



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange,  
Nutholt Lane, Ely on Wednesday 7 January 2015  
at 2.00pm

### **PRESENT**

Councillor Joshua Schumann (Chairman)  
Councillor Derrick Beckett  
Councillor David Brown  
Councillor Lis Every  
Councillor Jeremy Friend-Smith  
Councillor Bill Hunt (Substitute for Councillor David Ambrose  
Smith)  
Councillor Tom Hunt  
Councillor Mike Rouse  
Councillor Robert Stevens  
Councillor Gareth Wilson

### **OFFICERS**

Oliver Cook - Development and Enabling Officer  
Melanie Sage – Democratic Services Officer  
Rebecca Saunt - Senior Planning Officer  
Sarah Steed – Solicitor  
Lesley Westcott - Planning Officer  
Sue Wheatley – Planning Manager  
Cathy White – Senior Trees Officer

### **ALSO IN ATTENDANCE**

Jo Brooks – Director (Regulatory Services)  
Richard Fitzjohn – Planning Assistant (part)  
Wendy Hague – Forward Planning Officer (part)  
Neil Horsewell - Trees Officer (part)  
Tony Taylorson - Communications and Media Manager (part)  
Richard West – Planning Officer

Approximately 14 members of the public attended the meeting.

#### 74. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllrs David Ambrose Smith and Lavinia Edwards. Cllr Bill Hunt attended as the Substitute Member for Cllr David Ambrose Smith.

75. **DECLARATIONS OF INTEREST**

During minute no. 79 – 14/01239/FUM – Crystal Park, Tunbridge Lane, Bottisham – Cllrs Brown and Beckett both declared a personal interest as they were patients of the dental practice in Bottisham.

76. **MINUTES**

Cllr B Hunt referred to the third paragraph on page 23 of the minutes and noted that County Councillors were not Ward Members, but represented Divisions. He therefore proposed the following amendment:

*'At the invitation of the Chairman, Cllr B Hunt attending as the County Council ~~Ward~~ **Division** Member ...'*

Cllr Brown referred to the list of Councillors present on page 1 of the minutes and noted that he had attended for the duration of the meeting, not to the end of Minute No. 66. This reference was to Cllr David Ambrose Smith and it was requested that this be amended.

Cllr Stevens queried the accuracy of the statement on page 7 of the minutes '*... that the width of the carriageway would not be sufficient for large refuse vehicles*', particularly as the width of the road would be nearly 5 metres wide and therefore wide enough. Cllr Beckett suggested that the statement might refer to the fact that as the road would not be to an adoptable standard that refuse vehicles would not be required to enter the road. No proposal to amend the minutes was made.

It was resolved:

That the minutes of the Planning Committee meeting held on 3 December 2014 be confirmed as a correct record and signed by the Chairman subject to the following amendments:

Page 1:

Councillor Joshua Schumann (Chairman)  
Councillor David Ambrose Smith (**to end of Minute No.66**)  
Councillor Derrick Beckett  
Councillor David Brown (~~to end of Minute No.66~~)  
Councillor Lavinia Edwards  
Councillor Lis Every  
Councillor Jeremy Friend-Smith  
Councillor Tom Hunt  
Councillor Mike Rouse  
Councillor Robert Stevens  
Councillor Gareth Wilson

Minute no. 68, page 23, third paragraph:

*'At the invitation of the Chairman, Cllr B Hunt attending as the County Council Ward Division Member ...'*

77. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Wished everyone in attendance a Happy New Year.
- Appeal by Gladman Developments: Wilburton Road, Haddenham:

The Council had been notified that Gladman Developments had informed the Planning Inspectorate that it wished to withdraw its appeal regarding Wilburton Road, Haddenham.

- Focus Report – learning lessons from complaints:

Members recently received an email from the Legal team noting that the Local Government Ombudsman had prepared a report sharing lessons from complaints it had received regarding planning and development called '*Not in my back yard: Local people and the planning process*'. A link to the publication was contained in the email and a paper copy of the document was tabled before Members.

