



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held at 1:00pm on Wednesday 2nd March 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith (*from 1:20pm*)
Cllr Sue Austen
Cllr David Brown
Cllr Matthew Downey
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr Gareth Wilson

OFFICERS

Rebecca Saunt – Planning Manager
Maggie Camp – Legal Services Manager
Holly Chapman – Planning Officer
Caroline Evans – Democratic Services Officer
Molly Hood – Planning Officer
Annalise Lister – Communications Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

James Chilvers (Objector, Agenda Item 5 / Minute 76)
Barry Garwood (Objector, Agenda Item 5 / Minute 76)
Charles Pilgrim (Applicant, Agenda Item 6 / Minute 77)
Antony Smith (Applicant, Agenda Item 5 / Minute 76)
Cllr Lorna Dupré (*from 2pm*)

1 Member of the public.

72. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllr Trapp.

73. DECLARATIONS OF INTEREST

Cllr Brown stated that he had called-in Agenda Items 5 and 6 for consideration at this meeting on the grounds that they had both previously been refused by the Committee and he therefore considered that the Committee should determine whether their concerns had been addressed. He had an open mind regarding both applications.

74. MINUTES

The Committee received the Minutes of the meeting held on 5th January 2022.

It was resolved:

That the Minutes of the Planning Committee meeting held on 5th January 2022 be confirmed as a correct record and be signed by the Chairman.

75. CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained that, with the easing of COVID-19 restrictions, the intention was to reinstate formal site visits including travel by minibus from the next Committee meeting on 6th April. He reminded Members that a minimum of five Members travelling by bus would be necessary for cost reasons, and that it would not be practical for multiple cars to follow the bus between locations. Following a show of hands unanimously in favour of resuming the use of a minibus, it was confirmed that formal site visits would take place prior to the 6th April meeting and that the meeting would commence at 2pm in order to accommodate the visits. Timings would be advised when the agenda was published. Members were asked to notify the Democratic Services Officer of any allergies or dietary requirements as soon as possible since a buffet lunch would be provided for all Members who had attended the site visits.

The Chairman then welcomed Isabella Taylor (Planning Officer) and Cassy Paterson (Planning Assistant) who had joined the planning team in early January 2022 and late February 2022, respectively.

76. 21/01628/FUL – 14 THE AVENUE, BURWELL, CB25 0DE

Holly Chapman, Planning Officer, presented a report (W146, previously circulated) recommending approval of an application seeking permission for the construction of 1 no. two-bedroom detached bungalow. An application for two bungalows on the same site had been considered by the Committee in October 2021 and refused on the grounds that it would constitute overdevelopment, would be out of character for the local area, and would have restricted access; the applicants had lodged an appeal against that decision.

Members were shown a location plan, aerial photographs, and block plans illustrating the site's location within the development envelope of Burwell, and the proposed positioning of the dwelling within the site. In addition to the garden and parking spaces for the new dwelling, a long rear garden would be retained for No. 14 The Avenue, in keeping with other nearby rear gardens, and a new dropped kerb and access would provide No. 14 with off-street parking for one vehicle. A contextual analysis had been provided regarding back-land development and Members were shown a location plan with relevant nearby planning history. Proposed elevations and floorplans were also shown, together with photographs of the site and its immediate streetscene.

The main considerations for the application were deemed to be:

- **Principle of development** – the application site lay within the development envelope for Burwell and the principle of back-land development was considered to be acceptable in this location due to a number of other permitted back-land applications within close proximity to the site. The

proposed development was therefore considered to comply with policies GROWTH2 and GROWTH3 of the Local Plan 2015.

- **Residential amenity** – by virtue of the siting, scale and design of the proposed dwelling it would not result in the unacceptable overlooking, overbearing, overshadowing, loss of light or loss of privacy to existing or prospective occupiers and adjoining occupiers. Acceptable amenity space was provided for the new dwelling and for No.14, and vehicle movements to the rear of the site were not considered to result in unacceptable residential amenity impacts for Nos. 11 or 14. A Construction Environmental Management Plan and piling foundations condition would be secured *via* a planning condition in order to minimise disturbance during construction. The proposed development was therefore considered to comply with policy ENV2 of the Local Plan 2015.
- **Character and appearance** – the plot size and density of the proposal were comparable to existing development within the surrounding area, and the design of the dwelling was considered to be sympathetic and not prominent within the streetscene. The proposed development was therefore considered to comply with the Design Guide SPD, the NPPF, and policies ENV1, ENV2, and HOU2 of the Local Plan 2015.
- **Highways, parking and access** – the proposal was policy-compliant for vehicle parking and cycle storage, and would also provide a single off-street parking space for No.14 which currently had no such provision. The Local Highways Authority had raised no objections to the proposal, the hard surfacing of the access would be secured *via* a planning condition, and the right of access for No.15 had been safeguarded. Building Control did not have a concern regarding fire service access to the site, and sprinklers would be secured *via* a planning condition as was usual for sites of this nature, and had been applied elsewhere in the District. The proposed development was therefore considered to comply with the NPPF and with policies COM7 and COM8 of the Local Plan 2015.
- **Biodiversity and ecology** – there would be no loss of trees and the TPO tree within the rear garden of No. 15 would be protected. Biodiversity enhancement measures and soft landscaping had been included and would achieve a significant biodiversity net gain. The proposed development was therefore considered to comply with the Natural Environment SPD and policies ENV1 and ENV7 of the Local Plan 2015.
- **Flood risk and drainage** – the application site lay wholly within Flood Zone 1, the area at lowest risk of flooding. The proposed dwelling would be served by soakaways and connected to the mains sewer, with details to be secured *via* a planning condition. The proposed development was therefore considered to comply with policy ENV8 of the Local Plan 2015.
- **Other matters** – the site was considered to represent a low risk of contamination in accordance with policy ENV9, and to satisfy policy ENV4 and the Climate Change SPD.

