



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

## AGENDA ITEM NO 3

Minutes of a remote meeting of the Planning Committee held at 1:00pm on Wednesday 7<sup>th</sup> April 2021, facilitated by the Zoom video conferencing system.

### **PRESENT**

Cllr Bill Hunt (Chairman)  
Cllr Christine Ambrose Smith  
Cllr Sue Austen  
Cllr David Brown  
Cllr Matt Downey  
Cllr Lavinia Edwards  
Cllr Alec Jones  
Cllr Josh Schumann  
Cllr Lisa Stubbs (Vice Chairman)  
Cllr John Trapp  
Cllr Gareth Wilson

### **OFFICERS**

Andrew Phillips – Planning Team Leader  
Maggie Camp – Legal Services Manager  
Emma Barral – Planning Officer  
Angela Briggs – Planning Team Leader  
Tracy Couper – Democratic Services Manager  
Kevin Drane – Trees Officer  
Caroline Evans – Democratic Services Officer  
Barbara Greengrass – Planning Team Leader  
Molly Hood – Planning Officer  
Christopher Partrick – Conservation Officer  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

### **IN ATTENDANCE**

Andrew Bigg – Agenda Item 5  
Cllr Lorna Dupré – Agenda Item 5  
Karl Hogg – Agenda Item 7  
Alison Hutchinson – Agenda Item 6  
Lorraine King – Agenda Items 8 & 9  
Joanne Palmer – Agenda Item 6  
Peter Palmer – Agenda Item 6  
Elizabeth Rhodes – Agenda Item 5  
Parish Cllr Anne Pallett – Agenda Item 6

## **83. APOLOGIES AND SUBSTITUTIONS**

No apologies or substitutions were made.

## **84. DECLARATIONS OF INTEREST**

Cllr Jones declared an interest in Agenda Item 6 – Land between 37/37A and 38 Great Fen Road, Soham – stating that he did not feel totally impartial having met several times with parties related to the item. He reserved the right to speak as Ward Councillor but would not participate in the debate or vote.

## 85. MINUTES

The Committee received the Minutes of the meeting held on 3<sup>rd</sup> March 2021. Cllr Brown had identified an error in Minute 78 – on page 10, the last sentence of the second full paragraph needed removal of a prefix “un” as follows:

“If a new scheme came forward it was highly ~~un~~likely that refusal would be recommended, due to the site’s location outside the development envelope.”

It was resolved:

That, subject to the above correction, the Minutes of the Planning Committee meeting held on 3<sup>rd</sup> March 2021 be confirmed as a correct record and be signed by the Chairman.

## 86. CHAIRMAN’S ANNOUNCEMENTS

The Chairman made the following announcements:

- Members were reminded to exercise care regarding the call in of applications to Committee. This important power served a good purpose, but should be exercised for good planning reasons and only in exceptional circumstances should a Member call in an application that was not in their ward.
- Members were encouraged to drive to application sites a day or two before the meeting if they were not familiar with the location, but must exercise caution in doing so. The decision should be a personal one and conversations with anyone relating to the site should be avoided. Members were reminded that the associated mileage costs were an ‘approved duty’ for Members’ Allowances claims and Officers were asked to supply postcodes for each application site in order to assist Members in locating them.

The Legal Manager reminded Members of the Planning Committee Site Visit Protocol and urged them to have read it thoroughly before undertaking any such visits. Andrew Phillips, Planning Team Leader, explained that postcodes could not be included for some applications since undeveloped plots of land did not have postcodes. Cllr Jones suggested that Officers could use the “what3words” app to identify those locations.

## 87. TPO/E/04/20 – LAND REAR OF 30 TO 40 GARDEN CLOSE, SUTTON

Kevin Drane, Trees Officer, presented a report (V165, previously circulated) which sought to confirm a Tree Preservation Order (TPO) for two individual trees and three groups of trees containing a total of 57 trees on land rear of 30-40 Garden Close, Sutton.

He showed various maps and photographs of the site location and the trees under consideration, and stated that the trees had a high visual impact and contribution to the local landscape. He reminded Members that Amenity Value was the only consideration needed in assessing a Tree Preservation Order. He explained that the TPO had been served in order to allow time for debate on the future of the trees since attempts to reach an agreement with the developer of the land had not been successful. Some trees would inevitably be removed during development of the land but the TPO would ensure that the retained trees would have sufficient space to thrive and that appropriate replacement planting would take place for removed

trees. Any later successful Planning Application would override the TPO and therefore confirming the TPO would not prohibit future development of the site, it would instead ensure that permission would be needed to remove any trees.

He informed Members that the TPO had received support from 28 members of the public but had been opposed by the owners.

*1:28pm The Chairman sought confirmation that Cllr Schumann was still present since his video was no longer showing. Cllr Schumann confirmed his presence and explained that, due to bandwidth issues, he had turned off his video in order to improve reception of the Officer's presentation.*

On the invitation of the Chairman, Andrew Bigg spoke as an objector to the TPO application. He informed Members that ACD Environmental had been instructed by Abbey Homes as the arboricultural consultant for all elements relating to the application site and had previously provided a letter of objection for the TPO. In summary, he presented the following points:

- The site was the subject of a planning application by Abbey Homes and, within the supporting documentation of the outline application that was refused at Committee but approved on appeal, there were specific trees identified for removal. The current reserved matters planning application proposed a very similar arboricultural assessment in terms of the trees to be removed.
- The proposed TPO did not fundamentally restrict development of the site but did prejudice the extant planning consent as some of the trees identified in the consent were included in the TPO.
- The site was private land with no rights of way across it. The central copse was the largest group featured within the TPO, to the east of the current residential built form and only visible from nine adjacent properties and the apex of Garden Close cul de sac from which the entrance to the development site would be positioned. He disputed the visual amenity justification for the TPO, since most properties on the boundary of the site had vegetation or other boundary screening which restricted views into the site.
- The reserved matters application had been drafted with the precedent set in the approved appeal in mind regarding the tree removal and it was therefore inappropriate for those trees to be included in the TPO. TPOs should only be used for trees that were intrinsically worth preserving and not to frustrate development.
- Abbey Homes' approach to the development of the site showed they had not to date removed trees and instead were showing trees in all submitted documentation, they therefore objected to trees being included in the TPO that had been already been marked for removal in the appeal process.
- The Council's duty to protect trees from threat, including from development, was acknowledged and the TPO on the other trees was welcomed.

