primary regime.

In response to a question from Councillor Hunt about the numbers on the electoral register at the property, Mr Kratz said he had not checked. Councillor Hunt then asked if Mr Kratz would be surprised to learn that there were only two people registered there. The Chairman interjected to say that he did not believe Councillor Hunt's question related to planning matters. Mr Kratz replied, saying he did not see the purpose of the question because he

let properties to USAF personnel and they were not on the electoral roll either; this could be a similar situation.

Councillor Goldsack sought clarification regarding the distance between the extension and the boundary and was advised by Mr Kratz that it was 1.3 metres.

At the invitation of the Chairman, Councillor Richard Hobbs, Ward Member, addressed the Committee and made the following comments:

- He was here to support the neighbours;
- There was much mistrust of the owner of No.33 and there had been a number of adults living in the house, not what Members had been told;
- The proposal would have a huge impact;
- He had checked with Officers and there were no dimensions on the drawings.

The Planning Manager interjected at this point to explain that the applicant had to submit a block plan drawn to scale and Officers scaled the application from it.

Councillor Hobbs continued, questioning why the need to have such big windows and a balcony which would overlook the neighbours and intrude on their privacy. He commended the neighbour on his excellent presentation and reasons for refusal. Sitting on the City of Ely Council, he was aware that extensions were not required to make provision for parking and this scheme would impact on Cambridge Road. He hoped the Committee would take on the residents' views because they were put in a very difficult position.

The Chairman observed that Councillor Hobbs had not mentioned the Conservation Area and Councillor Hobbs said that two Conservation Officers had given their views; he believed the biggest impact would be on parking.

Councillor Chaplin felt that Members were not in possession of the full facts and the Chairman reiterated that they had three options: approve, refuse or defer determination.

Councillor Hunt put a number of questions to the Case Officer. He knew that the Local Member and the City of Ely Council opposed the application and there was a full list of objections in her report, and he asked if there were any comments in favour of the scheme; the Officer replied there were not. He had written in and specifically asked for a block plan. What he received had no measurements on it and was a 1:500 scale. He asked if she thought the 1:500 scale of the plan was a valid submission and why the application had been validated without a proper block plan. The Planning Manager responded, saying that as long as a scaled block plan was submitted with the application, it was generally accepted. Legislation specified the scale, and sometimes applicants did not always comply with this, but Officers took a balanced view on the scaled block plan submitted. On this basis the application was made valid.

Councillor Hunt believed this to be a problem. He was concerned that out of 60 documents submitted, there was no block plan or cross section indicating levels; the neighbour had to be relied on for this. He felt there could be a legal issue and that the application was not valid.

The Planning Manager reiterated that a cross sectional drawing was not required to validate an application, and a scaled block plan had been submitted.

Councillor Hunt said he knew that the Council had reimbursed Mr Turton and stated a specific figure. The Chairman asked him to withdraw the comment as it was straying dangerously close into confidential matters. Councillor Hunt then re-phrased the remark, asking if compensation had been paid inclusive of VAT or net and the Chairman reminded him that this was not a planning consideration.

At this point the Chairman said he would exercise his discretion to allow Councillor Anna Bailey, County Council Member for Ely to ask questions.

Councillor Bailey said she had been listening to the discussion and was particularly interested in the Ely Conservation Area assessment regarding the NPPF and the definition of designated heritage assets. She thought it unusual to take the Ely Conservation Area as a whole and look at the effect on it as a whole. There was not an assessment of the impact of the proposal on the designated heritage asset in its own right (being the building and its environs) in any of the documents she had seen and she questioned why this was so. She wished to know why it was the whole Conservation Area and not the individual asset.

The Planning Manager said she could only speak on behalf of the Conservation Officer. The property was within the Ely Conservation Area and that section of the Area had been looked at. The impact of the proposal was looked at from the public realm and what the public would view.

Councillor Bailey said she found it troubling that there had been no assessment of the building and its environs.

Councillor Goldsack recalled that when the previous application came before Members Mr Kratz had stated that the house was not used as an HMO, yet now he was saying that it was. There was also the discrepancy in what Mr Turton had said was the distance to the boundary and the figure given by Mr Kratz. Because of this, he felt very exposed that he did not have all the facts before him.

