

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday 6th February 2013
at 2.00pm

P R E S E N T

Councillor Philip Read (Chairman)
Councillor David Ambrose Smith
Councillor Derrick Beckett
Councillor Will Burton
Councillor Lavinia Edwards
Councillor Jeremy Friend Smith
Councillor Bill Hunt
Councillor Tom Kerby
Councillor Robert Stevens
Councillor Gareth Wilson
Councillor Sue Willows

OFFICERS

Maggie Camp – Senior Legal Assistant
Oliver Cook – Development & Enabling Officer
Alan Dover – Principal Development Control Officer
Sue Finlayson – Team Leader, Development Control
Giles Hughes – Head of Planning & Sustainable Development
Services
Scott Jackson – Planning Officer
Ian Lorman – Trees Officer
Janis Murfet – Democratic Services Officer
Andy Smith – Senior Enforcement Officer

I N A T T E N D A N C E

Councillor John Palmer
Approximately 20 members of the public

45 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Mike Rouse and Joshua Schumann.

There were no substitutions.

46. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

47. **MINUTES**

It was resolved:

That the minutes of the meeting held on 5th December 2012 be confirmed as a correct record and signed by the Chairman.

48. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman asked Members to note that Alan Dover, Principal Development Control Officer, would be leaving the Council in March. The next meeting of the Planning Committee would be his last.

49. **12/00747/FUL – CONSTRUCTION OF 6 AFFORDABLE HOUSES, TWO 3 NO BED HOUSES AND FOUR 2 NO BED HOUSES – LAND TO SOUTHWEST OF SHERIFF'S COURT, BURROUGH GREEN**

Sue Finlayson, Team Leader Development Control, presented a report which set out details of the application, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

A Members' site visit had taken place prior to the meeting.

Mrs Finlayson asked the Committee to note a number of housekeeping issues relating to the application:

- There was a typographical error at the bottom of page 3 of the report; it should read "Additional **traffic**...."
- An email had been received from Peter and Lucy Talbot, subsequent to the publication of the agenda, in which they had made a number of comments regarding the unsustainability of the scheme. The email was tabled at the meeting for both Members of the Committee, and the public.
- An email had been received from Ian Threlfall, stating that while he agreed with affordable housing, he had concerns about people being "bussed in" to the village, and he believed that housing should be provided where the work is.
- Mr Kay, the adjacent landowner, had raised objections about water from the proposed scheme running into his drainage system.

Mrs Finlayson then summarised the main points of her report and reminded the Committee that the main issues for consideration were:

- the principle of the development in policy terms;
- the design, layout and appearance of the proposals and the impact on the landscape and the Conservation Area;
- the impact on residential amenity;
- the impact on highway safety;
- the impact on trees, hedges, nature conservation and biodiversity;
- impact on flood risk and drainage;

- sustainability;
- other issues.

With regard to the principle of development in policy terms, it was noted that Policy CS1 strictly limited development outside village development envelopes. However, certain exceptions were allowed under Policy CS2, and one of those was affordable housing schemes compliant with Policy H4.

Burrough Green was designated a “smaller village” where, on non-allocated sites, up to 2 dwellings would be considered appropriate. However the proposal was relatively small scale, being 6 dwellings in total, and this number was not considered to adversely affect the character of the settlement.

It was noted that the Council’s Housing Enabling Officer supported the number and type of dwellings proposed as meeting current and future needs. A S106 agreement was proposed to ensure the properties were affordable in perpetuity, and secure the nomination rights and tenure. It was also recommended that Sanctuary be requested to agree to a “Local Lettings Plan” where relets were offered to new tenants in accordance with the local connection criteria.

In terms of impact on the landscape and the Conservation Area, the site was well screened along the Sheriff’s Court frontage and its boundary to the north by substantial tree and hedgerow cover, which was to be retained. It would be seen from the public footpath which ran to the south, within the boundary hedgerow, but this view could be softened by planting to the southern boundary of the site. There would be some impact on the character of the area as the site was currently an open field, but the density of the dwellings, their design and the retention of existing landscape feature would ensure that the impact was minimised.