There were no questions for the objector. The Chairman then invited Elizabeth Rhodes to speak as a supporter of the TPO application. She read aloud the following statement:

*"1) Inspector granted appeal for outline for \*up to\* 53 homes with access and all other matters (scale & form, etc) to be determined at reserved matters.  
2) Neighbourhood plan then got approved with the single storey low density bit (NP5) and also the clauses in NP2 and NP5 specifically about the trees.*

- 3) Sutton's Neighbourhood plan is therefore a material consideration for planning.
- 4) Reserved Matters applications have been rejected twice so far on grounds, among other things, of compliance with Neighbourhood plan.
- 5) Applicants have so far not demonstrated that it is impossible to create a site layout that complies with storey/density clauses of neighbourhood plan AND which does not require the removal of the trees. Applicants have in fact not shown any proposal which complies with neighbourhood plan, regardless of trees.
- 6) The neighbourhood plan should therefore be supported. Its clauses about trees are as much a material consideration as its clauses about stories and densities.
- 7) To lift the TPO at this stage would therefore be an error in law and could potentially be referred for Judicial Review.
- 8) It seems clear that the trees are now under threat, and it is entirely foreseeable that if the order were lifted today, the applicants would have a crew on site felling them tomorrow to prevent them being an issue again. The committee should understand that the very act of creating the TPO has probably now critically endangered them.
- 9) The time to talk about the trees is after the applicants have submitted a design which complies with the scale, form and density requirements of the neighbourhood plan. Then it can be discussed as to whether the design actually requires the removal of the trees or whether it can be adapted around them.
- 10) The trees and hedgerows are well established and make an important contribution to biodiversity and act as wildlife corridors on this edge of village location. They are an amenity for the village and provide landscape value. The willow and other nature trees soak up water on a site that is frequently waterlogged. If felled and replaced with saplings this important benefit would be lost and surrounding land including the rec to the South would be more likely to flood."

There were no questions for the supporter. The Chairman then invited Cllr Lorna Dupré to speak in her role as Ward Councillor for Sutton, she read aloud the following statement:

*"Good afternoon, Chair, Members. I am speaking to you this afternoon to encourage you in the strongest possible terms to support the recommendations of your officers, support the policies of the Sutton Neighbourhood Plan, and support the making of this Tree Preservation Order.*

*These mature trees and the landscape in which they sit make a vital contribution to the setting of the village in the context of the historic church, and the recreation fields and open spaces in the south east corner of the village. The local importance of this landscape has been recognised throughout the making of the Sutton Neighbourhood Plan, but the threat to it has become increasingly imminent.*

*The Tree Preservation Order before you today has the backing of Sutton Parish Council and also of a large number of residents.*

*A brief history.*

- *In November 2018, the Planning Committee approved an outline planning application for up to 53 dwellings on land behind Garden Close in Sutton.*

- *In January 2019, planning inspectors allowed an appeal against this authority's refusal of a twin application for the same development.*
- *Both applications were for outline consent only, for up to 53 dwellings, with all detailed matters other than access reserved.*

*In May 2019 residents overwhelmingly voted for the Sutton Neighbourhood Plan, with over 90 per cent of electors voting in favour. The Plan's policies now have force and are a material consideration for this committee.*

- *Policy NP2 of the Plan expects all development proposals to retain existing features of landscape and biodiversity value (including trees, woodland, hedgerows, the open nature of meadowland and verges) except where loss or damage is inevitable in which case appropriate replacement is required.*
- *Policy NP5 of the Plan is specifically about this site, and requires that development be predominantly low density single-storey dwellings, retain existing mature trees and hedgerows, and preserve and enhance views from the south towards the Church, from Lawn Lane eastwards and Station Road westwards across the cricket fields and open spaces.*

*Reserved matters applications have twice been refused by this Council. To date, Abbey Homes has failed to submit a reserved matters application which meets the requirements of the Sutton Neighbourhood Plan in respect of density, height of built form, or landscaping. They have also failed to demonstrate that loss of this significant landscape is inevitable, as the Neighbourhood Plan requires.*

*To support this Tree Preservation Order application is to uphold the Sutton Neighbourhood Plan and its policies relating to the Garden Close site and the outstanding reserved matters associated with the outline applications.*

*Without this Tree Preservation Order, the landscape at Garden Close is in clear and present danger.*

*Lifting the Order would give the green light to Abbey Homes to immediately destroy the landscape which the Sutton Neighbourhood Plan, and the residents of Sutton, have been at such pains to protect, in order to neutralise a key issue in their submission of a reserved matters application.*

*Finally, the intention of this Tree Preservation Order is not to frustrate any and all development on this site. Both this Council and the Planning Inspectorate have approved outline consent, and all involved fully recognise that. Indeed, Sutton Parish Council had endorsed the principle of sympathetic development of around 25 bungalows on this site before the larger application was submitted. The purpose of this Order is simply to ensure that this important part of the Sutton landscape is protected, and that development on the site complies with the policies of the Sutton Neighbourhood Plan, which has the backing of the community and which are a material consideration for this Committee.*

*I urge members in the strongest possible terms to approve this Order."*

There were no questions for Cllr Dupré.

Cllr Trapp sought and received confirmation from the Trees Officer that, if granted, the presence of the TPO would not prevent trees from being removed for planning purposes at a later date. Cllr Jones questioned Officers about the 2017 planning appeal decision and whether the Planning Inspectorate could consider confirmation of the TPO to be frustrating the process. Andrew Phillips, Planning Team Leader,

referenced the conditions in the appeal decision on 17/01445/OUM, particularly regarding landscaping, layout, appearance and scale being for reserved matters, and therefore stated that he did not believe that the TPO would conflict with the Inspector's decision and should not prejudice development coming forward.

The Chairman then opened the debate on the confirmation of the TPO.

Cllrs Jones and Stubbs spoke in favour of confirming the TPO given that the Trees Officer and the Planning Team Leader had explained that the TPO would not indefinitely preserve the trees or hinder development of the site. Cllr Jones proposed approving the Officer's recommendation and Cllr Trapp seconded his motion.

Cllr Brown expressed concern that the TPO included trees which had already been identified as needing to be removed for the site development and could therefore leave the Council open to a compensation claim. On the invitation of the Chairman, the Planning Team Leader clarified that although some trees had been suggested for removal in a reserved matters application, the application had been refused and there were currently no approved applications in place. In addition, an approved planning application would override a TPO and could permit removal of any trees, the TPO would simply require the trees to be a consideration in the planning process.

With the permission of the Chairman, Cllr Schumann sought and gained clarification from the Planning Team Leader that the application which had been approved at appeal contained indicative drawings identifying trees for removal. Whilst understanding that all matters except for access had been reserved he felt that the indicative drawings established a precedent. He therefore suggested amending the TPO to not include the trees in the indicative drawing. The Trees Officer clarified that those trees were part of the group identified as G3 in the TPO and confirmed that it was within the remit of the Committee to modify the TPO. The Democratic Services Manager confirmed that Cllr Schumann's suggestion would be a valid amendment to the motion. Cllr Brown seconded Cllr Schumann's amendment.