The Chairman said that Mr Kratz had said the house was not being used as an illegal HMO. With the Chairman's permission, Mr Kratz added that there were Permitted Development Rights to use the house as a small HMO. The distance to the boundary had been scaled on a 6" ruler at 1:500 and the extension would run coterminous to the boundary.

The Chairman reiterated that a 1:500 block plan was acceptable in the validation process but it was very difficult to make an assessment from a

plan of this scale. If Members were so minded, they could refuse the application or defer it in order to seek further information.

In proposing that the Officer's recommendation for approval be rejected, Councillor Hunt stated that his recollection of what happened last time was identical to that of colleagues. The Committee dealt with many cases and occasionally a situation arose where one person or a family was affected and they did not have access to experts. He asked Members to imagine what it must be like to have the worry of having to fight for oneself. They should remember the rigours people were put through and think about how they behaved and performed; they were obliged to take into consideration the views of local consultees and protect the people they represented. Councillor Hunt proposed that the Committee go against the Officer recommendation and take the neighbour out of purgatory.

Councillor Beckett seconded the motion for refusal. This was the first he had seen of the application and he said that character assassination did not help matters. The error of fact meant that there must be an element of overlooking; it was a matter of perception and he agreed with this. The Juliet window faced the neighbour's property and it would cause overlooking and overbearing.

Councillor Rouse believed the key issue to be the degree of overlooking and this could be a two way thing. The extension would have little impact on the Conservation Area and would tidy up the rear elevation of the property and could be acceptable here, but taking into account overbearing and overlooking, the challenge was to find a balance.

The Chairman said that he felt Members had properly considered the Conservation Area but it was difficult to assess without levels and he would take the lead from the floor.

The Committee returned to the motion for refusal and when put to the vote, it was declared carried, there being 6 votes for, 2 against and one abstention. Whereupon,

It was resolved:

That planning application reference 17/01395/FUL be REFUSED for the following reasons:

- Members believe the proposed scheme will be overdevelopment and overbearing;
- It will cause a reduction in daylight to the neighbouring property;
- There will be reduction in the neighbours' privacy; and
- Members are concerned that not enough consideration has been given to the impact on the Conservation Area.

At this point there was a comfort break between 4.45pm and 4.56pm.

Councillor Chaplin left the Chamber and did not return to the meeting.

10. **EXT/00002/18 – WATERBEACH WASTE MANAGEMENT PARK, ELY ROAD, LANDBEACH, CB25 9PG**

Andrew Phillips, Senior Planning Officer, presented his report (T16, previously circulated) by reminding Members that this application was originally considered at the Planning Committee meeting on 7th March 2018.

The proposal was for a waste recovery facility that would generate enough energy for 63,000 homes. It would also be capable of exporting heat to local users and to create this energy it would need to burn up to 250,000 tonnes of waste (non-hazardous) per annum.

The proposed building would measure 141 metres in length and 55 - 91 metres wide. It was noted that the height of the main building would be similar to that of an 8 – 10 storey building.

The site was located fully within the South Cambridgeshire District, just north of Waterbeach along the A10 and the new town at Waterbeach would be almost opposite. The Listed Building of Denny Abbey and the Farmland Museum was directly opposite; the Cambridge Research Park was to the south of the site.

A number of illustrations were displayed at the meeting, including a map, an aerial image, a computer generated image of the proposal (including dimensions) and the layout of the site.

With it being a County Council application and in a neighbouring Authority, the main considerations for East Cambridgeshire District Council were:

- Visual Impact/Historic Environment;
- Highways;
- Lighting; and
- Waste Source.

Speaking of visual impact and the historic environment, the Senior Planning Officer said that the amended documents showed that Ely Cathedral had now clearly been considered. The public benefits of using waste to create energy would outweigh the relatively minor harm and would comply with chapter 12 of the NPPF.

Members noted that it was understood that the Mayor of Cambridgeshire & Peterborough had been consulted on the application. The site was immediately adjacent to the A10 and this might affect the potential improvements possible to this road in the foreseeable future. This significant unknown should be considered in the Environmental Statement.