In respect of the impact on residential amenity, it was felt that the design and layout of the scheme would ensure that there was no overshadowing or loss of privacy to adjacent properties. There would be some increase in noise and disturbance from traffic movements and general occupation of the proposed dwellings, but this should only have an impact where the access road joined Sheriff’s Court. With regard to the amenity of the proposed occupiers, it was considered that the properties had a good relationship with each other, provided appropriate garden and parking space, and the provision of the open space on site would provide a good amenity space on which to play and relax.

Mrs Finlayson said that access to the site would be taken from the existing access road to Sheriff’s Court, and in to the site via the existing farmland access. County Highways had raised no objections to this, however they remained concerned about the drainage of the site. Members noted that Highways would not adopt the new access road until an appropriate drainage scheme, and its maintenance, had been agreed. It was considered that this could be addressed by a precautionary planning condition.

The Committee noted that 4 other sites had been investigated and discounted for the following reasons:

- Back Lane – the access is not wide enough. The site is too large for current requirements and the vendors wish to sell the whole site. Partial development for affordable housing would prejudice development of the rest of the site;
- Brinkley Road – drainage is poor and the land is not for sale;
- Hartfield Road – the site will only take a maximum of 2 new homes, is poorly connected to the village centre on a fast road with no footpaths, and substantial improvements will be required to the road;
- Walnut Tree Cottages, Back Lane – access not wide enough, insufficient visibility splays and third party land needed for access – not viable.

It was therefore considered that the proposed site appeared to be the most sustainable one available. Mrs Finlayson remarked that small villages had to be allowed to grow and people should be allowed to live in their own villages. It was true that there were no jobs in Burrough Green, but this was the same for many villages in East Cambridgeshire. She recommended that final approval be made by the Head of Planning & Sustainable Development services under delegated authority.

At this point the Chairman reminded the Committee that this application should be determined on planning merits alone.

At the invitation of the Chairman, Mr Philip Hill, resident of Sheriffs Court, spoke in objection to the application and read from the following prepared statement:

“The field which the application relates to is well known as a perpetual wet area, and this high water table level is reflected by the amount of standing water experienced by the existing homes in Sheriffs Court, and the applicant – Sanctuary Housing – has had to install specialised damp and moisture control systems into some homes whilst other residents have been told to keep the heating on all year round to keep the damp at bay!!

The surface water drainage for our homes is taken to the ditch adjacent to the road into Sheriffs Court and this has only been partially cleared once by the County Council since our homes were built and whenever it rains our gardens flood. We notice the Highways department are refusing to adopt the new road until drainage problems are resolved. Surely we cannot ignore professional unbiased concerns.

The applicant is being very selective and misleading in their choice of facts and figures: a change in lettings policy now means that the bungalows in Sheriffs Court can be and some are occupied by working people with the youngest being 51. The sign saying Sheriffs Court Sheltered Housing was removed some time ago. These are not

special needs homes and no service is offered or provided by the applicant to the occupants of these bungalows that aren't available to anyone wherever they live. There has been no resident warden or manager here for many years and the flat that the warden occupied is let as a general needs home. Also, the 8 shared ownership homes the applicant mentions are in fact rented and one in particular has caused so many problems due to poor management by the applicant that villagers and the Parish Council were driven to writing to Sanctuary Housing in order to have the problem addressed. If included in the general ratio, as they should be, the actual figure is over 30% and the proposed properties would take the social housing element to 40%, far too many for the small village described by the applicant.

A similar development of housing behind existing bungalows was carried out at Harry Palmer Close, Fordham and there are no problems there because most bungalows have been provided with a dropped kerb and parking space and there are convenient resident only parking spaces adjacent to properties that were unable to have their own parking space. Here we have no allotted parking spaces. We have met with the applicant several times about creating more parking spaces and over 2 years ago they drew up a scheme that would have solved the immediate problem but then said that it couldn't go ahead because of budget restraints yet these new properties are to have 2 parking spaces each. The County Council Highways department are unable to provide us with any disabled parking bays due to lack of space. The occupants of the first two bungalows have mobility problems and use walking aids and being able to park outside of their home was of major importance when deciding to move here and the proposed road junction removes this facility as parking is prohibited within 10 metres of a junction. Residents are actually going to suffer a major loss of an essential and existing amenity if this proposal goes ahead and their quality of life will suffer dramatically. Is it right that people should actually suffer physically and mentally for the sake of an unnecessary development? The applicant chooses to ignore this problem, even though when properties in Burrough Green are advertised in Home Link it always states "own transport essential" and for the applicant to declare that they would expect these disabled people to somehow manage to get into the new development to park their cars is disrespectful, uncaring, callous and discriminatory.