The report included stories to illustrate some of the common areas where the Local Government Ombudsman found fault, which included:

- checking the validity of applications
- advertising applications
- considering objections
- explaining reasons for decisions
- planning enforcement

The report had been published to help people further understand the role of the Local Government Ombudsman in subjecting planning decisions to independent scrutiny, and putting things right where there had been fault.

By proposing some areas of good practice the report offered suggestions of how Councils could increase transparency in the way they reached decisions. It also included information that would help Local Councillors support people in their ward to bring a complaint to the Local Government Ombudsman, as well as assist in their role of scrutinising Council practice.

If Members had any questions or concerns having read the report please contact a member of the Planning or Legal team.

- Plain English Guide to England's planning system:

A new Plain English Guide to how England's planning system worked had been published by the Department for Communities and Local Government. The new publication intended to help people become involved in debates over what was built in their neighbourhood. No new planning policy was created as a result of the publications. A paper copy of the document had been tabled for Members information, which had very recently been published.

- The Senior Enforcement Officer, Andy Smith, would imminently be leaving the Council's employment. On behalf of the Committee the Chairman wished the Senior Enforcement Officer well for the future and expressed his appreciation for his service to the Council.

78. **14/01108/FUL - 55 HIGH STREET, CHEVELEY**

Lesley Westcott, Planning Officer, noted a typographical error in paragraph 7.7 of the officer's report, which referred to 49 High Street. Instead it should be 47a High Street.

The Planning Officer presented a report (P160) which provided details of a full application for a 3 bed dwelling (with accommodation in the roof) and a detached double garage to be sited in front of the proposed dwelling, the construction of a new vehicular access and driveway. A Members' site visit had taken place prior to the meeting.

Illustrations were displayed at the meeting which depicted the application site, an aerial view of the site and details of the proposed dwelling, including dimensions, which were explained.

The main considerations in the determination of the application were the principle of development; residential amenity; visual amenity; highways and ecology.

Section 38 (6) of the Planning and Compulsory Purchase Act required that decisions on planning applications be made in accordance with the Development Plan, unless material considerations indicated otherwise.

It was noted that part of the application site was within the development envelope of Cheveley (where the proposed garage was sited) and part of the application site was located outside of the development envelope of Cheveley (where the proposed dwelling was sited). The site was therefore designated as being in the countryside, where development was restricted. The Core Strategy Policy listed the exceptions allowed. The proposal was for market housing, which did not accord with any of the exception criteria and was therefore contrary to policies CS1 and CS2 of the Core Strategy and Policy GROWTH 2 of the East Cambridgeshire Local Plan.

The site was located to the east of the High Street, Cheveley, at the rear of the host dwelling - No.55 High Street. The host dwelling was a two storey detached house with vehicular access onto the High Street. The site comprised part of the rear garden of the host dwelling with the proposed access drive running along the north boundary of the site. The site was located within a primarily residential area with residential properties to the north, south and west, and open fields to the east.

The predominant character of the neighbouring area was development along the road frontage. The exception was a backland development of a bungalow to the west of the application site (47a High Street).

Currently 47a High Street was located outside the development envelope of Cheveley. However, it was noted that when the new Local Plan was adopted the development envelope would incorporate this dwelling.

Reference had been made in the Design and Access Statement to the bungalow at 49 High Street, which was in a backland location. The dwelling had originally been granted planning permission in December 1985 following an appeal against refusal. In the 1980's there was a presumption in favour of backland development and the Planning Inspector stated that no demonstrable harm would occur as a result of the development.

It was considered that there would be an acceptable relationship between the proposed development and the neighbouring residential properties. The proposed dwelling was located more than 20 metres from neighbouring dwellings and there would be a distance of approximately 56 metres between the proposed dwelling and the host dwelling, which satisfied the criteria set out in the Design Guide Supplementary Planning Document.

There would be restricted views of the proposed dwelling from the street scene, due to its siting behind the host dwelling. However, it was considered that the glimpsed view of the proposed dwelling to the rear would be out of keeping with the area.

Contrary to the statement contained within the submitted Design and Access Statement, it was considered that given the height of the proposed dwelling it would be of a similar scale and not subservient to the host dwelling.

