



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 30th November 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 Lavinia Edwards)
Cllr Sue Austen
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Julia Huffer (Substitute for Cllr David Brown)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr John Trapp

OFFICERS

Sally Bonnett – Director Community
Maggie Camp – Director Legal
Gemma Driver – Planning Officer
Caroline Evans – Senior Democratic Services Officer
Simon Ellis – Planning Manager
Toni Hylton – Planning Team Leader
Anne James – Planning Consultant
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant

IN ATTENDANCE

Lia Cushing (Supporter, Agenda Item 5 / Minute 49)
Deborah Davis (Supporter, Agenda Item 5 / Minute 49)
Bernard Dooling (Objector, Agenda Item 8 / Minute 52)
Neil Jones (Applicant's Agent, Agenda Item 6 / Minute 50)
Jamie Palmer (Applicant's Agent, Agenda Item 8 / Minute 52)
Ann Thornton (Objector, Agenda Item 6 / Minute 50)

6 other members of the public

Isabel Edgar – Director Operations
Lucy Flintham – Office Team Leader, Development Services
Hannah Walker – Trainee Democratic Services Officer
Melanie Wright – Communications Officer
Adeel Younis – Legal Assistant

45. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs David Brown, Lavinia Edwards and Gareth Wilson.

Cllrs David Ambrose Smith and Julia Huffer were attending as substitutes for Cllrs Edwards and Brown respectively.

46. DECLARATIONS OF INTEREST

Cllr Huffer stated that she was predetermined on Agenda Item 5 (Terence Place, Fordham, 16/01551/OUM and 18/01067/RMM); she would speak on the item and then leave the meeting for the duration of the debate and voting.

47. MINUTES

The Committee received the Minutes of the meeting held on 12th October 2022.

It was resolved:

That the Minutes of the Planning Committee meeting held on 12th October 2022 be confirmed as a correct record and be signed by the Chairman.

48. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Hannah Walker, Trainee Democratic Services Officer, to her first meeting of the Planning Committee.

49. TERENCE PLACE, FORDHAM (16/01551/OUM and 18/01067/RMM)

Sally Bonnett, Director Community, presented a report (X118, previously circulated) recommending approval of variations to the S106 agreement for Planning application 16/01551/OUM to enable the unfinished site to be completed.

Details were provided about the areas of the development that had not been finished when the site developer became insolvent and it was explained that the Receiver had asked the Council to vary the S106 agreement so that the 10 vacant affordable housing units (eight 2-bed and two 3-bed dwellings) could instead be market units that would provide sufficient revenue for the Receiver to complete the site. The Council had commissioned an independent review of the financial information supplied by the Receiver and tested whether the development appraisal could accommodate any affordable housing. It was clear that despite the efforts of Officers and the Receiver there was no solution that would enable both the delivery of the affordable housing and the completion of the necessary on-site work. Therefore, should the requirement for affordable housing not be removed then the site would remain incomplete and the existing issues would worsen over time.

Additionally, the Receiver would have insufficient funds to pay the public open space maintenance contribution required by the S106 agreement on transfer of the on-site public open space to the District Council. The public open space could therefore be adopted by the Council without any maintenance contribution, or the Council could permit the Receiver to transfer the public open space to a private management company for maintenance. The Council's Open Spaces & Facilities Manager considered that, as long as site maintenance was limited to grass-cutting, then the burden to the Council would be minimal since it already had similar maintenance obligations in the area.

The Receiver had agreed to enter into any further legal agreements that would be required to ensure that the release of the affordable housing would facilitate the successful completion of the site.

The Chairman then invited two site residents to address the Committee. Deborah Davis gave details of issues that had been faced by residents since first moving into Terence Place in March 2021. In particular, the pumping station had been problematic from early on, with lorries having been needed to empty the waste and the pump alarm regularly sounding. There was no road surface, lighting or open spaces and the unfinished site was overall in a poor state of repair. Residents had not been informed when the developer became insolvent but once the Receiver was appointed they had committed to rectifying the issues. However, residents had subsequently discovered that there were insufficient funds to complete the site. They appreciated the efforts of the Council and the Receiver to find a solution that would enable completion of the site since, in its current state, the stench and noise of the pump was causing distress and lost sleep and the lack of lighting and road surface was unsafe. The site was currently unsafe but residents had purchased their homes with the promise of a pleasant location with open green space and a children's play area, both of which they wanted to see delivered. They had been disappointed to learn that the proposal was not to provide a play area or to level what would become the green space. Lia Cushing asked that residents should receive confirmation about what works would take place and when they would happen, the adoption of the road, the addressing of drainage issues, what would be provided in place of a playground, and clarification about a management company.