The lettings policy has changed and will be changed before these properties are ready to let and the new policy will exclude anyone local or otherwise who isn't part of a FAMILY requiring accommodation. No such families are present in Burrough Green and single people are not eligible for the houses so as there is not a local need, and then the application is not covered by the rural exemptions policy and has to be dismissed. Sanctuary Housing have to advertise the existing Sheriffs Court properties in all the local authority areas that are part of Home Link to ensure they are let. There is no waiting list for any of these properties. My own home stood empty for 5 months before we accepted it and we believe it would be prudent for the committee to

require from the applicant documentary evidence to support their claim of local people waiting for these houses before making a final decision in favour of the applicant, i.e. the housing list.

There are timetables for a bus service, but these services are constantly being withdrawn or reduced and in the past there has been correspondence between individual residents and the transport department regarding the loss of service. It is interesting to note that the applicant fails to state just how few passengers use the bus service and that one resident of Burrough Green is able to get picked up and dropped off at their door as there are never any other passengers. An ad-hoc unreliable service that is very long in duration is not an option if you need to get to work. There are no employment opportunities in Burrough Green.

Every year there is a large and magnificent migration of frogs, toads and other small amphibians and creatures that like and need water from the field of the proposed houses into the pond between Sheriffs Court and the village green. What is going to happen to these creatures if their habitat is destroyed? Also a full reptile survey has not been carried out.

And finally, it is worth mentioning that the applicant did not consult fully with the community, as I had to request the regional director to personally intervene to arrange a meeting between the residents of Sheriffs Court and the project manager otherwise we wouldn't have been informed at all."

Mr Hill concluded by reiterating that the proposed development would cause severe hardship to two residents, and he believed that approval of the scheme would be callow, abusive and almost discriminatory.

At the invitation of the Chairman, Mr Don Proctor, agent for the applicant, spoke in support of the application and made the following comments:

- He wished to start by quashing some silly rumours. The field to the rear had nothing to do with this application, it was not on the market and was not being brought forward for development;
- The proposal was a very small development of affordable dwellings and would be secured by means of a S106 Agreement;
- The houses would be made available on a local connections basis and would fill a need, especially for young people;
- The properties, which would be built to a high standard of design, would have a very limited visual impact, and none on residential amenity;
- The proposed development was sustainable and would benefit from its proximity to the village;
- If this scheme was approved, a new drainage ditch would be provided and maintained in perpetuity;

- There was no better location for the site and the proposal met with district and national policies;
- In response to Mr Hill's comments, he believed that the drainage of the area would be improved, and he was not aware of any potential changes to parking facilities – they would remain as they were.

Mr Proctor then responded to questions and comments from the Committee.

The Chairman wished to know how the storage reservoir would be constructed, and suggested that a balancing pond could be an alternative. Mr Proctor replied that it would be made of large tanks with an impervious surface, and the release of water would be controlled; a balancing pond would be second best.

Councillor Beckett said it was disquieting to see the number of issues that had not been dealt with, and to him it suggested that Mr Proctor had not done all his "homework". Mr Proctor disputed this, saying that there had been a great deal of dialogue and the application had been amended. He had no concerns regarding outstanding issues.

Councillor Wilson sought confirmation that the properties would provide *rented* accommodation for local people. Mr Proctor responded by saying that the S106 Agreement specified the type of tenure, and as far as he was aware, the houses would be for rent.

Councillor Hunt wished to know whether the road would be built to County Council adoptable standards from the outset, and Mr Proctor confirmed that it would.

Councillor Friend-Smith suggested that the photo voltaic (PV) cells should be positioned on the south-west side of the dwellings and he also enquired whether it was intended to put a pavement alongside the road. Mr Proctor informed the Committee that the issue of the PV cells could be revisited, and although the applicant had not intended to surface the pathway, this too could be given further thought.