The proposal included a double garage and parking for 2 vehicles in front of the garage as well as a turning and manoeuvring area, which complied with highway standards. Cambridgeshire County Council Highways had no objections to the proposed scheme subject to standard conditions relating to access, visibility splays, surfacing materials and surface water drainage being attached to any approval.

The proposed development would result in the loss of some trees, the most prominent being a semi-mature Hornbeam located at the front of the

site adjacent the highway. Removal was required in order to create the proposed separate vehicular access to the site. The site was not located in a conservation area and although the Trees Officer objected to its removal, the tree was not worthy of a Tree Preservation Order due to its age and size. Therefore it was considered that the loss of the tree would not constitute a reason for refusal. It was recommended that a condition requiring a replacement tree be attached to any approval.

In conclusion the Planning Officer recommended that the planning application be refused for the reasons listed in the committee report.

At the invitation of the Chairman, Mr Ian Human representing the Applicant addressed the Committee and a summary of his comments were as follows:

- The application had been submitted due to a change in personal circumstances of the Applicant.
- The Applicant had always resided in Cheveley and her children attended the local school.
- The Applicant was willing to agree to a condition that the dwelling would not be sold for at least 10 years.
- The development was not for profit, but to enable the Applicant and her children to remain in Cheveley, which would provide stability for both the Applicant and her children.
- Ward Member, Cllr Kerby, supported the application, and the Applicant was grateful for his help and support. Cllr Kerby had provided a statement of support to the Committee, which provided examples of other backland development in Cheveley.
- The benefits of the new development to the Applicant outweighed the development envelope.
- The proposal was not out of keeping.
- It was understood that further dwellings would be constructed behind the Star and Garter Public House.

In response to a question it was confirmed that the Applicant had made representations to the Council with regard to the proposed changes to the development envelope.

In response to a further question the Applicant was willing to comply with any appropriate boundary treatment condition such as the erection of a closed board fence.

At the request of the Ward Member, Cllr Kerby, the following statement was delivered and was also tabled at the meeting:

*'Dear Committee*

*Having visited the site myself, I would support Ms Olivia Stevens in her application for the construction of a new dwelling.*

*The officer's recommendation for refusal is based on the proposed dwelling being outside the development envelope of Cheveley.*

*As a Council and a Committee we have in many instances given approval for backland and outside the development envelope. A few examples:*

- *Approval New dwelling behind No 111 High Street, Cheveley*
- *Approval New dwelling adjacent to the Red Lion Pub, Kirtling*
- *Approval New Hotel behind the Three Blackbirds Pub, Woodditton*

*There have also been many others throughout the district.*

*We have at many previous committee meetings discussed the village development envelope and how restrictive they can be especially in villages where development sites are sparse.*

*This site itself does not feel like open countryside, with neighbouring properties to the left and right and with points 7.4, 7.5 and 7.6 all meeting the with approval, I would ask the committee to REFUSE the officers recommendation and to APPROVE this application.*

*Thank you Chairman and the Committee.'*

Cllr Rouse noted that the officer's report referred to 'comprehensive development'. Cllr Rouse wondered how this would be possible when the proposed development envelope was more restrictive than the current development envelope - the proposed line was drawn more closely to dwellings. The Planning Officer noted that even if the application site was wholly within the development envelope of Cheveley, the proposal would still be considered an inappropriate form of development, as a comprehensive development with adjacent properties would need to be explored, as required by the Supplementary Planning Document.

In response to a question, the Planning Officer confirmed that the proposal would still be outside of the development envelope when the new Local Plan was adopted.

Cllr T Hunt stated that the proposal was only just outside the development envelope and was a modest build. The Local Member had expressed reasons why the Committee should approve the application. Cllr T Hunt agreed that a boundary treatment condition would be required and did not feel that the Horsebeam tree was worthy of retention. Cllr T Hunt further noted that the proposal would provide an extra home within the district.

Irrespective of the strong personal case, following the site visit Cllr Rouse had been amazed at the size of the site, which would comfortably accommodate the proposal. The proposal would also comply with the character of the area.

