

PLANNING COMMITTEE MINUTES

Minutes of a Meeting held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday 1 December 2010 at 2:00pm.

PRESENT

Councillor Philip Read (Chairman)
Councillor John Abbott
Councillor Derrick Beckett
Councillor Christine Bryant
Councillor Anthea Davidson
Councillor Lavinia Edwards
Councillor Jeremy Friend-Smith
Councillor Peter Moakes
Councillor James Palmer
Councillor Jackie Petts
Councillor Mike Rouse
Councillor Gareth Wilson

OFFICERS

Alan Dover - Principal Development Control Officer
Sue Finlayson - Team Leader Development Control
Giles Hughes – Head of Planning and Sustainable Development
Lorraine King – Conservation Officer
Andrew Martin - Technical Officer
Yvette Mooney – Planning Officer
Adrian Scaites-Stokes – Democratic Services Officer
Jeanette Thompson – Head of Legal & Democratic Services
Cathy White – Senior Trees Officer

ALSO IN ATTENDANCE

Councillor Bill Hunt
6 members of the public

40. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillor David Brown.
There were no substitutions for this meeting.
Apologies were also received from Councillor Carl Poole, who had been unable to attend as a Substitute Member.

41. **DECLARATIONS OF INTEREST**

Councillor Bill Hunt declared a prejudicial interest in agenda item no. 6 and stated that he wished to speak on that item.

Councillor James Palmer declared a personal interest, relating to agenda item no. 7, as he was the County Councillor for Snailwell.

42. **MINUTES**

It was resolved:

That the minutes of the meeting held on 3 November 2010 be confirmed as a correct record and be signed by the Chairman.

43. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman notified the Committee that at its January meeting it would be receiving an update relating to Section 106 agreement sums, amounting to just under £1.5million.

44. **10/00598/FUL – 3A FOREHILL, ELY**

The Principal Development Control Officer, Alan Dover, presented a report to the Planning Committee, (K186) previously circulated, which gave details of two extra conditions relating to the application, following the decision made at the previous Committee meeting.

The Principal Development Control Officer reminded the Committee that this application had been brought before the Committee at its last meeting. The Committee had two concerns over the application, relating to the fire door and the vehicle noise within the alleyway. Those concerns had to be translated into planning conditions.

Fire doors did not come under planning law but were dealt with under Building Regulations, so the local Fire Officer could be asked whether they were happy with the door. The Committee was also reminded that the fire door was on private land and the gate to Forehill could be locked.

An addition to the recommendation within the report was tabled, that once agreed the designated spaces/areas shall thereafter be used for the positioning of waste bins/parking of vehicles associated with the business. The conditions within the report plus this addition were recommended for approval.

Councillor Gareth Wilson wanted some mark to show where the bins should be stored and the Principal Development Control Officer stated that this would be expected.

Councillor Anthea Davidson wanted the concerns of the Committee about the fire door highlighted and that the Committee should write to both the Fire Officer and the property owner about its concerns. Councillor Philip Read agreed and thought that the Fire Authority and Building Control should look at the issue, as something had to be done.

The recommendations, including the addition, were duly proposed, seconded and agreed unanimously.

It was resolved:

- (i) That the suggested wording for Conditions 9 and Conditions 10 are APPROVED and attached to the eight conditions outlined in the Officer report of 1 November for the Application 10/00598/FUL;
- (ii) That once agreed the designated spaces/areas shall thereafter be used for the positioning of waste bins/parking of vehicles associated with the business.

45. **10/00771/FUL – HOME VIEW, 2 MAIN STREET, LITTLE THETFORD**

The Team Leader Development Control, Sue Finlayson, presented a report to the Planning Committee, (K187) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

The Team Leader Development Control advised the Committee about 'some housekeeping', in that comments had been received from Councillor Bill Hunt and further correspondence had been received from the Agent. Councillor Hunt's comments had brought up a number of points: Government policy had changed regarding developments in gardens; the views of the Parish Council had not been clearly expressed; the proposed development would have detrimental visual impact; it would result in loss of light in the nearby property and was out of character; the grassed area would see an increase in use.

The reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration were explained to the Committee. Due to a number of planning concerns the application was recommended for refusal.

At the invitation of the Chairman, Terry Stoodley spoke in support of the application and made the following comments:

- The area consisted of historical and modern buildings so how would the proposed dwelling be out of character?
- A forge had previously occupied the site and had been twice as big as the proposed new dwelling;
- The building on the site would be demolished;
- The old Post Office would have 94.7 square metres of garden, the client's house would have 89.8 square metres and the new dwelling 83 square metres;
- The proposed building would be small and would not have any visual impact from Main Street;
- Traffic levels in Watsons Lane would only be affected by one new dwelling;
- The external openings in the building would be carefully placed and located so they would not overlook neighbouring properties;
- Traditional materials would be used to construct the building;
- The building would face west.