Responding to several questions from Cllr Hunt, Ms Davis explained that the only on-site lighting was motion-activated lights on individual homes to light their footpaths; there was no street lighting and since the roads were unfinished there was raised ironwork throughout the site that posed a particular danger in the dark. In addition to the Terence Place properties, five houses on the main road fed into the pump system but were not required to financially contribute, they were situated lower than the pump and one of the properties had experienced waste in their garden. Six children under the age of 13 years lived on the site, with another baby due, and although the residents acknowledged that there were play areas in the village that could be safely accessed due to the zebra crossing, they wanted a safe play area and landscaping on-site as had been promised to them when purchasing their properties. Cllr Trapp asked whether all residents had been consulted regarding the play area and Ms Davis explained that all households except for one were part of a whatsapp group formed to address all of the on-site issues.

Ms Cushing confirmed to Cllr Every that the proposals in the Officer's report were supported by the residents because they would enable the receiver to fulfil the promises made by the developer when the houses were purchased. In response to a question from Cllr C Ambrose Smith about what would happen if a shortfall remained, Ms Davis stated that the residents understood that they had no legal responsibilities for the site until its completion but they would be prepared to form a management company if necessary at that stage.

On the invitation of the Chairman, Ward Councillor Julia Huffer addressed the Committee. She emphasised the hard work that had taken place by Officers and the Receiver to find a resolution that would enable delivery of the affordable

housing as well as completion of the site, and the frustration of all involved that it had not been possible. It was clear that no registered provider would be interested in the houses while the site remained unfinished, but without the money generated by selling those properties as market housing it would not be possible to finish the site. She therefore urged the Committee to approve the Officer's recommendations in order that the road could be finished, the green open space and road crossing could be provided, and a sewage system sufficient for the site's needs could be installed. She also understood, from conversations with the Parish Council, that it may be possible for CIL money that would be received on finishing the site to be used for play equipment if the central area was levelled.

Following a question from the Chairman, Toni Hylton (Planning Team Leader) explained that the proposal for the central area was to remove some of the earth before adding a membrane followed by turf and seed: it could be levelled but would not be at the same level as the road. Cllr Huffer commented that it simply needed to be flat and safe to play on, and she asked that it should also be accessible for non-able-bodied children.

Cllr Huffer explained to Cllr C Ambrose Smith that a safe crossing on the main road was included as part of the proposed scheme, and agreed with Cllr Hunt that any residents wishing to sell their homes at present would be likely to find it impossible due to the significant on-site issues.

2:24pm Cllr Huffer left the meeting.

The Chairman then invited questions for the Director Community and the Planning Team Leader. Cllr Jones asked whether there had been an indemnity policy in place for the developer, and whether the provision of such a policy was at the discretion of the developer rather than being a Planning requirement. The Planning Team Leader confirmed that there was no such Planning requirement, and she did not know whether there had been a policy in place for Terence Place.

Cllr Trapp asked about street lighting and the provision of a pedestrian crossing. The Planning Team Leader explained that street lighting was not part of the proposed scheme; if the road was adoptable then the Local Highways Authority may include lighting, street lights could also be a matter for the Parish Council. The Director Community stated that a crossing would be provided across the main road.

Cllrs C Ambrose Smith and Trapp asked how the current situation had arisen, and in particular how an inadequate drainage system had been installed. The Planning Team Leader explained that sewage details had been received from the developer and although concerns had been raised by the Lead Local Flood Authority that had prevented the condition from being discharged, the system had been installed nonetheless and was evidently unsatisfactory. She also commented that storm water and foul water were using the same system, which was unusual.

The Chairman then opened the debate. Cllr Every proposed that the Officer's recommendations be approved since the proposed actions were clearly required. Cllr Hunt seconded the proposal and thanked the Officers for their hard work and the residents for their tolerance. Cllrs Jones, D Ambrose Smith, Trapp and Stubbs all expressed their agreement.

It was resolved unanimously:

- i) That the efforts of Officers to bring about a solution to the unfinished development at Terence Place, Fordham, be noted, specifically:
 - a. Inadequate drainage provision;
 - b. Unfinished roadways;
 - c. Off-site highways improvement; and
 - d. Incomplete landscaping
- ii) That the Director Community be instructed to agree a Deed of Variation to:
 - a. Remove the obligation to deliver affordable housing as part of the development to enable the completion of works identified in i) a - d; and
 - b. Remove the obligation to pay a public open space maintenance contribution to ensure that the area is maintained in perpetuity.

It was further resolved unanimously:

That the Director Legal be instructed to complete a separate legal agreement to ensure that the Council secured agreement that revenue released from the delivery of affordable housing would be used to address the issues identified in i) a - d.

2:37pm Cllr Huffer returned to the meeting.