Councillor Stevens asked how many families were living with parents. Mr Proctor replied he was unable to answer, as he had not researched the issue. Councillor Stevens advised that there were 7 families in need with local connections, but he wondered whether Sanctuary was certain of being able to let local houses to local people without bringing in people from elsewhere. Mr Proctor asked for the Housing Enabling Officer to clarify this point. Councillor Stevens continued, saying that Sanctuary did not seem to be aware of the needs of the residents of Sheriffs Court and he asked if consideration had been given to putting the access to the proposed scheme elsewhere. Mr Proctor stated that Highways was happy for the existing access to be used, and there was no reason to question their decision.

At the invitation of the Chairman, Councillor Mrs Jo Batting addressed the Committee in her capacity as a representative of Burrough Green Parish Council, and made the following points:

- With regard to H2 (Density), the Parish Council believed that the development would take up more land than was necessary;
- In respect of H4 (Affordable Housing Exceptions), the land had been offered for sale on more than one occasion;
- The Parish Council did not believe the Housing Policy had been met because there were no 1 bed properties, and therefore they were unsuitable for single people;
- Some people wanted to buy rather than rent;
- The closed board fencing would prevent the migration of wildlife; this was contrary to Policy EN6 (Biodiversity & Geology);
- A detailed reptile survey was still awaited;
- Work was being carried out in the bird nesting period;
- The Parish Council believed that there were still many unanswered questions and that the application required more work before it could be determined.

In response to a question from Councillor Hunt regarding the bus service to and from the village, Councillor Batting explained the frequency with which the buses ran to Cambridge and Newmarket; she did not feel that anyone could live in the village, work in Newmarket and rely on public transport.

At this point the Chairman interjected, reminding Members to confine themselves to planning matters.

At the invitation of the Chairman, Councillor Stevens addressed the Committee in his capacity as a Ward Member for Bottisham, and made the following observations:

- In the last 6 years, 31 affordable homes in Bottisham had been taken by local people. It being so close to Cambridge, they could find jobs and there were 3 buses per hour. However, at Brinkley Road, the properties went to non-local people;
- He was reasonably satisfied that this was the best site, but the road was not safe;
- He looked on this development as being available to people in Westley Waterless as well as Burrough Green;
- The issues of drainage, and water pressure needed sorting;
- He was glad to see movement regarding improved parking at Sheriffs Court;
- Because permission was being sought for 6 houses, the size of the development did not seem unreasonable. However, the houses could go to people from anywhere in East Cambridgeshire and other housing associations did not build houses without the support of the Parish Council;

- He thought the Housing Survey was out of date because there were no quantified results. There were no details of the people wanting homes in the village, or whether demand was higher for single people or couples. He felt that a fresh survey should be conducted.

Councillor Stevens concluded by suggesting that determination of the application should be deferred to allow further surveys to be carried out.

At this point the Chairman invited Oliver Cook, ECDC's Development & Enabling Officer, to clarify a number of issues that had arisen during the course of discussion:

- Mr Cook informed Members that the houses would be affordable in perpetuity and all rented; this would be set out in the S106 Agreement.
- With regard to current tenure, there were 3 families living with parents, 1 renting and 1 homeowner.
- Split households were quite normal and the size of households illustrated the need for 2 and 3 bed houses.
- The "local connection" could not be guaranteed but allocations would be cascaded. A mechanism for ensuring local occupation of the new dwellings was proposed in the S106, and it was intended that a "Local Lettings Plan" would be agreed with Sanctuary to ensure any social housing vacated in respect of the new development, would also be let to local people.
- The Brinkley Road scheme was built just after the recession had really begun to hit, and this affected the number of people who could afford to buy.
- People could not afford to buy in Burrough Green; a 1 bed house would cost £43,000.

Councillor Ambrose Smith asked Mrs Finlayson whether the open space could be repositioned and then offered as a car park. Mrs Finlayson said the use of part of the open space for car parking was a possibility, but she would not like to see much lost as the open space also allowed an open vista and she would like to see some open space where small children could play.