Cllr B Hunt stated that personal circumstances were not relevant to planning applications. However, the size of the site was sufficient to accommodate the development and the tree did not have a Tree Preservation Order. Cllr B Hunt did not feel that a tenure condition was necessary and noted that the Applicant had agreed to comply with an appropriate boundary treatment condition. The Local Member had expressed his opinion and Cllr B Hunt stated that it was important to consider the views of Local Members.

Cllr Stevens did not agree that the site could be considered as being in open countryside and he noted that the proposal was only slightly outside the development envelope. Cllr Stevens noted that there was an access point to the site as there was a drop kerb already in situ.

Regarding development envelopes the Chairman reminded the Committee that the Local Plan was what Members had agreed and it was important for Members to carefully consider the development envelopes of their wards and express concerns if necessary.

The application was subsequently proposed and seconded for approval with appropriate conditions being delegated to the Planning Manager for the following reasons:

- The proposal was not out of keeping with the character of the area;
- The size of the site provided ample space for the proposal;
- Precedents had been set;
- The proposal was not in the countryside;
- There would not be demonstrable harm as a result of the development.

It was also requested that a condition regarding boundary treatment be attached to the application.

On being put to the vote the motion to approve the application was carried.

It was resolved:

That planning application reference 14/01108/FUL be APPROVED and that appropriate conditions be delegated to the Planning Manager, subject to a condition regarding boundary treatment, as:

- The proposal was not out of keeping with the character of the area;
- The size of the site provides ample space for the proposal;
- Precedents have been set;
- The proposal was not in the countryside;



- There would not be any demonstrable harm as a result of the development.

79. **14/01239/FUM - CRYSTAL PARK, TUNBRIDGE LANE, BOTTISHAM**

Rebecca Saunt, Senior Planning Officer informed the Committee that the Applicant had submitted an appeal following the Planning Committee's decision on 2 July 2014 to refuse an application on the same site. However, this was not a material planning consideration.

Since the agenda had been dispatched there had been a revision to the lighting scheme. The Senior Planning Officer advised that the proposed lighting columns in the parking area had been replaced with lighting bollards.

The Senior Planning Officer presented a report (P161) which provided details of a hybrid application for the erection of 24 dwellings, including garaging and parking (following the demolition of the existing buildings on site) and construction of a new access onto Tunbridge Lane and for an outline application for an employment site for B1 or D1 Use Classes, with all matters reserved except points of access.

Illustrations were displayed at the meeting which depicted the application site, an aerial view of the site, various photographs depicting the current buildings on-site and the access, the proposed development and streetscene.

The proposal would be a linear development with the employment site for B1 or D1 use being situated to the front of the site, fronting Tunbridge Lane.

Following refusal of the previous application, the Applicant had incorporated two bedroom dwellings into the mix of dwellings. The development would provide 24 dwellings, of which 9 would be affordable dwellings. The market dwellings comprised 2 two bedroom dwellings, 3 three bedroom dwellings, 9 four bedroom dwellings and 1 five bedroom dwelling. The 9 affordable dwellings comprised 4 two bedroom dwellings, 4 three bedroom dwellings and 1 four bedroom dwelling. The dwellings would vary in style, design and roof heights.

The main considerations in the determination of the application were the principle of development; residential amenity; visual amenity; historic environment; highways; housing mix; affordable housing and open space.

Policy BOT2 of the draft Local Plan allocated the Crystal Structures site as a mixed-use housing/employment allocation comprising 15 dwellings and 0.2 hectares of employment development (B1/B2). The Council had reviewed the need for the allocation of the site and considered that the allocation was inconsistent with the approach adopted for other employment sites in the Local Plan which were within the development envelope. Therefore a modification to the Plan to delete the BOT2 allocation was

proposed and agreed by Members at the Development and Transport Committee on the 14 April 2014. Proposals for development were therefore assessed against draft Local Plan policy EMP1.

Policy EC1 of the Core Strategy and Policy EMP1 of the draft Local Plan sought to retain existing employment sites, whilst allowed some flexibility to take account of sites that were no longer suitable or appropriate for employment use.

One of the reasons for refusal of the previous application was the loss of employment. Members were concerned that the proposal would lead to the loss of an employment site and considered that the Applicant had not fully investigated local business requirements and that employment could be incorporated within the proposed development.