*1:59pm The Chairman lost his internet connection to the meeting. Vice Chairman Cllr Stubbs therefore assumed the Chair in his absence and the debate continued.*

Cllr Wilson strongly opposed the amendment stating that it implied that the Planning Committee had approved the proposal in the indicative drawings. Cllr Trapp agreed and reiterated that the TPO would not prevent removal of the trees, the developers just needed to submit a viable plan for approval. The Planning Team Leader again confirmed that an acceptable reserved matters application could include removal of one, some, or many trees, the TPO would simply make consideration of the trees part of the approval process and prevent their removal prior to planning permission being granted.

*2:06pm Cllr Hunt re-joined the meeting but having missed part of the debate asked Cllr Stubbs to continue in the role of Chairman for the remainder of the agenda item.*

Cllr Trapp commented that if Cllr Schumann's amendment was approved then the excluded trees could be removed imminently with further trees potentially being removed after the granting of a future planning application.

Cllr Ambrose Smith suggested that Sutton residents did not want the development and the TPO was being used as a way to delay development or reduce the site in such a way as to become unviable. Cllr Trapp responded that the lack of a viable planning application was the cause of any delay, not the potential TPO, and Cllr Downey reiterated that the TPO would not stop future planning permissions so he did not see the value of the amendment.

Cllr Hunt confirmed that he would not be voting on the agenda item since he had missed a section of the debate.

Cllr Schumann's amendment, seconded by Cllr Brown, to approve the Officer recommendation to confirm the TPO but with revision to not include the trees identified in the indicative drawings of the previously-approved appeal, was put to the vote and was lost with 3 votes in favour and 7 votes against.

Cllr Schumann then encouraged Members to support the original motion and explained that he wholly supported the TPO having clearly received, via the vote on the amendment, the Committee's view that inclusion of all the trees would not put the Council at risk.

Cllr Jones' motion, seconded by Cllr Trapp, to support the Officer's recommendation was then put to the vote.

It was resolved unanimously:

That Tree Preservation Order ref TPO/E/04/20 be CONFIRMED for the reasons detailed in paragraph 2.1 of the Officer's report.

*2:16pm Cllr Hunt thanked Cllr Stubbs for chairing the item and he returned to the role of Chairman.*

**88. 20/01486/VAR – LAND BETWEEN 37 & 38 GREAT FEN ROAD, SOHAM**

Emma Barral, Planning Officer, presented a report (V166, previously circulated) recommending the approval of the application to vary Condition 1 (Approved Plans) of previously approved 19/01229/FUL for a proposed two storey dwelling, garage, parking, access and associated works, subject to the recommended conditions detailed in Appendix 1 of the report.

She checked that Members had received objection letters that had been circulated to them since publication of the agenda, clarified that one neighbour to the site should be referenced as 37/37A (two semi-detached dwellings) rather than 37, and explained that Soham Town Council had registered concerns on 3<sup>rd</sup> February regarding the site being outside the development envelope and on 31<sup>st</sup> March had sent more detailed objections regarding overdevelopment and loss of amenity and light, as well as visual impact and drainage/flooding concerns.

She showed various photographs and maps of the site and its location as well as images from earlier applications related to the site, including the extant consent. The site lay well outside the development envelope of Soham and within Flood Zone 3. The original outline planning permission for the site had been approved at Committee, against Officer recommendations, in 2017 and the current plans approved in 2020. She stated that the proposed dwellinghouse in the application under consideration had been repositioned within the plot and the garage had been omitted. The ground floor plan was larger than in the previous application but no higher and only the master suite would be on the first floor level in the new design.

The additional height above the road had been included in the previous consent. The developer had started raising the land, despite not having discharged Condition 3, but works had now ceased until this was done.

There were five main considerations for the application:

- **Principle of Development** – considered to be acceptable since a dwelling could be constructed under previously approved planning permission 19/01229/FUL.
- **Visual Amenity** – the overall height of the proposed dwelling house was no greater than that previously approved (including the finished raised land levels) although the location within the plot and the building design had been altered. The design, materials and siting were considered acceptable. In terms of its impact on visual amenity the application was therefore considered to be acceptable under policy ENV2 of the Local Plan 2015.
- **Residential Amenity** – the proposed dwelling was considered to be of a scale and distance from neighbouring dwellings which meant that they would not result in any significant loss of light, overshadowing or visual intrusion. Third party concerns were noted but a substantial amount of built form had already been approved at the application site and the Agent had suggested that the amendments had been intended to improve the relationship with the Old School House. The application was therefore considered to be acceptable under policy ENV2 of the Local Plan 2015.
- **Highway safety and parking** – off-road parking was provided for two vehicles and would be accessed off Great Fen Road via a vehicle access that had previously been consented in 19/01229/FUL. It was therefore considered to comply with policies COM7 and COM8 of the Local Plan 2015.
- **Drainage and flooding** – given the site's location within Flood Zone 3 a Flood Risk Assessment had been submitted. The proposed dwelling was not considered to have any greater susceptibility to, or increased risk of, flooding than the previously-approved dwelling on the site and the Environment Agency had not been concerned about the ground floor bedrooms provided there was safe refuge available at first floor level. The proposed development was therefore considered to comply with policy ENV8 of the Local Plan 2015.

In summary, the Officer stated that the development could be undertaken without detriment to the residential amenities of neighbouring occupiers and without having an adverse impact on either the character of the village or surrounding area and street scene. Adequate surface water drainage measures could be made subject to condition and adequate parking and access to the highways network were both acceptable. The proposal was therefore recommended for approval.