50. 21/00535/FUM – LAND OPPOSITE ROUNDABOUT (FORMER WESTMILL FOODS), ANGEL DROVE, ELY

Anne James, Planning Consultant, presented a report (X119, previously circulated) recommending approval of an application seeking permission for 78 residential units of “Build-to-Rent” accommodation as well as commercial office space. Members’ attention was drawn to the previously-circulated update sheet that included details of a revised recommendation reflecting the need for the applicant and the Local Highways Authority to reach a satisfactory agreement regarding the proposed off-site highway works prior to the issuing of any planning permission.

A block plan, aerial views, and photographs of the site and its surroundings were used to illustrate the location with Angel Drove to the south, the Angel Drove Drains County Wildlife Site to the north west, Potters Lane residential area to the north, and various businesses to the east. The city centre and the railway station were both within walking distance. All on-site buildings had been removed and the site levelled, and overall it currently had a negative contribution to the streetscene and character of the area. The applicants’ scheme included 26 2-bed dwellings and 52 3-bed dwellings together with 1845.5 sqm of Class E office space and associated landscaping and parking. All 78 dwellings would be “Build-to-Rent” which meant that they would all be owned, managed and maintained by a single company. The proposed site plan showed vehicular access from Angel Drove and an emergency access point onto Potters Lane, a linear park area to the north including the public right of way, connections to existing rights of way, and a “home zone” for community cohesion that would include benches, tables and play areas.

The main considerations for the application were deemed to be:

- **Principle of development** – policy ELY7 supported a vision for an attractive gateway into Ely and policy ELY8 related to the comprehensive development of the former Westmills Food site for housing and office space. The proposed development was therefore considered to be acceptable in principle.
- **Residential amenity** – the positioning of the houses, and the location of the office space, would avoid material harm to the occupiers of residential properties in Potters Lane. The proposed commercial area had been positioned to provide an element of screening from the noise of the adjacent concrete plant. Although the Angel Drove traffic was such that the townhouses along Angel Drove would require mechanical ventilation on windows fronting the road, the scheme would, on balance, deliver an acceptable standard of living for future occupiers of the site. The proposed development was therefore considered to be acceptable in terms of residential amenity.
- **Visual amenity** – views of the Cathedral would be unaffected. Elevations of the different house types were shown to illustrate their similarities with existing dwellings within Ely. Floorplans, streetscenes and CGIs of various elements of the site were provided. The landscaping would be an integral part of the development and would manage the transition from Angel Drove in the south to the County Wildlife Site in the north. There would be several green areas, seating, and natural play equipment as well as a central avenue of trees and shrubs. The proposed development was therefore considered to be acceptable in terms of visual amenity.
- **Highway safety and parking** – the scheme had been considered by the Local Highways Authority and would use the existing entrance from Angel Drove. Improvement works to the Angel Drove roundabout would be undertaken, including the installation of a controlled pedestrian crossing and widening of some footways. A swept path analysis had shown that the site layout would be of an adoptable standard. Each property would have a single car parking space and two cycle spaces. Additionally, there would be seven visitor car parking spaces and the commercial area would have 17 car parking spaces, three disabled parking spaces, and 66 cycle spaces. The reduced level of car parking had been agreed due to the site's close proximity to the train station and the city centre.
- **Ecology** – there would be a small loss in biodiversity but the Wildlife Trust had acknowledged that the site previously supported industrial buildings and therefore if the assessment had been carried out prior to their removal then the proposed scheme may have demonstrated a net gain in habitats. The applicants were proposing to make an off-site contribution towards ecological enhancements on the neighbouring County Wildlife Site.
- **Infrastructure** – due to a shortfall in public open space, an off-site contribution would be required. Contributions towards early years provision, libraries and lifelong learning would be required. A financial viability assessment had been submitted, which had been reviewed by the Council's independent consultant, and the conclusion was that the scheme would not be viable if required to provide affordable housing. Therefore the proposal did not include any affordable housing. However, the S106 agreement would include requirements for two viability reviews at which point affordable housing could be delivered if the viability had altered.

- **Other matters** – matters relating to historic environment, archaeology, drainage, sustainability, accessibility and ground contamination had all been addressed to the satisfaction of the technical consultees and further information could be provided by condition if required.

In summary, the proposed scheme was considered to meet with the aspirations of policies ELY7 and ELY8 of the Local Plan 2015 and would improve the area by developing a site that had been undeveloped for a considerable period of time. Members were recommended to approve the proposal subject to the proposed conditions and the satisfactory completion of a S106 legal agreement.