Councillor Beckett thought tandem parking seemed to be a complete nonsense and said he would rather see side by side parking. Mrs Finlayson replied that an estate of this size would not impact on the free flow of traffic. The road was wide enough to take two cars and would serve the six dwellings.

Councillor Wilson felt the green area needed to be used more imaginatively, but he supported the proposal, especially as the houses would be rented.

Councillor Hunt said he was conscious of Burrough Green being south of Newmarket, and he placed reliance on the views of the local people. The Parish Council was vehemently opposed to the scheme, and the local

Member did not think it was ready as an application today. He thought the local need was more likely to be for 1 bed dwellings. He also shared Councillor Beckett's concerns regarding tandem parking. There had been mention of an Environmental Survey, and he felt this should be carried out in the Spring.

Councillor Hunt concluded by saying that, in his view, the application was not ready for determination, particularly as the agent did not seem to be very familiar with the details; it was inappropriate and should be rejected.

The Chairman expressed his disagreement with some of the comments made by the Committee, and again advised Members to concentrate on planning considerations.

Councillor Friend-Smith said he was content to support the application providing the issues of drainage, water pressure, and the re-positioning of the PV cells was addressed.

Councillor Beckett proposed that the Officer's recommendation be rejected on the following grounds:

- That there was insufficient data regarding how drainage was to be dealt with;
- That there was insufficient evidence of a wildlife survey;
- There was local opposition to the scheme, which had not been in the Village Vision;
- There were not enough arrangements to address surface water run off, thereby increasing the risk of flooding.

At the request of the Chairman, the Head of Planning & Sustainable Development Services addressed the Committee and warned Members that it would be difficult to sustain refusal of the application on planning grounds and that the Authority would be in a weak position if it went to appeal. He suggested that, if Members were so minded, they could defer consideration and go back to the applicant for further information.

At this point it was proposed by Councillor Ambrose Smith and seconded by Councillor Wilson that the Officer's recommendation for approval be accepted. Councillor Beckett objected, reminding the Chairman that he had already put forward a motion for refusal. The Chairman responded by saying that he had not heard anyone seconding Councillor Beckett's motion, and he was therefore asking the Committee to vote on Councillor Ambrose Smith's proposal.

Councillor Hunt stated that he would have seconded Councillor Beckett's motion, and the latter expressed his dissatisfaction at the way in which the matter had been handled.

Councillor Friend-Smith requested, and the Committee agreed that a progress report should be brought back to Members to explain how the detailed issues were being addressed. Whereupon,

It was resolved:

That planning application reference 12/00747/FUL be approved, subject to the conditions as detailed in the Officer's report and the successful completion of a S106 agreement.

Furthermore, that the final decision be delegated to the Head of Planning & Sustainable Development upon completion of the S106.

50. **12/01063/OUT – DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF THREE BUNGALOWS – 16 MALVERN CLOSE, NEWMARKET**

Scott Jackson, Planning Officer, presented a report which set out details of the application, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

A Member's site visit had taken place prior to the meeting.

Mr Jackson informed the Committee that he had received a further letter of objection from a resident of Malvern Close, raising issues similar to those already listed in paragraph 6.1 of the report. He then summarised the main points of his report and reminded Members that the main points for consideration were:

- The impact of development upon the character and appearance of the area; and
- Highway issues, including vehicular parking and turning.

It was considered that the removal of a single detached dwelling and its replacement with three bungalows would result in a contrived and cramped form of development that was at odds with the character of development in this part of the Newmarket Fringe, characterised by equally spaced detached and semi-detached bungalows arranged in a uniform layout. Furthermore, the lack of turning provision for vehicles, together with the proposed tandem parking layout and a single point of access would necessitate the reversing of vehicles onto the public highway, to the detriment of highway and pedestrian safety.

Members expressed their support for the Officer's recommendation, whereupon,

It was resolved:

That planning application reference 12/01063/OUT be refused for the reasons given in the Officer's report.

51. **12/00993/FUL – SINGLE STOREY REAR EXTENSION TO HOUSE AND NEW PORCH TO FRONT OF HOUSE – RETROSPECTIVE – 7 THE HYTHE, LITTLEPORT**

Scott Jackson, Planning Officer, presented a report which set out details of the application, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

A Members' site visit had taken place prior to the meeting.