The Chairman invited Alison Hutchinson and Joanne Palmer to speak as objectors to the application. Alison Hutchinson read aloud the following statement:

*"I represent Mr and Mrs Palmer who live next door to the application site. Mrs Palmer will also speak and explain her concerns about the proposal.*

*I will speak about three matters that are of concern with this application:*

*Firstly is the fact that it is being dealt with as a variation. Case law has confirmed that local planning authorities cannot alter the description of the development when dealing with such applications. Here the description includes a garage but there is no garage proposed and yet you are being asked to give full planning permission. The officer's report says it is no longer required. You have*



*no plans that show where it could go or even what it will look like. So effectively you are being asked to grant a different planning permission to the original description, contrary to case law. It cannot therefore be a variation. This is not addressed in any way in the officer's report.*

*The second issue is over development. The ground floor of the dwelling has increased by over 70% compared to the approved dwelling and it occupies the majority of the site with no rear garden and no room for a garage. The committee report refers to private amenity space being at the side of the dwellinghouse. That area is shown as grass on the plans and is adjacent to Mr & Mrs Palmer's house. A site visit will show that area has been raised and hard cored and is being used as a new access to the applicant's land outside the application site where unauthorised offsite engineering works are taking place. These are immediately adjacent to the rear boundary of Mr & Mrs Palmer's garden and not visible from the road.*

*The third issue is impact on Mr & Mrs Palmer's amenity due to the location of the dwelling and the level of the site and additional land which has been raised by a considerable degree through unauthorised works as you've heard. The ground floor of the approved dwelling (and this one) is required to be constructed 500mm above the level of Great Fen Road not the whole site and not the grass verge as shown on the inaccurate section plans just shown to you. The ground floor of the dwelling will therefore be raised some 2.5m above the original level of the land. The approved dwelling is located at the front of the plot and will be screened from my clients' house and private garden by their outbuildings and evergreen trees. In contrast, the new dwelling presents a considerably worse impact being located so far back in the site where there is no such screening and with new ground levels considerably higher than Mr & Mrs Palmer's private garden. This proposal will have a far greater adverse and unacceptable impact on the amenity of my clients.*

*The dwelling in the 2019 planning permission had, in the words of your officers, 'increased in size to what is considered to be the most the plot can support.' Your officers now say exactly the same for the current proposals despite it representing a ground floor increase of over 70%.*

*The application represents clear overdevelopment of this site and will result in unacceptable impacts to neighbours. Unauthorised works have taken place with no plans submitted to show the extent and impact of those works. The development is clearly contrary to Policies Growth 2, Hou 2, ENV 2 and the Design Guide SPD and should be refused planning permission."*

Joanne Palmer then spoke, on behalf of herself and her husband, to make the following points:

- She reminded Members of the letter that had been forwarded to them and showed the changes between the original outline plan of 2017 and the current application.
- They had not objected to the original 2017 application but the latest application bore no resemblance to it. The house had grown bigger at each stage such that the proposed house and driveway now occupied the entire site and therefore represented a massive overdevelopment of the site which had a huge impact on their home and their lives.
- In addition to their concerns about the size of the building, the new location at the back of the site meant that there would now be a build up of over 2.5m due to the natural lie of the land and the building would therefore not only

be positioned away from the natural screening and directly opposite their kitchen, living room and bedroom windows but would sit on a platform more than 2m above the seating area of their garden. They could not see how they could retain any privacy since the 2m fence of their garden would not even reach the ground floor of the new building.

- They struggled to believe that the small piece of land towards the side of the property would really form the only garden for the house. In addition, that land was currently used as an access road to land at the rear of the site, which the applicants had informed them he intended to use for a workshop and storage area for his building business, leading them to fear commercial vehicles and plant machinery regularly travelling adjacent to their garden boundary and that a future application would follow for further development at the rear.

Cllr Trapp asked Joanne Palmer if he had correctly understood that the existing Old School House sat 2.5m below the proposed new building level, and she confirmed that it did. He also asked her about the location of the proposed workshop that she had mentioned. She explained that it was outside the current application, but that they were concerned that the strip of land adjacent to their hedge and marked as garden for the new development was in fact being used as vehicular access to the land at the rear of the site.

The Chairman then invited Cllr Anne Pallett to speak on behalf of Soham Town Council. She explained to Members that in addition to the comments mentioned in the Officer's presentation, Soham Town Council had also submitted an amendment about their concerns on 8<sup>th</sup> February. She then read aloud a pre-prepared statement as follows:

*"Whilst we, Soham Town Council appreciates members take into account objections to previous applications in relation to rural infill, and conflicting Policies mentioned beforehand, the current application based on a revision to those two planning applications previously received approvals, gives us grave concerns.*

*Historically, an application received in 1999 for this plot for a single storey dwelling was refused. There are no records available on line.*

*In 2017 a two storey dwelling and garage Outline application was recommended for refusal by the case officer and was overthrown and permitted by the planning committee. This application became extant and the 1st FUL Application for a dwelling and garage in 2019 was permitted. The increase of approximately 48% from the Outline application was within the curtilage, reported as the limit the plot could support. The result was a pre application condition imposed from the senior planning officer and accepted by the agent acting for the applicant in 2019 removing permitted development rights for extensions and outbuildings to ensure no harm to the amenity of the area by uncontrolled additions in the future.*

*The Current Variation application in 2020 for a dwelling ONLY is approximately 20% larger without a double garage, than the previously permitted FUL Application with a garage. A variation can carry up to 15% change but as the FUL application design had reached its capacity we would suggest that this current application increase does not constitute a Variation and it is approaching a third of the entire plot without much green space or room for any future garage. From Outline to Variation there has been approximately a 76% change. The increased design has also moved further back to the field end*

*border of its curtilage adjacent to the agricultural land. The frontage design would allow a 2 car standing and turning space ungenerous for such a large property. I repeat there is no room on this plot for any future garage. The access to the agricultural land has been blocked which is currently not an issue but could become one in the future. The neighbours did make a request to move the proposed dwelling a little towards the rear, there are horses in the adjacent stables, but they had not expected such a large displacement as well as a very much larger dwelling. Soham Town Council considers this to be overdevelopment.*

#### *Street Scene*

*The computer generated street scene is not representative of the actual street scene. The neighbouring properties are over a meter below the road. The site being within Flood Zone 3 demanded from the Flood Risk Assessment that the Dwelling is artificially raised 500mm higher than the road level. This increase of ground height of proposed dwelling adjacent to Number 37 and 37A and new repositioning from the FUL application will in reality be over 2M higher than No 37A rear ground level as the rear of the property is very much lower than the road. That is for example over the height of a doorway in a house.*

*The extra height being raised artificially to 500mm will likely detrimentally affect the height of the proposed chimney and exceed that of the existing Schoolhouse chimney and Bell tower which is a historic feature of the landscape.*

*No 37A is situated at the rear, facing North West. The repositioning of the proposed dwelling will cause significant amenity loss, overshadowing and loss of light and sky. I observed they are not at present enjoying full light to their property due to many of their windows facing North towards the site, one facing North West towards the fields. The garden is edged by slow growing deciduous hedges North and North West. This repositioning of the proposed dwelling detrimentally affects No 37A's own privacy and enjoyment of their garden the natural ground level being significantly lower than the road. There is also concern to the height of the proposed new fence.*

*There are concerns about drainage and flooding given the difference in height between the proposed dwelling and No 37A.*