The Chairman invited Ann Thornton to address the Committee as an objector to the application. She explained that she represented the views of residents in Dovehouse Close and Potters Lane who were concerned about the planned removal of mature trees. She referenced the wide biodiversity in the area and was pleased about the enhancement of the County Wildlife Site but considered that the locations of the gathering spaces and “home zone” near to the site’s boundaries could both disrupt the intended tranquillity of the woodland setting and increase the disturbance to the existing residents of Potters Lane and Dovehouse Close. She questioned whether the intended management company would manage any antisocial behaviour, including littering and noise, at these edge of site amenity spaces. Other concerns included a lack of detail concerning the proposed increase in boundary provision at 50 Dovehouse Close (which she suggested would ideally be native hedging), the junction at the end of Potters Lane (which she stated was dangerous for pedestrians and cyclists and she asked whether any mitigation, or a crossing, would be added since the proposed site would increase the footfall), and the parking situation which was already difficult for existing residents and would be exacerbated with only one parking space proposed for each new dwelling.

Upon being asked by Cllr Trapp for further details about the parking concerns, the objector explained that there was already an issue with parking in the area due to the proximity of the train station. Although the proposed site had good transport links she anticipated that many office workers and visitors to the homes or offices would still be likely to drive, particularly in poor weather, and would look to park in nearby streets if unable to park on the site.

Cllr Hunt asked for clarification about a footpath that the objector had said was not a public right of way, and further questioned the parking and road safety concerns. With the aid of the Officer’s presentation slides, the objector indicated that the footpath past the County Wildlife Site was a permissive path rather than a public right of way. With regard to parking and road safety, the amount of cars along Dovehouse Close and Potters Lane was one issue, and the safety of the Potters Lane junction at Station Road/Back Hill was another due to the increased number of pedestrians and cyclists that would be expected along Potters Lane. A crossing was proposed for Angel Drove but no mitigations were described for the Potters Lane junction that would be the more likely route into Ely.

On the invitation of the Chairman, Neil Jones (the applicant’s agent) addressed the Committee. He welcomed the Officer’s report and rationale for recommending approval of the application, and highlighted that the proposal would bring back into productive use a vacant brownfield site at a gateway location for Ely. It would provide housing and flexible office space in a sustainable location as well as

providing significant S106 and CIL contributions that would support the local area. Off-site highways work would also be secured to improve cycle and pedestrian access to the site. He detailed the viability assessment that had taken place and explained that the S106 agreement included two review points at which stage affordable housing could be added if the viability had changed. The offices were intended for small and medium-sized businesses and the homes were all two- or three-bedroom properties. Suitable parking was proposed for the location and for the encouragement of sustainable transport, and there would be green spaces together with on- and off-site biodiversity enhancements. Modern construction methods would be used that would be faster than traditional methods as well as providing better quality control and energy efficiency. The entire site would be under single ownership as a “Build-to-Rent” model with high-quality and professional management providing a greater security of tenure than traditional rental models, and helping to meet a growing demand. The proposals complied with the Development Plan and there were no outstanding issues from statutory consultees, therefore the Committee were asked to approve the application and enable the applicants to start the much-needed regeneration of the site.

Cllr C Ambrose Smith referenced the objector’s parking concerns and asked whether the applicant had considered any ways to restrict commuter parking or otherwise address the concerns. Cllr Trapp queried the balance of 17 car parking spaces and 66 cycle spaces for the commercial property, and Cllr Hunt asked for confirmation of the parking provision per property. The applicant’s agent explained that parking issues had been carefully examined during the scheme development, which had now been in progress for more than 2.5 years, and the applicants had worked closely with the Planning Authority and the Local Highways Authority. The site was in a highly accessible location, close to the station and the city centre, and the intention was to encourage sustainable transport choices. Nonetheless, one parking space would be provided for each dwelling as well as car parking at the offices, and visitor spaces on-site. Office space usage had changed in recent years and the commercial property was expected to attract small and medium-sized businesses, possibly even residents of the new development who might choose to rent office space rather than work from home, and the intention was to make the site attractive for cycle commuting by providing good cycle storage and shower facilities. A benefit of the single ownership “Build-to-Rent” model was that the management company would have overall responsibility and would be able to address any issues of “repeat offender” commuters parking on-site.

Cllr Jones questioned the agent’s assertion that the site would be attractive to families. In particular, he mentioned that the nearest school would be a significant distance to expect residents to walk or cycle to. The agent responded that there were a number of facilities within easy access of the site and research had indicated that the homes would be particularly attractive to those in the 25-49yrs age bracket. The “Build-to-Rent” model was common within Europe and becoming increasingly popular in the UK; this would be the first such development in East Cambridgeshire and provided increased options for renters. Responding to a further question from Cllr D Ambrose Smith, the agent stated that the developer had been successfully involved in similar sites in Milton Keynes, Derby, and Nottingham.