At the invitation of the Chairman, Councillor Bill Hunt, as the local Member, spoke against the application and made the following comments:

- The officers had made the main points against the application clear;
- The Parish Council wanted outright refusal;
- An objection had been received from a neighbour;
- It would be an overdevelopment of the site;
- There would be too many complicated roof lines;
- The elevations, details and design were poor;
- It would be out of character;
- It would be within 10 metres of a listed building;
- There were substantial reasons for the application to be rejected.

Councillor Bill Hunt left the meeting at this point.

Councillor Mike Rouse noted that, although it had been stated that the new property would be small and that the host family house had been considerably extended, the garden sizes would end up being similar sizes. Concern was expressed about this impact on the host property.

Councillor John Abbott did not like the look of the proposed building and the affect on the site. The site was too small for anything to be built on it. The height of the building would be extra overbearing on the old Post Office.

Councillor Gareth Wilson concurred and declared that that part of Little Thetford was the older part. The modern design proposed would be totally out of character and no mind had been taken of the local street scene.

The officer's recommendations for refusal were duly proposed, seconded, and when put to the vote declared carried.

It was resolved:

That planning application 10/00771/FUL be REFUSED for the reasons as set out in the officer's report.

Councillor Bill Hunt returned to the meeting at this point.

46. **10/03008/CCA – EMR LIMITED, 111 FORDHAM ROAD, SNAILWELL**

The Chairman vacated the Chair for this item and took no part in the discussions on this item, as he was also the Chairman of Cambridgeshire County Council's Development Control Committee, which would be considering this application at a later date. The Vice Chairman took the Chair for this item.

The Planning Officer, Yvette Mooney, presented a report to the Planning Committee, (K188) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

The Planning Officer reminded the Committee that this report was part of the consultation process for this application and that the Committee would not be

making a decision on it. The Committee, on behalf of the District Council, had been requested to make comments that would be passed on to the County Council.

The site was in the open countryside and had a Site of Special Scientific Interest nearby. The application was for a new acoustic fence, which would result in the removal of some trees, and a change in working hours. The Trees Officer was concerned about the lack of information about the trees. Environmental Health had no objections but the Parish Council overall objected to the application, although it supported the idea of a new fence.

At the invitation of the Chairman, Joseph Pattison, Vice Chairman of Snailwell Parish Council, spoke against the application and made the following comments:

- Initially the Parish Council was delighted with the proposed construction of an acoustic fence, as the parish had suffered 20 years of noise problems;
- However, this had turned to dismay when the details were known;
- The proposed barrier would be by the train loading area, which was very noisy;
- This was not the sole noisy area, there were other bits of kit on the site beyond that, so although in favour of a barrier it needed to be longer.

Gaynor Ryan, Chairman of Snailwell Parish Council, also spoke against the application and made the following comments:

- The noise from the site was already intolerable, which would be worse if the hours were extended;
- This would result in extra noise at night and on Saturdays and Sundays;
- If possible, effective planning conditions would be needed but who would carry out monitoring, enforcement and pay for this?
- Planning controls would not offer protection as they would be unenforceable;
- Residents had monitored the site and had witnessed blatant breaches of the current working hours limits;
- If the application were to be granted, the Parish Council would recommend the following: (i) the fence should be constructed first and be shown to be effective, (ii) adequate planning controls and enforcement should be imposed, (iii) the extension of working hours should only be agreed once the effectiveness of the fence had been proved and for an trial period of 6 months to a year, and if there were any noise then this agreement should be rescinded.

Councillor Jeremy Friend-Smith queried whether the noise was mainly generated by the loading area near the railway. In response, it was explained that there were a variety of sources of noise. A lot was generated by train loading but there was also the dumping of scrap by the rails and when the scrap was moved. Noise was also generated on Saturdays, as these were normal operating days.

In reply to Councillor Mike Rouse's question about the trees, it was revealed that the Parish Council had no major concerns about loss of trees.

Councillor John Abbott reminded the Committee that there had been an ongoing dispute about the noise for years. Local residents wanted the acoustic screens, but would it be sufficient? This would be welcomed but the application also included the extension of working hours, which was a step too far. Although this was an important industrial site, the application should not be allowed.

Councillor Anthea Davidson thought that the County Council should include a condition stating that the barrier should be built before any discussions on additional hours be undertaken. Councillor James Palmer agreed with this and also considered that the proposed opening hours would be unfair on local villagers. It had to be questioned whether the proposed barrier would be long enough.

Councillor Derrick Beckett agreed that there should be an acoustic screen. He queried how the opening hours suggested would be enforced.

Councillor Gareth Wilson was concerned about noise 24 hours per day, particularly as noise travelled more at night, so this should not be allowed. He questioned why the proposed fence would be so short.