#### *Conclusion*

*We query the actual correctness of this application being dealt with under a Variation. We trust you would agree that the dwelling is significantly larger than the permitted previous application without sufficient space for a garage.*

*We hope you would agree there is some Overshadowing and loss of privacy to No 37A.*

*We hope you would also agree there are concerns regarding Drainage and Flooding issues to the plot, the neighbour's property and garden being approximately 2m below the proposed ground floor of the proposed dwelling.*

*Finally we are sure you must also agree with Overdevelopment of the plot having no room for a decent green space or future garage single or double.*

*Given all the above legitimate comments in objection Soham Town Council comment to object to this Variation Application. Thank you."*

Cllr Schumann asked Cllr Pallett why Soham Town Council had not commented in December and had then stated "no concerns" in February, but now had substantial concerns. She explained that there had been significant upheavals, including

cancellation of a Planning meeting, due to suspected COVID-19 in the office and that the application had therefore unfortunately gone unnoticed at first, but once attention had been drawn to it they had been keen to correct that oversight. Cllr Schumann thanked her for the entirely understandable context and asked for Soham Town Council's view on the street scene of Great Fen Road. Cllr Pallett stated that they had concerns about the street scene on the application because the computer-generated images did not show the actual scene where houses were below the road level rather than above it and therefore the proposed building would give an imbalance and look out of place. Cllr Schumann responded that he believed there were other higher buildings along the road and Cllr Pallett agreed that the newer buildings were higher, whereas older buildings were below the level of the road.

The Chairman then invited Cllr Jones to speak as the Ward Councillor for Soham North. Cllr Jones thanked Cllr Pallett for covering many of the issues he wished to raise and also indicated that the comments from Mr and Mrs Palmer were crucial in identifying how the location of the proposed building would affect them, so he hoped that Members had looked at the letter and photos sent by them the previous week. He then made the following points:

- Although he recognised that the new building would be some distance away from the Palmers' property, it would be much higher and a new boundary fence on the raised land would effectively mean a 12 foot boundary fence for the Palmers.
- He reminded Members that there were two semi-detached properties at 37/37A and, referring to the photos provided by Mr and Mrs Palmer, stated that the proposed property would have a significant visual intrusion on the rear dwelling.
- The artificially-raised land would allow water to fall down towards the Palmers' property and therefore drainage needed to be considered.
- The proposal had grown on each successive application and the siting of the building was now disconcerting and suggested that this would not be the last application. It now represented overdevelopment. The Palmers were not worried about the house design or ridge height so much as the building's location within the plot.

The Chairman invited the Planning Officer to make any further comments. Regarding the mention of potential future outbuildings, she highlighted that a condition removing permitted development rights had been suggested, and any further proposed dwellings in the vicinity would be contrary to the Local Plan since the location was outside the development envelope for Soham. (The principle of development for this application had been established due to its planning history.) She also reminded Members that there was an extant permission on the site meaning that the developer could build subject to discharging the relevant conditions and that any dwelling on the site would need to be 0.5m above the road level due to the mitigation measure needed from the Flood Risk Assessment.

Cllr Schumann asked the Officer if permitted development rights had been removed on previous applications and asked if overshadowing had been assessed, since it was not normally considered at 25m. Emma Barral replied that the outline consent in 2017 had no rights removed but Condition 13 of the 19/01229/FUL application removed permitted development rights and specified that the dwelling should not be extended in any way, nor could any structures be erected in the curtilage of the dwelling. Regarding the overshadowing, she confirmed that it had been considered in relation to residential amenity.

Cllr Stubbs referred to Alison Hutchinson's challenge regarding the legality of the proposal no longer containing a garage and asked for Officers' views. Andrew Phillips, Planning Team Leader, stated that a Variation could not substantially change a proposal and it was therefore a judgement call regarding what constituted "substantially". He believed that the lack of a garage was not a substantial change. Cllrs Wilson and Trapp asked further questions regarding vehicle parking on site and Emma Barral reiterated that there was space for two vehicles on the front drive which complied with Policy COM8 of the Local Plan.

The Chairman then opened the debate. Cllr Schumann thanked the Officer for her work on the application and commented that he did not see significant reasons to refuse it, especially considering the NPPF's requirement to look at presumptions in favour. He believed the proposal to be a reasonable size and understood that any dwelling on the site would need to be raised due to the flood risk. He therefore proposed accepting the Officer's recommendation to approve the application. This was seconded by Cllr Ambrose Smith.

Cllr Trapp commented that, although the proposed variation made the imprint from the side more comfortable, the increase in size and the displacement materially affected the neighbouring property. The proposed dwelling was considerably larger and looked to be a complete redesign rather than a variation. Cllr Wilson agreed regarding the additional size and suggested that a 4 bedroom house should have the possibility of parking for more than 2 cars.

Cllr Brown felt the change in the proposal was significant and he therefore questioned the Planning Team Leader's comment that the change was not substantial enough to require a new application, but said he was struggling to see a planning reason for refusal. Cllr Downey agreed both that the application stretched the definition of a variation and that a planning reason for refusal was needed.

On being put to the vote, the motion to agree the Officer recommendation was carried with 8 votes in favour, 1 against and 1 abstention.

It was resolved:

That planning application ref 20/01486/VAR be APPROVED subject to the recommended conditions detailed in paragraph 1.1 and Appendix 1 of the Officer's report.

*A comfort break was taken from 3:16pm to 3:26pm.*

**89. 20/01544/FUL – 14 WEST LODGE LANE, SUTTON**

Angela Briggs, Planning Team Leader, presented a report (V167, previously circulated) on behalf of the Case Officer recommending refusal of an application to construct a first floor extension and ground floor battery store at 14 West Lodge Lane, Sutton, Ely, CB6 2NX.

She showed Members various site photographs and maps, informed them that the site was within the development envelope for Sutton, and explained that Cllr Dupré had called-in the item to Committee in order for Members to determine the appropriateness of the application and the Officer's recommendation, as well as consider a neighbour's concern regarding overlooking. She explained that the proposed first floor extension would sit on top of the existing extension and be constructed using the same 'HardiePlank' cladding to match it. Solar panels would

be installed on the new roof as well as on the adjacent existing roof slope. The proposed ground floor battery store would be to accommodate the batteries for the proposed solar panels.