Cllr Huffer expressed disappointment about the lack of affordable housing provision and questioned why this proposed development had been considered to be an

exception when approximately 23 affordable homes would be expected on a site of this size. The agent explained that a detailed viability assessment had been provided with the application and had been reviewed by the Council's independent experts who had concluded that the scheme could not afford to include affordable housing. However, the previously-mentioned two review points within the S106 agreement meant that this would not necessarily remain a fixed position. He reminded Members that the site was a brownfield site that had been vacant for over 18 years and that previous attempts to develop it had failed due to the challenges of the site. He confirmed to Cllr Hunt that the current position was that no affordable housing would be provided, but the two review points allowed for a change should the viability alter.

In response to various questions from Cllr Stubbs about the operator, the freeholder, and some of the proposed conditions, the agent explained that the developer would ensure that the scheme was delivered and would find an investor who would then be likely to appoint a property management company to operate it. Residents would have a single point of contact and the residential management plan which would need to be approved by the Planning Authority would include details about the schedule and fees for maintenance. Bin collection arrangements had not been finalised but would be within the detail of the full refuse and waste strategy that was required by condition.

Cllrs Austen and Trapp asked about electric car charging points and were informed that the intention was to provide the infrastructure for charging facilities. The majority of households would have a parking space in front of or adjacent to their home, and the agent's understanding was that all properties would have access to charging provision.

Responding to comments from Cllrs Trapp and Hunt, the agent explained that each of the townhouses along Angel Drove would have both a private open-topped roof terrace and a small area of ground floor outdoor amenity space on the Angel Drove side of the building that would be sensitively landscaped to be clear as to which areas were private and which were public. Regarding a question from Cllr C Ambrose Smith about heating systems, he stated that further information would be provided at the more detailed design stage but an energy strategy had been included with the application identifying how energy efficiencies could be achieved.

As a City of Ely Councillor, Cllr Every had been aware of much interest in regenerating the site in a positive way but there had been no success to date. She therefore asked why the proposal under consideration would be viable when others had not been. The agent stated that the developer was committed to delivering the scheme and would be able to do so on the basis that had been presented for consideration.

Cllr Hunt questioned whether the 20 houses fronting Angel Drove would be a noise and pollution barrier protecting the rest of the site. He also asked if residents with longer term tenancies would have the opportunity to purchase their homes. The agent explained that there were noise sensitivities surrounding the site, in common with constraints often found on brownfield sites. Although the Angel Drove frontage would shield the rest of the site the dwellings had been assessed as providing a suitable standard for the occupiers and were insulated in their own right. A covenant within the S106 agreement precluded the properties from being sold on

the open market and provided for a clawback so that the Council would receive an affordable housing contribution if a property was sold.

The Senior Democratic Services Officer read aloud a statement provided by Cllr Paola Trimarco, Ward Member for Ely West:

“While overall I welcome the residential and commercial development of this land, I share the concerns of residents on the issues of flooding risk and potential loss in biodiversity.

I ask the Planning Committee to consider whether issues relating to flooding risk have been fully addressed in the latest plan for this development. Residents are rightly concerned about the risk of flooding to properties along Dovehouse Close in particular due to the presence of a natural spring that runs through their gardens.

I notice that the net loss in biodiversity has been addressed in recent documents added to this planning application. However, it appears that some of these mitigating measures are to take place ‘post-development’, both on-site and off-site; for example, habitat creation and enhancement. I ask the Planning Committee to consider how these post-development biodiversity measures are to be implemented and managed in the years ahead.

Thank you for your attention to these issues.”

The Planning Consultant provided further information in response to various points raised by the public speakers:

- None of the trees on-site were protected and although some would be removed, as was common practice, a tree replacement strategy formed part of the overall landscape scheme. Some amendments had been made as a result of consultation with the Trees Officer. Most of the mature trees to the north of the public right of way would be retained.
- The relevant County Council Officer had no objection to the planned improvements to the public footpath. There was a condition regarding its appearance and regarding the emergency access.
- Parking was an emotive issue that had been discussed in depth. The site proposal had been reduced from 116 to 78 dwellings and a balance sought on parking since it was very close to the train station and in a sustainable location. She suggested that it may be possible to secure control of the commercial parking area for residents’ use at evenings and weekends should Members wish to do so.
- The Potters Lane junction had been scrutinised by the Local Highways Authority who had not highlighted concerns regarding pedestrians or cyclists.
- Regarding the lack of affordable housing, Members were advised to weigh the individual merits of the scheme and were reminded that policies ELY7 and ELY8 sought an attractive gateway to the city. The clawback and triggers in the S106 agreement were also highlighted.