Mr Jackson informed the Committee that he had received a letter from the neighbours to the rear of the site, objecting to the proposal on the grounds that it invaded their privacy.

It was noted that the existing elevations were already finished and all the doors and windows had been installed. However, the porch was acceptable in planning terms.

Mr Jackson then summarised the main points of his report and reminded Members that the main considerations in determining the application were:

- The impact of the proposed extensions upon residential amenity; and
- The impact on the visual appearance of the street scene.

He said it was felt that the proposed single storey extension would result in the loss of residential amenity to the residents of 23 Ferry Way due to the effects of overlooking, and would have an overbearing impact, exacerbated by the proximity of the extension to the rear boundary and the difference in ground levels. With regard to the applicant, the proposed rear extension would result in a significant reduction of private amenity space to the side and rear of the dwelling.

At the invitation of the Chairman, Mr Rudderham, son of the occupants of 23 Ferry Way, spoke in opposition to the application and made the following comments:

- He was representing his parents and the intention was not to cause upset or aggravation;
- No correspondence had been received about the application from anyone; he had questioned this and received an acknowledgement in October 2012;
- There was a covenant on the site which prohibited any further development;
- The windows of the extension overlooked his parent's property and directly reflected sunlight;
- The extension caused an invasion of his parent's privacy.

Mr Rudderham then responded to comments and questions from the Committee.

The Chairman asked whether it was Mr Rudderham's understanding that the development covenant had been lifted; Mr Rudderham said he thought the covenant was still in place.

Councillor Wilson wondered whether the problem of overlooking would be solved if the whole fence between the two properties was replaced with something better. Mr Rudderham replied that his parents would not be happy with this because they had never wanted such a high fence in the first place. Theirs was 6 feet tall, but the applicant's fence was over 8 feet in height.

At the invitation of the Chairman, Mr Hutchinson, agent for the applicant, spoke in support of the application and made the following points:

- Explaining the background to the application, he said that the Parish Council had objected because it was retrospective;
- The applicant was not aware that the Permitted Development Rights had been withdrawn, and he was under the impression that the property was no longer in the Conservation Area;
- The architect had written to the Council, but this was not shown on the website or mentioned in the Officer's report;
- His client would not have started the work had he known about the withdrawal of the Permitted Development Rights;
- With regard to the fence, this had been erected 3 years ago, as an agreement between his client and the landowner to the rear. It was nothing to do with the extension, and there had been no objections at the time. The height of the fence precluded views;
- There had always been a degree of overlooking, but when his client was in the extension there was no overlooking;
- The extension shielded some of the garden and there was a reasonable amount of retained amenity space;
- With regard to the comments about the covenant, its existence was not a planning matter and therefore not a relevant consideration.

Councillor Beckett asked for clarification regarding the on-site planning condition and the Chairman stated that when the Conservation Area changed, a letter was sent out informing residents that their Permitted Development Rights had been reinstated. The applicant had taken this to mean that he could build his extension.

Councillor Burton asked Members to recognise that the applicant had had professional advisors and drawings prepared; he was surprised that he had not been advised about proceeding without planning permission.

At the invitation of the Chairman, Mr Lee, Chairman of the Littleport Parish Council Planning Committee addressed Members and made the following comments:

- This application came before the Parish Council Planning Committee when the extension had already been put up;

- Although the Planning Committee had approved the application, the full Parish Council was absolutely against the proposal, thinking it to be doubly onerous because of the “no further development” clause;
- The work had been carried out despite warnings from the Planning Officer, and it was felt that the applicant was thumbing his nose at everyone;
- To grant approval would be to set a precedent; and
- The Parish Council sometimes felt that their views were ignored.

Councillor Kerby enquired when the applicant had been notified that he was breaching planning regulations, and was advised that it had come about from enforcement action in October 2012.

In response to a question from Councillor Stevens, the Principal Development Control Officer explained that the letter about the Conservation Area was not mentioned because it was not a planning issue. He had had sight of the letter and it was sent out to everyone in that area. He also reiterated that on the planning portal, members of the public were advised to consult the Local Planning Authority before commencing any works.