The main considerations for the application were deemed to be:

- **Residential Amenity** – The introduction of windows at first floor level, and the associated concerns of Cllr Dupré and the neighbour at 85a The Row, were noted as was the reduced separation distance to 96 The Row. However, the distances were considered sufficient that overlooking would be minimal. There were no concerns regarding the single storey battery store due to its size and location. The application was therefore considered to comply with policy ENV2 of the Local Plan 2015.
- **Visual Amenity** – The street scene was mostly detached brick-built dwellings with limited cladding. The corner position of the site meant that the rear was exposed to The Row and the current single storey was visible, so it was considered that a first floor addition would be highly visible due to the increase in massing and height. The span of the dwelling would also increase and the overall mass would result in an overbearing and prominent building that would not relate sympathetically to the existing street scene. The proposed blue-grey ‘HardiePlank’ cladding, while acceptable for single storey, was not considered to be complementary to the host dwelling or the surrounding area. Officers had suggested to the agent and applicant that the use of different materials and a reduction in the size of the first floor element should be considered, but no amended plans had been submitted. The proposed first floor extension was therefore considered to be contrary to policies ENV1 and ENV2 of the Local Plan 2015 and contrary to the Design Guide SPD. The solar panels and the ground floor battery store were considered acceptable from a visual amenity point of view.

In summary, the application was not considered to have a significant impact on the residential amenity of neighbouring properties, but was felt to have a detrimental impact on the form and character of the area as well as having a poor relationship with the host dwelling due to mass and bulk. On balance, it was considered that the proposal caused significant and demonstrable harm to the visual amenity of the host building and the surrounding area. It was therefore considered to be contrary to policies ENV1 and ENV2 of the Local Plan 2015, and the Design Guide SPD, and was consequently recommended for refusal.

The Chairman thanked the Officer and invited the applicant, Karl Hogg, to address the Committee. He read aloud the following statement:

*“I would like to thank Councillor Dupre for facilitating our participation at today’s planning meeting, and the chair and members for agreeing to hear our case. Before I go into the details of our appeal I would like to give you a brief history of the site. I built the main house as a self-build project back in 1992. In 2017 I completed a single story extension again as a self-build project. This house has been my home for nearly 30 years and will continue to be so for the foreseeable future. So I am heavily invested not just financially but physically and emotionally as well, I would not be proposing to undertake any work that I would consider to be detrimental to the main house or the surrounding area, which has been my home for such a long time.*

*You will be aware of the reasons for the case officer’s recommendation to refuse.*

*Firstly I'm not sure how this can be demonstrated, as this must be subjective, one person's monstrous carbuncle on the face of a much loved old friend is another person's piece of modern architecture.*

*Surely the owner of a house who has lived in it for more than 30 years has a better idea if the proposed extension is detrimental to the host dwelling, rather than a case officer who visited the site for 20 mins and took a few photographs.*

*In our correspondence with the council officers, it is evident that they were not clear if the proposal should be approved or not This is an extract from an email received from Angela Briggs (planning team leader) "This scheme was quite a sensitive one and was discussed on more than one occasion, it was my suggestion to ask for a wider view from other members of the team, which we do if we need help in coming to a recommendation, and for consistency purposes"*

*Clearly whether an application complies with the various planning policies including ENV1 and 2, is very subjective, and something the planners in this case struggled to come to a decision over especially given the presumption to approve rather than decline applications.*

*The Row and West Lodge Lane is a mixture of dwellings, in size, colour and building materials. Currently our house is the only one with a flat roof, and cement fibre board cladding. The proposal includes a pitched roof, this will have the effect to drawing the extension into the main house, unlike the current flat roof which is definitely out of keeping with the surrounding houses. The proposed cladding is a relatively modern construction material, and its use is increasing in popularity within the construction industry. Our immediate neighbours at 92 The Row, have used it recently to infill 3 glazed panels on the front of their house. As part of our application for the ground floor extension we carefully considered the colour of the cladding, and we believe the colour we settled on was the best match to blend in with the existing brickwork, blue / grey roof tiles, and anthracite grey window frames. The colour is not bright, it's a pastel grey / blue, we can see no reason to have to replace this for an alternative colour, given the environmental impact this would have in having to landfill the existing cladding, and its use being already approved in the previous application.*

*Regarding the mass of the extension, our proposal will give a frontage to The Row of 13.7m. For your information, 89 The Row, some 40 metres away, has a frontage of 14.48 metres.*

*The proposal would increase the height of the current ground floor extension by just an additional 2.2m to eaves level, along The Row, the main focus of the case officer's street scene concerns. The gable end would increase the height by 4.2m but this faces our rear garden, and the ridge will be lower than of the main house.*

*The current main house and extension only develops 21% of the plot, and the extension only represents an increase of 18% of the main house footprint. We fail to see how this represents demonstrable harm and loss of amenity of the host building.*

*As part of the consultation process, the case officer consulted with our neighbours, and then following discussions with Councillor Dupre, I informed 2*

*additional neighbours as these would be most impacted visually by the proposal. This raised no objections.*

*A notice was affixed to an electricity pole directly outside our property, to notify passing residents, this generated no objections.*

*The parish council were also notified and again no objections were raised.*

*I have forwarded 2 photographs to show the building in context with the street scene (one from each direction) although I see in today's presentation they were not included I believe these show that the proposal would not be so large as to detrimentally effect the surrounding area.*

*The proposed pitch roof will afford us the ability to install a significant number of solar panels on a south facing aspect. Our house is all electric and the additional roof space would allow us to become almost self-sufficient for our energy needs, the current roof pace is limited by the hip roof and therefore is not sufficient in area to meet this aim.*

*In summary we implore you to approve this application on the following points*

- Compliance with the planning guidelines is subjective and there is presumption to approve rather than refuse applications*
- The planners were uncertain if to approve or refuse this application*
- There have been no objections*
- We do not believe the proposal is detrimental to the host building or surrounding area.*
- The inclusion of the solar panels in the proposal has a significant energy saving benefit*

*Thank you for your time."*

Cllr Stubbs asked the applicant for further details about the batteries for which the proposed ground floor store was needed, and questioned why he had not wanted to engage in discussion with Officers regarding certain aspects of the application. Karl Hogg explained that their proposal required three batteries, each approximately the size of a domestic oven and wanted to ensure they did not prove a fire risk. Regarding engagement with the Planning Department, he said that the Officers were keen to reduce the size of the first floor extension but there was no structural strength to do that therefore he had not discussed it further; the first floor needed to match the existing footprint.

Cllr Jones questioned whether the colour of the cladding could be changed simply by painting it, suggesting a sandy colour, rather than removing and replacing it. The applicant agreed that could be possible, although he did not know about the longevity of that option, but the Case Officer had been more concerned with the mass than the colour. He stated that he may have been willing to consider using a different colour, if that would have resulted in approval.

Expressing support for the plan to install solar panels, Cllr Trapp asked what the area of panels would be. Karl Hogg explained that the intention was to match the panelling to the house's electrical load, but no estimates had yet been determined.