The Committee was shown computer generated images of the existing and proposed lighting for the site. The developer had recommended a condition to ensure the proposal could not increase the lighting without prior agreement and would still have to comply with the mitigation set out

within the Environmental Statement. The harm to East Cambridgeshire would be negligible.

With regard to waste, the developer was recommending a condition to ensure that at least 70% was secured from East Anglia or close by to the region. It was recommended that the condition be amended to include a public register regarding from where and how much waste had come, so as to ensure that the condition was enforceable.

With regard to air pollution, it should be noted that the relevant specialists were accepting of the proposal, subject to conditions.

Councillor Hunt said that having declared an interest in this item, he would exercise his right to make a statement. He had visited a very similar operation at Great Blakenham and the building was such that he would not have known it was a waste facility. The local people had accepted the facility so well that houses were being built near to it. He said he had less concerns about this proposal because there would be no rubbish or contamination and the facility would burn all the black bag waste. He recommended that Members visited the Great Blakenham facility and said that Officers would ensure safeguards in respect of this proposal.

The Chairman informed Members that Emma Fitch from the County Council's Strategic Planning Department was in attendance to answer questions. He considered that some of the previous points had been addressed, but asked that the following additional wording be inserted after the first sentence in paragraph 1.1:

'... on the 27 April 2018. In principle we support the application based on the environmental benefits of energy from waste developments. We wish to reiterate the importance of Cambridgeshire County Council Planning Committee deliberating in assessing the potential impacts of this development with regards to air quality and traffic movements.'

Councillor Beckett asked Miss Fitch if she was confident that emissions would be within acceptable levels. She replied that she was because she had worked very closely with bodies such as Public Health England and the Environment Agency and had attended public events. An environmental permit would be required to operate the facility and all consultation responses would be looked at very closely. The County Council had also employed its own air quality specialist to confirm findings. With regard to East Cambridgeshire, when the permit was submitted all those who had responded would be able to make comment.

Councillor Smith enquired about monitoring and Miss Fitch said that although this application was before Members, no decision had yet been taken by Officers. Because of the Directive there would always be a monitoring regime under the permit and she went on to explain how the facility would operate. The Flue Gas Treatment would be monitored at source. Councillor Smith said he had raised this issue because of concerns regarding the straw burning plant at Sutton.

Councillor Cox remarked that a waste recovery facility was being installed in Oxfordshire and it was totally unlike a straw burning plant. The lorries went into a contained area and the storage of particles and rubbish was also contained within the building.

Councillor Hunt asked if Members could be provided with copies of the information relating to the proposed new facility.

There being no further comments,

It was resolved unanimously:

That East Cambridgeshire District Council's consultation response to Cambridgeshire County Council in respect of planning application reference EXT/00002/18, be confirmed as set out in the Officer's report, with the following additional wording to be inserted after the first paragraph in paragraph 1.1:

'... on the 27 April 2018. In principle we support the application based on the environmental benefits of energy from waste developments. We wish to reiterate the importance of Cambridgeshire County Council Planning Committee deliberating in assessing the potential impacts of this development with regards to air quality and traffic movements.'

11. **18/00326/RMA – 9 HIGH STREET, WITCHAM, CB6 2LQ**

Oli Haydon, Planning Officer, presented a report (T17, previously circulated) which sought reserved matters consent for the access, landscaping, layout, scale and appearance for a detached dwelling to the rear of 9 High Street, Witcham.

It was noted that the site had been granted outline approval (with all matters reserved) at the Planning Committee meeting held on 4th October 2017.

The site was located outside the development envelope for Witcham, 120 metres from the properties fronting the High street. It would be accessed off Back Lane via a partially metalled narrow green drove that lead on to Martins Lane to the west.

The application was called in to Planning Committee by Councillor Schumann as the Planning Committee Members had stated that they wished to assess the reserved matters following a Committee determination of the associated outline approval.

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

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Impact;

- Historic Environment;
- Residential Amenity; and
- Highways.