In summary, the application was recommended for approval on the basis that it complied with the policies contained within the Local Plan 2015, the adopted Supplementary Planning Documents, and the NPPF.

On the invitation of the Chairman, two objectors then addressed the Committee. James Chilvers stated that the objections to this application were similar to those raised against the previous application for two bungalows. In terms of the safety

of the shared vehicle/pedestrian access nothing had changed since the previous application. The applicant's appeal against refusal of planning permission for two dwellings suggested that they still wanted to build both, therefore there was concern that approval of this application would set a precedent for building on the application site. Barry Garwood stated that the application was almost identical to the previous application for the same site, in particular there remained a dwelling very close to his boundary which would result in an invasion of his privacy and overlooking to the rear of his property as well as being detrimental to the peace of the area and causing a loss of wildlife. The only external door to his property was located on its side wall, approximately 1.2m from the boundary with the proposed new access, and would therefore be negatively affected by pollution and noise. The proposed access was approximately 3m wide, with an overhang and electric cables, and consequently there was a risk of damage to his fence as vehicles manoeuvred along it. He was also concerned about the safety of the pedestrian access for the family with right of way along the side of No. 14. James Chilvers added that for both this application and the previous one, the fire safety aspects had not been responded to by the fire service and had instead only been addressed by Building Control.

In response to several questions from Cllr Jones, James Chilvers explained that he lived at No. 15 and Barry Garwood at No. 11; they were the two immediate neighbours to No. 14, and No. 15 benefitted from access rights across the garden of No. 14, along its eastern wall, and across the front garden to the public highway. Although some of the site photographs had shown a vehicle to the rear of No. 14, it had only been there temporarily for storage so was not comparable to the situation in which there would be a thoroughfare between Nos. 14 and 11 with the likelihood of daily vehicular movements. People using No. 15's right of way would be at risk of being confronted by moving vehicles and there would not be sufficient width for both a vehicle and a pedestrian. This was of particular concern for the resident and neighbouring children who regularly used it. In addition to weekly bin collections, the right of way was in regular use, particularly in warmer months, for pedestrian access as well as moving bicycles and kayaks to and from their garden.

1:20 pm Cllr Ambrose Smith joined the meeting.

In response to a question from Cllr Edwards, the objectors confirmed that they did not consider that anything had changed from the previous application, other than the removal of one dwelling. The position and orientation of the proposed dwelling was identical to one of the dwellings in the previous application, and the appeal against the refusal of that application remained outstanding which clearly indicated the applicant's preference to build two.

The Chairman requested, and received, confirmation from the Monitoring Officer that Cllr Ambrose Smith would not be able to participate in the debate or voting for this agenda item since she had missed both the Officer's presentation and the objectors' speeches. He then invited the applicant to address the Committee.

Antony Smith reminded Members that the Planning Officer had recommended approval of the application, and that no objections had been received from Environmental Health, the Local Highways Authority, Building Control, the ECDC Trees Team, Ward Councillors, or the Cambridgeshire Fire & Rescue Service. The application met the requirements of local and national planning policies and the

only objection had been from the neighbours and the Parish Council. The character of the immediate area was mixed in both dwelling size and design, and there were several nearby back-land developments, including one at 17a The Avenue. The proposal was for a modest bungalow with off-street parking for both the new and existing dwellings. The ridge height of the proposed bungalow was 1.8m lower than that of No. 11 and 3.9m lower than that of No. 14, and the dwelling would be 1.7m from the boundary with No. 11. The proposed access accorded with Highways standards and would be constructed with a bound material; the right of way for No. 15 would be retained. Nos. 17 and 17a had a very similar access arrangement which was 2.5m wide along the full length whereas the proposed access to the side of No. 14 would be wider. The applicant recognised that safety concerns had been raised, but reminded Members that the Local Highways Authority had approved the access arrangements. The proposed dwelling would be a modest but important development since bungalows were necessary and in short supply; the large housing development on Newmarket Road contained no bungalows in phase 1. He reassured Members that the contractors would work considerately, and urged approval of the application.