The Chairman then invited the Officer to make any further comments before he invited questions for her from Members. Angela Briggs, Planning Team Leader,



agreed with the applicant that, although one concern was the colour, the main issue was the bulk. An alternative colour had not been specified due to the distinctive ground floor colour already in situ, didn't want to promote a multicolour building and it had instead been left to the agent and applicant to propose an alternative.

Cllr Ambrose Smith commented that she understood the concerns regarding the bulk but she wondered if precedents in the immediate area had been considered since she recalled substantial extensions to modest homes in Ely near the College several years earlier. The Officer replied that Gemma Driver, Planning Officer, had looked at materials in use in both The Row and West Fen Lodge since the site was a corner plot. She had concluded that although there was some use of cladding in the area, it was not at all prevalent.

Cllr Wilson asked for clarification that it was only Officers who were objecting to the application, since he thought neighbours and the Parish Council were satisfied with it. Angela Briggs confirmed that to be correct although one neighbour at 85a The Row had registered a concern regarding overlooking due to a side window.

Cllr Trapp questioned whether the Council had any policies regarding solar panels or battery storage. The Officer replied that policy ENV4 covered renewable energy and sustainability and was supported by the Council's Climate Change SPD but that did not outweigh the detrimental impact of the bulk.

The Chairman asked whether there had been any conversations with Cllr Dupré before the call in, or whether there was anything further to add on the call in, since Cllr Dupré was not present. The Officer confirmed that Gemma Driver had some conversations with Cllr Dupré but there was no additional material information arising from these. The Chairman also clarified the date of images used in the presentation with the Case Officer. The Chairman then opened the debate.

Cllr Stubbs commended the desire for solar panels but agreed with the Case Officer that the extension would harm the host dwelling. She commented that since Cllr Dupré had not chosen to speak on the item, it could not be assumed that she supported the application, just that she felt that it should be considered at Committee level. Cllr Stubbs supported the Officer recommendation and therefore proposed that the application be refused. Cllr Hunt seconded the motion.

The Chairman commented that he had no objection to the call in, but Cllr Dupré's attending and providing comments at the meeting would have assisted Members with the benefit of her local knowledge.

Cllr Wilson questioned the recommendation to refuse permission since neither the Parish Council nor local residents had stated that they believed the proposed work would harm the nature of the location. He understood the applicant's assertion that a smaller first floor extension was unfeasible without steels to support it and he commented favourably about the plan for solar panels. Cllr Jones agreed that the first floor size needed to match the ground floor footprint and commented that the colour was a matter of personal taste, so in view of no local opposition he would be in favour of approving the application. Cllr Downey agreed that the reasons for refusal were subjective, and in his opinion were outweighed by the environmental benefit of the proposed solar panels. Cllrs Ambrose Smith and Trapp also supported the applicant's efforts to improve his home with the addition of solar panels.

Andrew Phillips, Planning Team Leader, reminded Members that the Officer's recommendation for refusal was not related to the proposed solar panels or battery store and that the whole application needed to be considered, not just those aspects.

On being put to the vote, the motion to agree the Officer recommendation was carried with 6 votes in favour, 5 against and no abstentions.

It was resolved:

That planning application ref 20/01544/FUL be REFUSED for the reasons detailed in paragraph 1.2 of the Officer's report.

**90. 21/00208/FUL – BROOMSTICK COTTAGE, 28 THE COTES, SOHAM and 21/00209/LBC – BROOMSTICK COTTAGE, 28 THE COTES, SOHAM**

Molly Hood, Planning Officer, presented two reports (V168 and V169, both previously circulated) for simultaneous consideration since both were recommending refusal of an application to construct a single storey side extension protruding off the south-west elevation of Grade II listed Broomstick Cottage, 28 The Cotes, Soham.

She asked Members to disregard an email sent to them by the Agent that morning since it was sent after the Committee's update deadline and all Members may not have had equal chance to consider it. She also clarified that the Ward Councillor comments on page 4 of each report were in fact Cllr Bovingdon's comments; he had called in the application but was not the Ward Councillor. She informed Members that Christopher Partrick, Conservation Officer, was also in attendance should they have any questions regarding the heritage aspects of the application.

Molly Hood showed various site photographs and maps as well as providing some site history. The property was a Grade II listed building situated outside the development envelope of Soham. The application sought permission for the construction of a single storey side extension forming a kitchen with a glazed link between the existing south-west gable and the main bulk of the extension. A modern extension on the north-east elevation had been previously built following planning approval in 2006.

The main considerations for the application were deemed to be:

- **Residential Amenity** – the site was not closely related to any neighbouring properties and the location of the proposed extension was not considered to create any harmful impacts on residential amenity.
- **Visual Impact** – the proposed extension would dominate views of the existing dwelling from the site entrance and, together with the existing extension on the north-east elevation, would overpower the original dwelling such that it would no longer remain clearly legible. The proposed extension was not considered to be sympathetic to the form and proportions of the original dwelling. Visual harm was considered to occur from the cumulative impact of adding a further extension to the original dwelling.
- **Heritage Asset** – the principle of development on the south-west elevation was considered to lead to harm through the dominance and sandwiching impacts of the structure. The addition of a glazed link between the gable end of the dwelling and the main bulk of the extension was not considered to overcome this issue. No historic fabric would be lost but there would be

an architectural impact from the proposal. The two storey extension permitted in 2006 was considered to have provided the additional accommodation necessary to ensure the viability of the building as a residential dwelling without the need for the further proposed extension. The proposal was therefore considered to cause substantial harm to the listed building, failing to preserve or enhance the significance of the building or be compatible with the character, architectural integrity, and setting of the listed building.

- **Trees** – one tree would need to be removed from the site but no trees would need to be removed from the boundary vegetation. The Trees Officer had advised that a condition for tree protection measures should be considered for the boundary trees if the application was approved.

In summary, applications 21/00208/FUL and 21/00209/LBC were both recommended for refusal due to the visual harm that would occur to the character and appearance of the building since the extension would result in the original dwelling being overpowered and sandwiched between modern additions. The impact on the setting of the listed building would fail to preserve, enhance or make a positive contribution to the heritage asset.