The Planning Officer stated that there was an extant outline permission on the site and therefore the principle of development was considered acceptable.

There was a refusal in 2016 for a dwelling on the site because it was considered to appear out of character with the rural landscape and would harm views from the nearby footpaths. The applicants were advised to reconsider their scheme and come back with a sympathetically designed proposal akin to a more rural structure. The proposed dwelling had a converted barn aesthetic with a curved roof and full-length openings. It had been sensitively designed with the appearance of a converted agricultural building as opposed to a new-build. Being 25 metres from the public footpath to the west, it was considered that the views would not be significantly harmed.

In terms of residential amenity, Members noted that the development site was isolated from surrounding residential development and the separation distances from neighbouring properties was sufficient to avoid any harmful overbearing on these neighbours.

The Planning Officer stated that the Local Highways Authority had no objections to the proposal. Access would be via an existing gated access point and while there would be an increase in traffic it was considered that this would be minimal. Concerns had been raised regarding the quality of the lane and the impact of construction traffic. It was considered that construction disturbances were not a material planning consideration, and as Back Lane was a track serving several agricultural units, intensive large vehicle use was likely year-round regardless.

In connection with the impact on the historic environment, the proposal was located 60m from the Conservation Area boundary and screened by existing dwellings. The proposal would not have any discernible impact on the Conservation Area or nearby Listed Buildings and there had been no objections from Conservation Officer.

The Trees Officer had raised no objections to the proposal, having approved the previously submitted tree protection plan. Boundary treatments would be secured by condition to ensure the scheme was well assimilated into its surroundings whilst protecting the open character of the site.

At the invitation of the Chairman, Mr James Bateson, applicant, addressed the Committee and made the following points:

- The previous application had been refused because the appearance was not in keeping with the character of the rural landscape;
- The house had been re-designed to look like a pre-existing barn, with dark timber cladding and a double pitch roof. The floor area had been

reduced, , the balcony removed, the first floor had been incorporated into the roof and the upper windows would be less visible;

- The house would be built from scratch to a high specification and would be heated by only a small wood burner. There would also be solar panels and rainwater would be harvested;
- The proposal would enhance the view of Back Lane and the views from the footpath would not be harmed;
- The nearest property was 100 metres away, and with landscaping there would be plenty of scope for more screening. They wanted to take an organic approach and use trees and plants to fit in with the existing. This would help to support the wildlife;
- The house would look as if it had always been there and they were grateful for the opportunity to redesign it with more eco-credentials.

Councillor Beckett asked how the footpath and access track would be safeguarded during construction and Mr Bateson replied that they were using EcoHaus, so the property would be built very quickly. There would be much less impact than with a traditional build.

Councillor Hunt commented that the proposal would make a lovely home and

At the invitation of the Chairman, Parish Councillor Julie Bibby, Witcham Parish Council, addressed the Committee and made the following points:

- The Parish Council did not think the proposal would be in keeping with other barns in the village;
- The mocked up photographs were misleading and gave a poor representation of how the house would look;
- There would be damage caused during construction and trees would need to be removed;
- Several people would be overlooked and the Parish Council had received complaints about this;
- Large trees and shrubs would be required to screen the property.

The Chairman asked Councillor Bibby what the Parish Council would prefer to see in terms of design and she replied that they did not want a barn because it was not in keeping and too dark.

Councillor Beckett believed a good job had been made of the amended scheme and whilst taking note of the Parish Council's views, he said there had to be a new building. The design was not particularly high, but he believed the house would be an asset in that location. He asked for a condition to be imposed requiring any damage to Back Lane or the footpath to be repaired. The Planning Manager replied that this had been done before

on larger developments, but not on a single property because of the quite onerous surveys that would be required. The Chairman commented that he hoped it would be in the applicants' best interests to keep the road in good repair, and Councillor Beckett duly withdrew his request.

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

It was resolved unanimously:

That planning application reference 18/00326/RMA be APPROVED subject to the recommended conditions as set out in the Officer's report.

12. 18/00349/FUL – ELM LEA, 22 STATION ROAD, KENNETT, CB8 7QD

Oli Haydon, Planning Officer, presented a report (T18, previously circulated) which sought consent for the erection of a 1½ storey two bedroom annexe to the rear of the property at 22 Station Road.