Cllr Jones asked about the concerns raised by the objector regarding potential disturbance caused by use of the amenity sites. The Planning Consultant showed Members where the amenity sites were positioned and explained that the

proposals would encourage more people to use the County Wildlife Site. There had originally been a proposal for a youth shelter near to Potters Lane but that had since been removed from the scheme. Responding to a further question about potential provision of affordable housing if the viability changed, she stated that there would be security within the S106 agreement that provision would be made in accordance with policy HOU3.

Cllr Trapp asked about the public right of way at the top of the site and was informed that it would be accessible from the site whereas it was currently only accessible from Potters Lane or the County Wildlife Site. The development would therefore open up the area.

The Chairman then opened the debate. Cllr Every proposed that the Officer's recommendation for approval be accepted, and highlighted the increase in rental properties and office space that the proposal would bring to Ely as well as providing a different type of living that had not previously been provided in the city. She considered that the scheme would regenerate this area of the Ely Gateway and although she did not attend City of Ely Council Planning meetings she was aware that the Members were satisfied with the proposals. She was disappointed by the lack of affordable housing but pleased with the inclusion of 2-bed properties and an emphasis on family use and diversity. Having had some experience regarding the double yellow lines provision in Potters Lane and Dovehouse Close, she hoped that the site's management company would deal with any parking issues that arose.

Cllr Hunt recognised the Officer's reasoning, but expressed some concerns regarding garden sizes, site density, outside storage space, parking, and the pollution and noise affecting the properties facing Angel Drove.

Although Cllr Trapp agreed with Cllr Hunt's concerns, he highlighted that all of the properties would be for rental and those choosing to live there would be aware of the potential issues at the outset as well as being able to move on if the location did not suit them. Overall, he considered that the scheme should be implemented as it would be a sustainable development.

Cllr Huffer considered that the scheme would be very attractive to some people and it would be a vast improvement over the current empty site. Cllr Stubbs agreed, and added that she considered it to be a good scheme given the constraints of the site, and was satisfied that the proposed conditions would provide the necessary safeguards. Although she recognised that there may be some difficulties for the residents of Dovehouse Close and Potters Lane, the development would also open up the area and therefore provide benefits to those residents. She seconded Cllr Every's motion for approval.

Cllr C Ambrose Smith expressed her support, whilst restating her reservations concerning parking and outside storage space. Cllr Jones was also in favour of the scheme overall and considered it to be a good use of the available space although he remained concerned about the distance from local facilities such as schools and The Hive.

It was resolved unanimously:

1. That planning application ref 21/00535/FUM be APPROVED subject to the signing of the S106 Agreement, the Applicant agreeing to any necessary extensions to the statutory determination period to enable completion of the S106 Agreement, and the draft conditions detailed in Appendix 1 of the Officer's report together with an additional condition regarding the Travel Plan, with authority delegated to the Planning Manager and the Director Legal to draft the additional condition, reword conditions 22-24 and/or secure changes to the S106 agreement, complete the S106 Agreement and to issue the planning permission.

2. That, in the event that the Applicant did not agree any necessary extensions to the statutory determination period to enable the completion of the S106 Agreement, authority be delegated to the Planning Manager to refuse planning permission on the basis of the absence of a necessary S106 Agreement.

4:20 – 4:30pm the meeting was briefly adjourned for a comfort break, during which Cllrs C and D Ambrose Smith left the meeting and did not return.

51. **21/01156/FUL – ALPACA LIFESTYLE FARM, FIRST DROVE, LITTLE DOWNHAM**

Gemma Driver, Planning Officer, presented a report (X120, previously circulated) recommending approval of an application seeking consent for the continued occupation of a temporary residential building. Although ad-hoc extensions to the mobile home had resulted in a structure that no longer met the dimensional restrictions for a caravan, its nature was still that of a relatively temporary building. The application had been brought to the Committee for decision since it represented a departure from the Local Development Plan.

A location plan and aerial photograph showed the site's rural countryside location between Little Downham and Littleport, and located along a track that served no purpose other than to access the site. The location was remote and essentially not visible from other locations apart from a small industrial / business centre to the south east. Site photographs were provided of both the temporary building and the access track.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was outside of the development framework and therefore subject to policy GROWTH2 which sought to strictly control development in locations such as this. The applicant had lived on the site since 2006 and a detailed site history was provided including consideration of the lawful development certificate process and information about the requirements of maintaining the alpaca business. The site history and the applicants' ongoing and lengthy relationship with the land were considered to result in a unique scenario with minimal potential harm. Approval in the form of a personal permission, limited to the applicants and their lifetime, was therefore considered to be warranted.
- **Flood risk** – although sited in Flood Zone 3, the applicants had lived there for a significant period of time and had managed any potential flooding during that time. Mitigation measures could be secured *via* condition and

therefore the proposal was considered to be compliant with policy ENV8 of the Local Plan 2015.