Cllr Jones asked for more detail about the dimensions of the driveway, and questioned whether the positioning of the proposed bungalow within the plot was intended to leave space for a second bungalow in future. The applicant explained that the access would be 5m wide for the first 11m from the highway, narrowing to 3m width for a 7m distance, and then widening again. He could not rule out a second dwelling on the site in the future, but recognised that further planning permission would be needed for that to be possible. He confirmed to Cllr Hunt that he was happy to install sprinklers in the bungalow and stated that he had talked to both Building Control and the Fire Authority, both of whom were content with the proposal. Cllr Downey questioned whether the Planning Officer had been aware of the conversation with Cambridgeshire Fire & Rescue, given that the Officer's report had indicated that there had been no comments received from them. The applicant then passed a hardcopy of the relevant correspondence to the Planning Officer and Planning Manager. The Planning Manager confirmed that Officers had not previously seen the emails, which appeared to be correspondence between Cambridgeshire Fire & Rescue and Building Control relating to the plan checking stages, with the Fire Authority noting the water sprinklers and stating that they had no further concerns.

The Chairman invited further comments from the Planning Officer, who informed Members that there was sufficient space within the application site for vehicles to turn and leave the site in forward gear, removing any need for vehicles to reverse along the shared access. She also commented that although an appeal had been lodged against the previous refusal for two bungalows, Members should consider only the application as presented; the appeal was a separate matter for consideration by the Planning Inspectorate. There were no questions from Members for the Officer. The Chairman therefore opened the debate.

Cllr Jones referred to careful consideration of the access and concluded that multiple daily vehicle movements to and from the bungalow would be unlikely. He had concerns about overdevelopment should a second bungalow be proposed, but recognised that the application under consideration was for a single dwelling. He therefore considered the application to be acceptable, and proposed that the Officer's recommendation for approval be agreed. Cllr Downey echoed Cllr Jones'

sentiments and seconded the proposal for approval. He considered it to be a reasonable proposal which had been approved by the Planning Officer and the Local Highways Authority. Whilst he understood the neighbours' reasons for objecting, he did not consider that there were planning reasons for refusal. Cllr Stubbs also sympathised with the neighbours while agreeing with Cllr Downey that there were no planning grounds to refuse the application. Although she had been concerned that approval of the dwelling could set a precedent for the appeal, she understood that Members could only consider the application as presented.

Cllr Brown stated that his concerns about the width of the shared access remained, and he understood the concerns of both neighbours. Cllr Edwards commented that the Parish Council had not supported the application due to the access concerns and the neighbour's right of way; she agreed with their position.

The Chairman added his sympathy with local concerns, and his agreement with several other Members that no planning grounds for refusal were evident. The motion to approve the application was then put to the vote.

It was resolved with 6 votes in favour, 3 votes against, and 0 abstentions:
That planning application ref 21/01628/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

77. 21/01778/FUL – 29 ISAACSON ROAD, BURWELL, CB25 0AF

Molly Hood, Planning Officer, presented a report (W147, previously circulated) recommending refusal of an application seeking permission for:

- the demolition of a single-storey side projection currently forming a single garage, utility and study, and adjoining the adjacent property's garage;
- the subsequent construction of a two-storey side extension to form an integral garage, utility, habitable room to the rear, and a new master bedroom with walk-in wardrobe and en-suite;
- the conversion of the loft space, including raising the ridge height of the existing front projection (the loft conversion would also utilise the loft space of the proposed two storey extension), and the inclusion of three rooflights to the front roof slopes and one large dormer to the rear;
- the addition of four further rooflights to the existing single storey extension and raised patio.

Members were shown aerial photographs and a location plan demonstrating the site's position within the development envelope and residential area of Burwell, with the conservation area meeting the western boundary of the curtilage. Elevations, floor plans and model images illustrating the proposed design and layout of the development were shown, as was the existing front elevation for comparison purposes. A previous planning application had been refused by the Committee in December 2021 on the grounds of harm to residential amenity and visual harm to the area.

The main considerations for the application were deemed to be:

- **Residential amenity** – as a result of the fenestration changes made since the previous application there were no longer any concerns regarding harm to the neighbours' residential amenity as a result of overlooking or loss of

privacy. The fence line had also been raised along part of the eastern boundary in order to protect the privacy of No. 31 following concerns about the raised patio. Although the proposal would introduce a significant level of built form to the side of the property, its location and proximity were not considered to result in significantly detrimental impacts to the surrounding properties.