On a point of housekeeping, the Planning Officer asked Members to note the tabled amended reason for refusal No.1 following the recent Appeal decision at Fordham:

'1. Policy ENV2 of The East Cambridgeshire Local Plan 2015 and LP22 of the 2017 Submitted Local Plan requires development proposals to ensure that their location, layout, scale, form and massing relate sympathetically to the surrounding area. The proposal is for a self-contained annexe the siting of which means that the proposal would be physically separated from the main dwelling with all the characteristics of an independent dwelling, contrary to Policy LP33 of the Submitted Local Plan 2017.

Additionally, the scale and height is considered characteristic of a new dwelling and not that of an annexe which should have a visually subordinate relationship to the associated dwelling. The proposal also lacks a functional relationship with the main dwelling and could be occupied entirely independently from the main dwelling, leading to a harmful impact on the residents of both units. Accordingly, the proposal is considered to result in a separate planning unit, which would be tantamount to the creation of a new dwelling, contrary to East Cambridgeshire Local Plan (2015) Policies ENV1, ENV2 and HOU2, Policies LP22, LP28, LP31 and LP33 of the Submitted Local Plan (2017) and Central Government advice contained in the National Planning Policy Framework.'

It was noted that the annexe would be located in the informal garden, beyond the paved area and more formal lawn, a total of 21.5 metres from the main dwelling.

The application was called in to Planning Committee by Councillor Joshua Schumann as some of the issues surrounding this application were delicately balanced and due to the applicant being Chairman of the Parish Council.

A number of illustrations were displayed at the meeting, including a map, an aerial image, the elevations and floor plans of the proposal and a photograph of the street scene.

The main considerations in the determination of this application were:

- Principle of Development;
- Visual Impact;
- Residential Amenity; and
- Highways.

Speaking of the principle of development, the Planning Officer said that there was scope to extend the existing dwelling to provide extra accommodation when it was needed.

The Council had concerns that the proposal was overly large and was not subservient or incidental to the host dwelling. The proposed annexe had all the facilities required to function as an independent unit of accommodation and its size, in comparison to the host dwelling, was not commensurate with accommodation that was ancillary to the main dwelling. The proposal represented a self-contained single dwelling with all necessary living facilities as opposed to a genuine annexe and there was a lack of a functional relationship with the main dwelling.

With regard to visual amenity, the proposal was not considered to represent a structure subordinate and subservient to the dwelling at 22 Station Road; instead it was tantamount to the creation of a new dwelling. The 'annexe' would not have the aesthetic of a modest outbuilding, but would represent a 6.6 metres high, timber clad 1½ storey dwelling.

Furthermore, the proposal would extend the built form by 20 metres and would constitute an unacceptable form of backland development, contravening the established linear pattern of development along Station Road.

In terms of residential amenity, it was considered that there would be no impact on the privacy of the neighbours or overlooking from the first floor on the neighbouring properties and gardens. However, although there was deemed to be a family tie between the annexe and the main dwelling at present, there could be no assurance that this would remain in the future. If both properties were to be marketed as separate planning units, there would be a significantly harmful impact on the residential amenity of both occupiers.

In connection with highway safety, it was noted that the existing access would be utilised. There would be no adverse impact on highway safety and the parking provision would be adequate for both units.

The Planning Officer concluded by saying that on balance, the harm outlined in his report would significantly outweigh the overall benefits of the scheme and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Robin Swanson, applicant, addressed the Committee and made the following remarks:

- The bottom line was that his older son and family were unable to get on the housing ladder and were tied by the landscaping business to the local area;
- The annexe would be 1½ storeys and 100 square metres, not a full 2 storeys and it would be subservient in size to the main house which was 280 square metres;
- It was incorrect to say that the new dwelling would have no functional relationship to the main house because it would allow his son's family to retain their independence. With regard to functionality, his wife was a garden designer and worked with their son, so it would be important to retain that relationship;
- The building was not capable of subdivision due to the shared access and a physical relationship would not be satisfactory because it was not possible to get closer to the main house;
- Having an annexe as an extension was not a set formula and should be on a site by site basis. The existing outbuilding was too narrow for conversion.
- He wanted to retain ownership of the annexe and it would never be sold off;
- He was happy to have the annexe tied to the house.