On the invitation of the Chairman, Lorraine King (Conservation Consultant) spoke on behalf of the applicants and made the following points:

- She had been the Council's Conservation Officer from 2009 until three years ago and had been involved with the property for a number of years.
- The current owners had purchased the property in 2006 when it was uninhabited and semi-derelict and had since undertaken extensive work to repair and restore it.
- There were very few architectural features left within the building, so its significance as a listed building lay in its historical interest. It was not felt to be a unique example of its type in the area and there were better examples locally.
- She referred to an appeal decision she had been involved with as an East Cambs Officer in which the Appeals Inspector and the PPG were clear that substantial harm to a heritage asset was a very high test and rarely happened. She said that, contrary to the Officer's assessment, the cumulative impact was not the correct way to assess this. The additional harm caused by the proposed new extension was considered to be minimal.
- The glazed link provided a clear separation and was an established idea for separating the historic and new elements. The dimensions of the extension would also mean it was clearly subservient to the listed building.
- The gable end was not a principal elevation and was set well back from the highway and screened by vegetation.
- Other options for accommodating the owners' needs had been examined but were not viable and their health and mobility issues were inhibiting their use of the existing building, particularly the first floor, so the proposed extension would provide a functional and accessible kitchen for their long term use.
- The proposed extension would sustain and preserve the historic character and special interest of the listed building.

Cllr Brown asked Lorraine King if the owners had considered getting the building de-listed. She replied that they had always tried to do the right things for the building and had not explored the idea of de-listing it.

Before inviting Members to ask questions of the Officers, the Chairman invited Christopher Partrick, Conservation Officer, to provide some comments. He summarised that the building was a late addition to the listed buildings register, having been added in 2005, as a historic building of some significance. Part of its character was that it was a small traditional thatched fenland cottage. The extension that was granted in 2006 was agreed as it was considered necessary to facilitate the long term use of the property. Due to the building's character, he disagreed with the applicants regarding the assessment of cumulative impact since, with a small original building, it was easy to tip the balance with multiple small additions. Although the tactic of using a glazed link did work in some cases, he didn't consider it appropriate for a humble or functional building such as Broomstick Cottage and the principle of the location and scale of the proposed extension was the main issue, rather than its design.

Cllr Trapp asked the Planning Officer about the reference in her report to the earlier extension being used as a games room. Molly Hood replied that this was its original use, but that it was currently being periodically used as a bedroom.

Cllr Ambrose Smith suggested to the Conservation Officer that the kitchen needs of the occupants should override the concerns of a glass corridor. Christopher Partrick replied that the listing of buildings existed in order to exert a degree of public control over some private properties, and that not all buildings were infinitely adaptable. Cllr Jones questioned whether it could be argued that the sandwiching of the original building between two modern additions actually framed and enhanced it, and asked about the extent of the renovations in terms of it being considered an original building. The Conservation Officer reiterated that the cumulative impact of the two extensions would risk the additions being larger than the original building, and explained that although the gable end was of modern construction it was in the position of the original 17<sup>th</sup> Century gable.

The Chairman then opened the debate.

Cllr Schumann commented that he believed the extension to have been sensitively considered and designed in such a way as to enable the occupants to continue to live there, as well as ensuring its functionality for future occupants. Given that the current and former Conservation Officers for the Council were disagreeing professionally, it was clear that the issues were subjective and he therefore proposed approving the application, against the Officer's recommendation. Cllr Ambrose Smith seconded the motion. Cllr Downey also agreed that it was subjective whether the extension would do harm, especially in view of the fact that the building already had an extension and was therefore not perfectly preserved, and stated that in his view making a listed building more accessible to more people would be a positive step.

Cllr Brown considered the key issue to be that the building was listed. In his view, if it was worthy of being listed then the second extension was a development too far and he would therefore agree with the Officer's recommendation to refuse the application. Cllr Wilson agreed with that assessment and offered to second his proposal.

Cllr Jones expressed indecision since he did not agree that the proposal damaged the building and it was important to have homes suitable for modern society rather than museum pieces. Cllr Stubbs agreed that museum pieces were not the ultimate aim, but there were few listed buildings in the area and it was therefore important not to make changes of a scale that caused harm. Cllr Trapp also agreed

with the importance of buildings being fit for purpose, but supported the Officer's recommendation due to the listed status of the property. He reminded Members of the importance of considering the building not the occupants, and referenced the previous agenda item proposing to extend a fairly modern building which had been refused due to being visually intrusive; these applications referred to a much older building which was listed and worthy of more protection.

Andrew Phillips, Planning Team Leader, reminded Members that even if they did not agree on the assessment of "substantial" harm, the NPPF was quite clear that refusal should still be recommended unless the benefits to the public (as opposed to the occupants) outweighed the harm to the building.

Cllr Hunt commented that some people were born and bred in an old building and lived there for a long time over generations, sometimes 30-50 years or even 100 years in the same family, but the buildings lasted for hundreds of years. The purpose of listing buildings was to preserve them for the future. There were very few listed buildings within the District so care was needed; listed buildings had both benefits and restrictions.

Following consultation with Officers, the Chairman confirmed that applications 21/00208/FUL and 21/00209/LBC would be decided simultaneously rather than in separate votes.

Members then voted on Cllr Schumann's motion, seconded by Cllr Ambrose Smith, to approve the applications on the basis that the extension would not have a significant impact on the listed building and therefore the public benefit would be that the building would be more accessible and usable for future occupants, so the building would be preserved by the addition. The motion was lost with 4 votes in favour, 7 against, and no abstentions.

Cllr Brown's motion, seconded by Cllr Wilson, to support the Officer's recommendation was then put to the vote and carried with 7 votes in favour, 3 against and 1 abstention.

It was resolved:

- 1) That planning application ref 21/00208/FUL be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.
- 2) That planning application ref 21/00209/LBC be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

## **91. PLANNING PERFORMANCE REPORT – FEBRUARY 2021**

Andrew Phillips, Planning Team Leader, presented report V170, previously circulated, summarising the Planning Department's performance in February 2021.

He highlighted that the department continued to meet or exceed their performance targets in almost all areas despite the ongoing high workloads. He informed Members that costs had been awarded against the Council in the appeal hearing against non-determination on application 16/01121/FUM (land north of 190 Wisbech Road, Littleport). Counsel's opinion had been sought regarding challenging the costs and the conclusion was that, although the decision could be considered harsh, it was legally sound and therefore the awarding of costs against

the Council was reasonable. He also drew Members' attention to two appeal dates noted in the Additional Information.

The Chairman and Cllr Schumann both urged Officers to consider how rare lost cases were for this Council and to therefore not be disheartened. Cllr Trapp asked if the appeal hearings in May would be conducted remotely or in-person and the Officer responded that they were currently expecting them to remain virtual.

Cllr Schumann suggested that a line graph of the data from the first table would be useful to include in the report, if possible, since it would identify longer term trends of peaks and troughs of activity as well as facilitating comparison with previous years.

It was resolved:

That the Planning Performance Report for February 2021 be noted.

*The meeting concluded at 5:25pm.*