Councillor Jeremy Friend-Smith contended that consideration should be given to people at the weekends. Any work done outside on a Sunday was a step too far. The 7a.m. start time would be inconsiderate to a lot of people. Work inside the buildings would be a different matter. The applicants should provide a strong case before being given permission.

Councillor Anthea Davidson asserted that the trees would become more important, as they would help screen the noise and mitigate the visual impact of the fence. A Tree Condition Survey should therefore be carried out before any trees were cut down. The proposal for the barrier should be supported but not the longer external working hours, this excludes those relating to working inside buildings.

Councillor Mike Rouse thought the Parish Council had made some good points and supported the idea that the fence should be longer. Its effectiveness should be proved before extending the working hours.

Councillor Bill Hunt left the meeting at this point, 3:05pm

47. **TPO/E/04/10 – PLOT 5, 1 REDMAN CLOSE & SITE WEST OF 1 REDMAN CLOSE, ELY**

The Senior Trees Officer, Cathy White, presented a report to the Planning Committee, (K189) previously circulated, which gave details of a Tree Preservation Order (TPO) for a number of trees.

The Senior Trees Officer advised the Committee of the requirement to confirm the TPO to protect the trees. No objections to the TPO had been received. The group of trees covered by the TPO would be affected by potential future developments so they needed to be protected.

It was resolved:

That Tree Preservation Order TPO/E/04/10 be confirmed, with no modifications.

48. **TPO/E/05/10 – 46 MARKET STREET, FORDHAM**

The Senior Trees Officer, Cathy White, presented a report to the Planning Committee, (K190) previously circulated, which gave details of a Tree Preservation Order (TPO) for a number of trees.

The Senior Trees Officer advised the Committee of the requirement to confirm the TPO to protect the trees. No objections to the TPO had been received. The trees covered by this TPO were visually important as there were numerous special trees within the group.

It was resolved:

That Tree Preservation Order TPO/E/05/10 be confirmed, with no modifications.

49. **TPO/E/06/10 – LAND EAST OF 127 TO 139 CENTRE DRIVE, NEWMARKET**

The Senior Trees Officer, Cathy White, presented a report to the Planning Committee, (K107) previously circulated, which gave details of a Tree Preservation Order (TPO) for a number of trees.

The Senior Trees Officer advised the Committee of the requirement to confirm the TPO to protect the trees. No objections to the TPO had been received.

It was resolved:

That Tree Preservation Order TPO/E/06/10 be confirmed, with no modifications.

50. **CONSERVATION REPORT – INTRODUCTION OF ARTICLE 4(2) DIRECTIONS – STRETHAM CONSERVATION AREA**

The Conservation Officer, Lorraine King, presented a report to the Planning Committee, (K192) previously circulated, which considered implementing Article 4 Direction within Stretham Conservation Area.

The Conservation Officer advised the Committee that Stretham Parish Council had approached the District Council about introducing an Article 4 Direction. This would allow more control over changes, that is, some restriction on permitted rights, within the Conservation Area. A survey was undertaken highlighting 41 properties. The Parish Council had been approached for a contribution to the costs associated with advertising the Article 4 implementation but it had declined to offer any contribution. The Committee was asked to consider the three options outlined in the report.

Councillor Peter Moakes was concerned about the expense of advertising the proposed introduction of an Article 4 Direction. There had been talk that the

website could be used instead and he wondered whether this could be investigated. This would solve the problems over costs. Councillor Philip Read agreed and suggested local papers could be used. The Conservation Officer reminded the Committee that the affected properties would have to be consulted. The Head of Planning and Development Services then reminded the Committee that advertising for this was laid down by law. The cheapest advertising options could be investigated and the Parish Council approached after that about the costs.

Councillor Mike Rouse left the meeting at this point, 3:28pm.

Councillor Philip Read pointed out that, as the Planning Committee did not have its own budget to pay for any advertising, it should refer the matter back to the relevant policy committee. Option 2 should be the preferred option and this should be referred to Strategic Development Committee. Councillor Gareth Wilson pointed out that the Parish Council were unlikely to have money available for this.

Councillor Anthea Davidson suggested that Option 3, not to implement the Article 4 Direction, be agreed as the Committee did not have a budget and as the Parish Council were not prepared to contribute. She also suggested that officers investigate advertising costs. The Committee was advised that this would have to be a recommendation to Strategic Development Committee, and this was accepted by the Committee. Thereafter, these suggestions were duly proposed and seconded and, when put to the vote, were declared carried.

It was resolved TO RECOMMEND TO STRATEGIC DEVELOPMENT COMMITTEE:

- (i) That Article 4 Direction in order to restrict the classed of permitted development of the properties set out in Appendix 1 within Stretham Conservation Area be not implemented;
- (ii) That officers investigate advertising costs.

The meeting finished at 3:36pm.

Chairman: _____

Dated: 5 January 2011