Councillor Beckett reminded Members that they had a duty of care and should be consistent in their approach to applications. He said he struggled to see how the proposal could be called an annexe when it was so far from the main house. He believed this to be backland development and would support the recommendation for refusal.

Councillor Rouse said this was a separate dwelling tied to the main family dwelling and not dissimilar to the previous agenda item. He understood the applicant's reasoning because it was incredibly difficult for children to establish themselves and buy property. However, he was upset that the Committee might have to refuse planning permission. There were examples of dwellings being approved in the garden and there was lots of room in this site, so there should be some allowance.

The Chairman reiterated that each application should be assessed on its own merits. He noted that the proposed annexe was not in a traditional form but he could not see any real negative impact. Looking at it on the basis of demonstrable and significant harm, he believed the application should be approved.

In proposing that the Officers recommendation for refusal be supported, Councillor Beckett agreed that it was an emotional call, but the annexe would be a separate house and was intended as such. He said he could not recall any permission having been granted for an annexe so far

from the host dwelling. This was backland development and to give approval would set a precedent.

Councillor Goldsack seconded the motion for refusal. When put to the vote, it was declared carried, there being 5 votes for and 3 against.

It was resolved:

That planning application reference 18/00349/FUL be REFUSED for the Reason No.1 tabled at the meeting and Reason No.2 given in the Officer's report.

13. 18/00379/VARM – COVELL CORNER, THE SHADE, SOHAM

Andrew Phillips, Senior Planning Officer, presented a report (T19, previously circulated) which sought permission to vary condition 13 of the original permission to erect two 76 watt street lights, mounted at 5 metres above ground level in the car park, as the condition restricted additional lighting.

The site was located on The Shade with a primary school to the north. Public highways defined the eastern and southern boundary with a public footpath defining the western boundary.

It was noted that the application had been called in to Committee by the Chairman in order for it to be discussed in a public forum.

A number of illustrations were displayed at the meeting. These included a map, an aerial image and the layout of the proposal.

The main considerations in the determination of this application were:

- Residential Amenity;
- Visual Impact; and
- Ecology.

The principle of development was defined with the approval of planning application 16/01364/F3M. It was further established by the allocation of the site under the Submitted Local Plan 2017 (Soham3) and formed part of the Council's 5 year supply of land for housing.

The Senior Planning Officer stated that the proposed built form of the development would act as a shield from most of the light created by the two 5 metre high lights. Environmental Health had raised no objections.

In connection with visual amenity, it was noted that the proposal would have a very minor impact upon the appearance of the development. However, a suitable landscaping scheme would have to be agreed in order to both enhance the development and encourage biodiversity and this could help to assimilate the lighting.

It was predicted that the limited amount of external lighting would not cause sky glow and the proposal was therefore considered to be acceptable with regard to the potential impact on nocturnal species.

Councillor Beckett noted that the occupiers of No.2 The Shade had objected to the proposal as they could not see where the lights were being located, and he asked if an answer had been provided. The Senior Planning Officer replied that the new development would hold light back due to the location of the property on the opposite side of the road and there should be no significant problems.

Councillor Hunt proposed that the Officer's recommendation for approval be supported and the motion was seconded by Councillor Goldsack. When put to the vote,

It was resolved unanimously:

That planning application reference 18/00379/VARM be APPROVED subject to the recommended conditions as set out in the Officer's report.

14. 18/00397/FUL – ORWELL PIT FARM BUNGALOW, DOWNHAM ROAD, ELY, CB6 2SJ

Oli Haydon, Planning Officer, presented a report (T20, previously circulated) which sought consent for the subdivision of an existing bungalow to provide mixed tenure accommodation. One half would be retained as open market housing and the other half would be used to provide a dwelling for a farm worker.