It was noted that the Planning Enforcement Officer had visited the applicant and made it clear that work should cease; the photographs of the site were taken in December 2013 and mid January 2013. In connection with this, Councillor Hunt asked Mr Jackson whether it was his view that additional work had been carried out after the Enforcement Officer’s visit. Mr Jackson replied that the work had been ongoing all the way through.

The Head of Planning & Sustainable Development reminded Members that determination of the application would come down to their judgement regarding the impact of the proposal on the neighbours – whether they considered it to be acceptable or not.

It was resolved:

That planning application reference 12/00993/FUL be refused for the reasons given in the Officer’s report.

52. **TPO E/09/12 – CONFIRMATION OF TREE PRESERVATION ORDER – 74 CENTRE DRIVE, NEWMARKET**

The Committee received a report from which Members were asked to confirm a Tree Preservation Order (TPO) for one Scots Pine tree in the front garden of 74 Centre Drive, Newmarket.

A Members’ site visit had taken place prior to the meeting.

Tabled at the meeting was another letter from Mrs Dale, resident of 74 Centre Drive, in which she raised further objections to the proposed TPO.

The Trees Officer, Ian Lorman, reminded Members of the background to the case and drew their attention to Appendix 1, which contained details of

the objections raised by the owner of the tree and her three immediate neighbours. In summary they were:

- That the tree is dangerous and poses a continuing threat to property and vehicles due to a history of shedding branches in strong winds; and
- There is a nuisance from natural needle shedding blocking gutters, downpipes, gullies, car vents and the rainwater drainage gully in the road, leading to associated problems.

Councillor Burton asked whether the tree was indigenous to the area; Mr Lorman replied that it was native to the UK and many Scots Pines were the subject of a TPO.

In response to a question from Councillor Ambrose Smith, Mr Lorman confirmed that the owner would be responsible for the cost of any surgery.

Councillor Friend-Smith asked where the tree would be pruned and Mr Lorman replied that it would be at the weak points. There was scope for work to reduce the side branches and the tree could keep its natural appearance.

Councillor Willows said she lived in Centre Drive and in her opinion the tree was not only ugly but also beyond help. Councillor Beckett agreed, saying he did not see the point of keeping a tree which was not a good specimen. Mr Lorman conceded that, as Scots Pines went, it was not such a great tree, but there was a relative lack of trees in that area.

It was duly proposed and seconded that confirmation of the TPO should be declined because the tree was not of sufficient amenity value to be retained. When put to the vote,

It was resolved:

That Tree Preservation Order E/09/12 should NOT be confirmed for the following reason:

“Tree not of sufficient amenity value to be worthy of a Tree Preservation Order”.

53. **INFORMATION ITEM – SIX MONTHLY REPORT ON PLANNING ENFORCEMENT: 1ST JULY 2012 – 31ST DECEMBER 2012**

The Senior Enforcement Officer, Andy Smith, presented a report which updated Members on planning enforcement for the period 1st July – 31st December 2012.

He informed the Committee that there were 127 unresolved and outstanding cases brought forward into this reporting period, and 123 new cases received during this six month period, giving a total of 250 cases. Of this total, 135 cases had been investigated, resolved and closed, and as of 31st December 2012 there were 115 cases outstanding.

Members were asked to note that changes in legislation dictated that investigations into planning breaches and offences could not now be conducted through surveillance. As a result of this, there was now a greater emphasis on complainants being willing to provide written statements and/or attend court.

Mr Smith said it would be interested to see how the Community Infrastructure Levy and the forthcoming changes to Permitted Development Rights would impact on the section's workload.

At this point the Committee went into private session to enable Members to discuss a number of issues relating to specific enforcement cases. Thereafter the meeting returned to public session and,

It was resolved:

That the report be noted.

54. **ACTION TAKEN BY THE HEAD OF PLANNING AND SUSTAINABLE DEVELOPMENT SERVICES AS A MATTER OF URGENCY – LAND TO REAR OF 19 BROOK STREET, SOHAM**

The Committee considered a report which set out details of action taken by the Head of Planning & Sustainable Development Services as a matter of urgency in relation to land to the rear of 19 Brook Street, Soham.

It was resolved:

That the content of the memorandum be noted.

The meeting closed at 5.06pm.