- **Visual amenity** – views of the building were largely restricted from the public realm. Although the proposal resulted in a degree of harm to the countryside setting due to its lack of architectural merit, this was outweighed by the applicants' need to live on-site and the harm would be removed when the personal permission expired.
- **Highways** – due to the scale of the business and dwelling, there were no concerns regarding parking and there would not be high volumes of daily traffic movements. Although the track was unmade and informal it had been used to access the site for many years and therefore any requirements for track enhancements would be unreasonable in the absence of any highway safety concerns.
- **Human rights** – as part of this application, elements of the Human Rights Act 1998 needed to be considered and, should they wish to refuse the application, Members would need to be satisfied that the wider public interest outweighed the effect of a refusal on the human rights of the applicant. The proposal to approve a temporary personal consent was a means to address the balance between private and public interests.
- **Other matters** – the application was considered to comply with all relevant policies in terms of residential amenity and biodiversity.

In summary, although approval would be a departure from policy GROWTH2, the applicants' extensive association with the site together with the specific requirements of the alpaca business were considered to justify a personal permission for the applicants. The permission would be subject to conditions and a S106 legal agreement ensuring that when the site was no longer required by the applicants it would revert to its previous agricultural use and any residential building would be removed.

In the absence of any public speakers, the Chairman invited questions for the Officer from Members.

In response to several questions from Cllr Trapp, the Planning Officer explained that the alpaca business was ongoing and due to the specific needs of alpaca it was necessary for someone to be resident on-site. However, that was not the primary consideration in recommending approval. She confirmed to Cllr Austen that the herd was purely for breeding rather than for any public activities. Cllr Jones questioned whether the proposal would permit the owners to remain on-site if the farm ceased to operate; the Planning Officer confirmed that, due to their long residence on the land, the proposed permission would be for the occupants' lifetime rather than being linked with the farm business.

The Chairman then opened the debate. Cllr Hunt stated that the application site was far from everyone, as evidenced by the inability to visit using the Committee's minibus, and there would be no harm in approving the application. He therefore proposed that the Officer's recommendation be approved. Cllr Huffer seconded the proposal and commented that a temporary building for the care of animals was a reasonable proposal.

It was resolved unanimously:

1. That planning application ref 21/01156/FUL be APPROVED subject to the signing of the S106 Agreement, the Applicant agreeing to any necessary extensions to the statutory determination period to enable completion of the S106 Agreement, and the draft conditions detailed in Appendix 1 of the Officer's report, with authority delegated to the Planning Manager and the Director Legal to complete the S106 Agreement and to issue the planning permission.
2. That, in the event that the Applicant did not agree any necessary extensions to the statutory determination period to enable the completion of the S106 Agreement, authority be delegated to the Planning Manager to refuse planning permission on the basis of the absence of a necessary S106 Agreement.

52. 22/00450/FUL – 162 WEST FEN ROAD, ELY, CB6 3AD

Dan Smith, Planning Team Leader, presented a report (X121, previously circulated) on behalf of the Case Officer recommending refusal of an application seeking permission for the demolition of the existing bungalow and the erection of two 4-bed dwellings with new combined access, parking, turning and site works.

Members were shown a site plan, aerial photograph and several images from around the site to illustrate its location on the edge of Ely with the A10 to the west and neighbouring residential properties to the rear and east. A proposed site plan, elevations and floorplans were provided together with landscaping details.

The main considerations for the application were deemed to be:

- **Principle of development** – the application site was within the development envelope and had extant permission to replace the bungalow with two 3-bed dwellings (application 20/00944/FUL).
- **Visual amenity** – elevations and floorplans of the proposed dwellings and the approved dwellings were provided for comparison purposes. The design and materials of the proposed dwellings were in keeping with the streetscene and the proposed landscaping was acceptable.
- **Residential amenity** – the site layouts for the proposed and approved schemes were provided and illustrated that the proposed dwellings would project further back into the site than the approved dwellings would. 160C West Fen Road was positioned close to the rear boundary and had garden areas to the east and west as well as ground floor windows to the kitchen and living room and an obscured first floor window to the bathroom. In the approved scheme amendments had been made to address concerns regarding overlooking and Officers had considered that the final version was only just within acceptable limits for overlooking. In the application under consideration, the rear first floor window of Plot 2 would be 12.9m (42ft) from the rear boundary as opposed to 17.8m (58ft) in the approved scheme. This would result in increased overlooking of the gardens and windows of 160C West Fen Road and therefore represented a significant adverse impact on the residential amenity of its occupants. There were no such concerns regarding Plot 1 due to the placement of its windows.
- **Highway safety and parking** – objections had been received on the basis of highway safety but the Local Highways Authority had raised no concerns and similar access arrangements had previously been agreed for the extant

permission. The parking standards set by the Council would be met and it was not considered that there would be any additional highways impacts over what had already been approved.