Members noted that this was a resubmission of a previous Committee refusal (17/01348/FUL), the proposal having been refused on the grounds of failing to adequately justify the need for a permanent dwelling for a rural worker. In addition to this, the previously submitted agricultural justification considered that agricultural occupancy condition "would inhibit the flexible use of the housing stock at the farm" and therefore did not wish to have such a restriction on the property. This resubmission had accepted that an occupational condition will be attached to any approval.

The site was located at the entrance to Orwell Pit Farm, approximately 280 metres down the access track off Downham Road, between Ely and Little Downham. The site was outside the development envelope for Ely.

The application had been called in to Planning Committee by Councillor Rouse as there were issues that were broader than the strict interpretation of planning rules.

A number of illustrations were displayed at the meeting, including a map, an aerial image showing the rural context, the floorplan of the proposal and a photograph of the street scene.

The main considerations in the determination of this application were:

- Principle of Development;
- Essential Need;
- Visual Impact;
- Residential Amenity; and
- Highways.

With regard to the principle of development, the bungalow was outside the development envelope for Ely in an unsustainable location. Proposals for agricultural workers dwellings might be allowed providing it could be shown that the dwelling was essential to the needs of the business.

The applicant had provided supporting documentation in the form of an agricultural appraisal prepared by a rural planning consultant. The justification provided was the same as the previous application, albeit with a willingness to have an agricultural occupancy condition applied to the newly created residential unit in one half of the existing bungalow.

Following a comprehensive review of the evidence provided, it was considered that the existing 'housing stock' at Orwell Pit Farm was sufficient for the provision of accommodation for an agricultural worker. No evidence had been provided to link the veterinary surgeon with the farm enterprise or to show why the tractor driver and foreman had an essential need to live on the site.

The proposal would seek to subdivide the existing bungalow and include a new small porch to the front elevation. The bungalow would not have a materially different appearance and the visual impact of the subdivision was likely to be minimal.

It was noted that the Local Highways Authority had raised no concerns regarding the proposal. The two units would use a tandem parking arrangement and there was sufficient off-street parking to avoid obstructing the farm access track.

Speaking of other material considerations, the Planning Officer said that there was unlikely to be any residential amenity impact with sufficient amenity space provided within curtilage.

The Draft NPPF suggested that the subdivision of an existing residential property in the countryside could be acceptable but the current adopted development plan held more weight in this balance. However, if Members were minded to grant approval, an agricultural occupancy condition should be imposed to ensure that the residential amenity of future occupiers was not impacted upon by the adjacent farm activities.

At the invitation of the Chairman, Mr Andrew Fleet, agent, addressed the Committee and made the following points:

- Members had expressed significant support for the previous application and at that time, the Authority could demonstrate a 5 year

supply of land for housing but the applicant would not accept an agricultural restriction;

- This application was the culmination of discussions with his client and it was supported by an agricultural appraisal prepared by Mr Peter Chillingworth;
- The Jacksons were arable and beef farmers. Andrew Jackson looked after the herd but being 65 years old he was starting to find it hard, and this was why he proposed to have a stockman;
- There would be no additional built form and no impact on the countryside
- There had been no adverse comments from statutory consultees;
- Thomas Jackson was the arable expert, not beef;
- Members and Officers should consider the fall-back position as the dwelling could be used as a small HMO, as this had not been taken into account;
- The Authority did not currently have a 5 year supply of land for housing and therefore the presumption should be in favour of sustainable development;
- This proposal was sustainable, the bungalow being in a cluster of dwellings. Any income from rental would be reinvested into the enterprise;
- A stockman could be allowed with an agricultural occupancy restriction.

Councillor Rouse recalled that Members had taken a sympathetic view of the previous application. The Case Officer had said that the stockman could live in Ely or Little Downham, but such jobs tended not to be well paid and so they might not be able to afford to do so. This proposal would not create an additional dwelling and would affect no-one. It was about business needs and he believed there was a need for an additional worker.

Councillor Rouse duly proposed that the Officer's recommendation for refusal be rejected and the application be granted approval; Councillor Hunt seconded the motion saying that Mr Fleet had made some very good points.