- **Visual impact** – the two-storey extension would include a front projection with an 8.2m ridge height and the ridge height of the existing front projection would be increased by 1.2m, with both front projections being used as walk-in wardrobes rather than habitable areas. The higher front projection ridge heights would add significant massing to the front of the dwelling. The proposed development was therefore considered to be visually dominant and overpowering, disrupting the character of the immediate properties, and contrary to the Design Guide and policies ENV1 and ENV2 of the Local Plan 2015.
- **Highway safety** – the proposal would maintain the driveway to the front of the property for off-street parking, and the integral garage would be replaced by cycle storage. The proposed development was therefore considered to comply with policy COM8.

In summary, the proposal was considered to be detrimental to the appearance of the dwelling and the character of the streetscene, and was therefore recommended for refusal.

On the invitation of the Chairman, the applicant, Charles Pilgrim, addressed the Committee. Referring to his supporting document that had previously been circulated to Committee Members, he explained his commitment to updating the 1971 dwelling to meet modern standards. There had been no objections from neighbours, the Local Highways Authority or the Parish Council. He had not been averse to amending the proposals and had therefore made some modifications following the refusal of the previous application in December 2021. Specifically, some windows had been removed from the side elevations and the fence height had been increased. The pitches of the two front gables were essential because they provided storage for the second-floor rooms. Although they would not match the immediate neighbours, he considered it unreasonable to only compare the design with the nearest three properties in a street of approximately 60 properties. The property opposite the application site had similar pitches and there were many different building designs with no set pattern along the road. He did not consider the design to represent overdevelopment, rather he thought it was sympathetic. He considered the conclusion to paragraph 7.2.3 of the Officer's report to be a fair summary and was therefore unclear as to why the Officer had later compared the proposal to the immediate neighbours rather than the whole street.

Cllr Jones asked the applicant about the amount of separation between the proposed extension and the neighbouring property, since he had considered the previous application to be overbearing. The applicant stated that there would be approximately 1.1m separation between the two properties.

When invited by the Chairman to make any additional comments, the Planning Officer stated that whilst there had been no formal objections to the planning application, one neighbour comment had been received raising concern about the raised patio. Although revisions had been made to overcome the previous

concerns regarding residential amenity, there had been no amendments to address the visual amenity concerns.

Cllr Jones asked the Planning Officer about the setting of the application site within the streetscene, in particular whether it was part of a group of four properties. The Planning Officer explained that both the street as a whole and the immediate environment were relevant to consideration of the streetscene. The property immediately opposite the application site was an independent detached dwelling, whereas the application site was part of a set of four properties and the proposed changes would set it apart from the other three. The Chairman then opened the debate.

Cllr Every commented that, having viewed the road many times, she had carefully considered the whole streetscene and had concluded that she disagreed with the Officer's opinion that the proposal would be detrimental to the streetscene or harmful to the character of the dwelling or area. She therefore proposed that the application be approved. Cllr Ambrose Smith concurred, and added that there were many house styles along the road and the four alike properties, of which the application site was one, were not particularly striking. Cllrs Brown and Edwards agreed, with Cllr Edwards seconding the proposal for approval. Cllr Jones added that he considered the application to be acceptable now that the applicant had addressed the previous issue of overlooking.

Upon being put to the vote, it was resolved with 9 votes in favour, 1 vote against, and 0 abstentions:

That planning application ref 21/01778/FUL be APPROVED on the grounds that the proposal would not be detrimental to the streetscene or harmful to the character of the dwelling or area.

It was further resolved:

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

78. PLANNING PERFORMANCE REPORTS – DECEMBER 2021 & JANUARY 2022

Rebecca Saunt, Planning Manager, presented two reports (W148 & W149, previously circulated) summarising the performance of the Planning Department in December 2021 and January 2022. Members' attention was drawn to the enforcement notice served on Mount Pleasant Farm, 66-68 Main Street, Pymoor, which had been incorrectly included in the December 2021 report and should instead have been included in the January 2022 report. Having successfully recruited to both of the vacant positions within the department there was now a full complement of staff. In addition, the number of planning applications received had started to decline, which was welcome. All appeals decided in December had been dismissed and a date had been provided for an appeal hearing for the Site South of 10 Narrabeen Park, Whitecross Road, Wilburton, which had originally been scheduled for March 2020 and had been delayed due to COVID-19. The appeal hearing would be in-person at The Grange.

Cllr Brown commented on the enforcement notice served in Burwell in January 2022 and thanked the Officers for their prompt attention to the matter.

The Chairman thanked the Planning Manager and her team for their hard work throughout the difficult circumstances of the past two years.

It was resolved:

That the Planning Performance Reports for December 2021 and January 2022 be noted.

The meeting concluded at 2:10 pm.