- **Other matters** – the application was considered to comply with all relevant policies regarding ecology and trees, flood risk and drainage, contaminated land, and climate change.

In summary, the proposed dwellings would project further into the site than under the previously approved application. The Officer's conclusion in the approved application was that there would be some impact from overlooking but that the distances involved meant that it was not sufficiently significant to warrant refusal. By moving the windows closer to the rear neighbour, the current application was considered to result in significant overlooking contrary to policies GROWTH2 and ENV2 and was therefore recommended for refusal.

On the invitation of the Chairman, Bernard Dooley, neighbour to the application site, addressed the Committee as an objector to the application. He explained that the application site had been purchased with permission in place for two 3-bed dwellings therefore the application represented an increase over what had previously been approved. The previous owner had also withdrawn an application for two 4-bed dwellings. The proposed Plot 1 would be very close to the junction with a 60mph road and he anticipated that 4-bed dwellings would result in up to 4 cars per property, for which there would be insufficient on-site parking. Cars parking along the verge at that location obstructed both the road and the public footpath, therefore presenting a danger to drivers and pedestrians, as well as making it harder for vehicles to access or leave the drive serving the three 4-bed homes behind the application site. He urged the Committee to refuse the application unless the parking provision was increased.

Cllr Hunt commented that he had been very familiar with the issues at that A10 junction during his time as a County Councillor. Cllr Trapp asked whether the objector was concerned about the intrusion of the dwellings further back into the plot, but Mr Dooley stated that his objection was related to the parking and associated concerns for safety.

The Chairman then asked Jamie Palmer to address the Committee as the applicant's agent. The agent highlighted that the Case Officer's sole reason for recommending refusal was due to the potential for a single first-floor bedroom window on Plot 2 to overlook the rear of 160C West Fen Road; there were no issues with Plot 1. The complaints from the previous speaker were related to Highways concerns but the site had extant permission for two dwellings and therefore Highways issues had been addressed in the previous application. He stated that he considered the proposal to be compliant with the Design Guide SPD and described the plot layouts, compared with those of the extant permission, to illustrate his view that the overlooking would be no different to that previously approved.

Cllrs Huffer and Trapp asked for further explanation of the overlooking argument and, with the aid of the Planning Team Leader's presentation slides, it was clarified that the agent was comparing overlooking distances solely for the garden to the west of 160C West Fen Road since he considered that to be the private rear garden

and the garden to the east to be a front garden. The Planning Team Leader replied that there was an element of privacy to both gardens.

Responding to issues raised by the public speakers, the Planning Team Leader reiterated that the Officers' view was that the first-floor window of Plot 2 would be closer to the site boundary than would be the case on the extant permission. He also clarified that the objector lived to the side of the application site rather than in the property that would be overlooked.

Following a request from Cllr Hunt, the Planning Team Leader provided the square footage of the authorised development and the application: approx. 125 sqm / 1345 sqft approved; approx. 190 sqm / 2045 sqft proposed. The proposed development would therefore be approx. 700 sqft larger than the previously-approved dwellings. Referring to photos that had been provided, Cllr Trapp asked whether the proposed buildings would be 5m closer to the boundary than the approved buildings. The Planning Team Leader stated that there was a degree of overlooking from both the existing and approved scenarios but Officers considered that the proposal increased the overlooking sufficiently that it warranted refusal.

The Chairman then opened the debate. Cllr Stubbs proposed that the application should be refused, in line with the Officers' recommendation. She considered that the previous permission had been generous and the new proposal would have a significant adverse effect on the neighbour's residential amenity. Cllr Huffer seconded the proposal and added that an additional bedroom would be likely to result in additional cars and would represent overdevelopment. Cllrs Hunt, Trapp and Austen all agreed and also commented on the danger of the road.

It was resolved unanimously:

That planning application ref 22/00450/FUL be REFUSED for the reason detailed in paragraph 1.1 of the Officer's report.

53. PLANNING PERFORMANCE REPORT – SEPTEMBER 2022

Simon Ellis, Planning Manager, presented a report (X122, previously circulated) summarising the performance of the Planning Department in September 2022. He emphasised the hard work of the team during a difficult few months and explained that, although the number of applications received in recent months had been lower than in previous years, there were several large and time-consuming applications in progress.

Cllr Every thanked the Planning Department for their hard work.

It was resolved:

That the Planning Performance Report for September 2022 be noted.

The meeting concluded at 5:34pm.