Councillor Goldsack concurred, adding that he did not believe there were grounds to refuse the application and the Council should be supporting local agricultural businesses.

The Chairman said that Officers made their recommendations based on clear guidance and policy and the Case Officer had not felt that there were grounds to approve the application. However, if Members thought differently, that was their prerogative. He did not wish to weaken the position regarding the 5 year supply, but he too was minded to support approval.

The motion for approval was put to the vote, and

It was resolved unanimously:

That planning application reference 18/00397/FUL be APPROVED for the following reason:

- Members believe there is a need for an additional worker to live on the site.

It was further resolved:

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

15. CONFIRMATION OF TREE PRESERVATION ORDER E/02/18 – LAND BESIDE 133 HIGH STREET, BOTTISHAM

Cathy White, Senior Trees Officer, presented a report (T21, previously circulated) from which Members were asked to confirm a Tree Preservation Order (TPO) for one Cypress tree on the roadside green beside 133 High Street, Bottisham.

The Committee were shown a map indicating the location of the tree, and a photograph taken from the High Street, Bottisham. The Cypress tree was visible to the public from the High Street and Beechwood Avenue and it contributed to the tree cover in this location.

The key points for consideration were:

- The opinions of the local residents who want to see the tree retained and managed by pruning;
- The opinions of the local residents who would like the tree removed; and
- The visual impact of the loss of the tree in the local landscape.

The Senior Trees Officer stated that the Order was made because the Council had received a tree work application notice of intent to remove the Cypress tree, in the Bottisham Conservation Area. She reiterated that the Council could not refuse, condition, or enforce replacement planting when considering applications giving notice of tree work in Conservation Areas.

Public consultation on the tree work application proposal was carried out and resulted in two responses objecting to the loss of the Cypress tree and two in support of its removal.

The TPO was served on 6th April 2018 and confirmation would be required within six months to ensure the tree was protected for public amenity.

No objections to the serving of the Order were received in writing during the statutory consultation period, including none from the original tree work applicants. However, given the outcome of the public consultation, it was considered appropriate for the Planning Committee Members to consider the comments from the local residents and reach a democratic decision on the fate of the tree.

Councillor Beckett considered the Cypress tree to be quite significant because there were not many others in the area. If it was to be removed, whatever was planted in its place would be large. The tree did not need heavy pruning and with it being in the sight line to the road junction, it could act as a speed reduction measure for vehicles.

Councillor Hunt congratulated the Senior Trees Officer for bringing the matter before Members, saying he supported the confirmation of the TPO on what he considered to be a magnificent tree.

Councillor Goldsack proposed that the TPO be confirmed without modifications and the motion was seconded by Councillor Hunt. When put to the vote,

It was resolved unanimously:

That Tree Preservation Order E/02/18 be confirmed without modifications.

16. PLANNING PERFORMANCE REPORT – MARCH 2018

The Planning Manager presented a report (T22, previously circulated) which summarised the planning performance figures for February 2018.

The Department had received a total of 170 applications during March which was a 23% decrease on March 2017 (221) and a 17.2% increase from February 2018 (171).

The major, minor and householder targets had been achieved 100%, which was above those set by the Government but the target for 'Other' had slipped slightly with 83% being determined on time.

There had been 3 valid appeals received and 1 appeal decided.

Molly Hood, Planning Officer had joined the department and the agency worker would remain in post until the end of December 2018.

It was resolved:

That the Planning Performance report for March 2018 be noted.

17. PLANNING PERFORMANCE REPORT – APRIL 2018

AGENDA ITEM NO 3

The Planning Manager presented a report (T23, previously circulated) which summarised the planning performance figures for April 2018.

The Department had received a total of 201 applications during April which was a 5% decrease on April 2017 (211) and an 18.2% increase from March 2018 (170).

100% of householder applications had been determined on time.

There had been 4 valid appeals received and 4 appeals decided.

Enforcement remained busy with 32 new complaints registered and 3 cases closed.

Members were asked to note that a new section would be added to future performance reports, keeping them updated on significant issues and outcomes.

It was resolved:

That the Planning Performance report for April 2018 be noted.

The meeting closed at 6.25pm.