In recognition of the Planning Committee's decision that redevelopment of the site could incorporate employment uses, the the Applicant had submitted a hybrid application to included a land parcel of 0.06 hectare for a class D1 (non-residential institution) use which could be as a dental surgery or similar facility such as a clinic or alternatively Class B1 (business) which could be offices, research, appropriate in a residential area. However, the Applicant continued to maintain that a comprehensive commercial redevelopment of the site was not viable.

Concerns had been raised by a neighbour in relation to the introduction of 2½ and 3 storey dwellings. The maximum height of the dwellings was 2½ storey, as the second level of accommodation was situated within the roof. Those properties with rooms in the roof were served by dormer windows in the front elevation and only small velux windows in the rear elevation, to further protect residential amenity.

The layout of the site ensured that the rear gardens of the proposed properties backed onto the rear gardens of those dwellings situated in Tunbridge Close, Ancient Meadows and Mulberry Close, with the exception of plot 12. Plot 12 flanked part of the rear gardens of both 4 and 6 Mulberry Close. Plot 12 had also been sited 4½ metres away from the boundary to enable the proposed footpath connection to Ancient Meadows and there were no windows situated in the side elevation.

When considering the previous application no issues had been expressed in relation to the design. The designs of both the previous and current applications were similar. The dwellings proposed had been designed with the character of the surrounding area in mind. The density of the proposed development was in keeping with the vicinity and would generate a density of 33 dwellings per hectare.

The proposed dwellings had been designed in a variety of styles with a number of different house types proposed, all with private gardens. The majority of the parking was proposed on plot, with only a small communal car park situated in the south east corner of the site.

The site had previously been developed and contained a number of buildings which were originally linked to Bottisham Airfield and constructed during World War II to provide accommodation for RAF personnel. The buildings were in a dilapidated state of repair and were not capable of being retained in any form. It was therefore considered acceptable that the buildings be demolished to enable the redevelopment of the site.

Since the previous application an archaeological evaluation had been undertaken that had discovered evidence relating to Bronze Age occupation and Roman settlement. The remains were of regional importance. However, there was nothing present that would prohibit development from occurring at the site. Cambridgeshire County Council Archaeology had advised that should approval be granted an appropriate archaeological condition should be placed on the decision notice that would enable a scheme of works to occur and the archaeological evidence to be preserved 'by record'.

A total of 66 parking spaces were now proposed, which was an increase of 11 spaces. Most of the parking spaces were provided on plot and included 52 parking spaces, 12 spaces in garages, 2 spaces in car ports and 7 visitor spaces. The draft Local Plan Policy COM8 required that there should be 2 parking spaces per dwelling, with up to 1 space per 4 dwellings for visitors. 2 or more parking spaces had been proposed per dwelling in line with current parking standards and 7 visitor parking spaces (a minimum of 6 were required).

Traffic calming measures had been implemented along Tunbridge Lane since the submission of the previous application. The proposed access to the site was situated adjacent to the traffic calming measures. If the application was approved it was proposed that the access would be constructed in the form of a raised speed table, which Cambridgeshire County Council Highways had confirmed was acceptable.

The previous application incorporated a shared surface road, which Members were concerned would be unsuitable as it would lead to conflict between drivers and pedestrians. The revised layout now incorporated a dedicated footpath running through the site, along the northern side of the access road, to alleviate these concerns. However, Cambridgeshire County Council Highways had expressed concern regarding the shared surface at the south east corner of the site, as a shared surface should not incorporate a footpath as people with visual impairments could find it difficult to differentiate between footpath and road. If the road was to be adopted this would need to be resolved by either the entire road and shared surface being tarmac or by the removal of the footpath within the shared surface.

To enable discussions to continue to resolve this issue the Senior Planning Officer informed the Committee that the recommendation had been amended to include *'the receipt of amended plans in relation to highway discussions'*.

The Applicant sought permission for 24 dwellings, 40% of which equated to 9.6 affordable dwellings. The calculation for affordable housing has been 'rounded down' to 9 dwellings, with an offer of a commuted sum of £9000 to be provided in lieu of the 'missing' fraction of an affordable dwelling. The Housing Officer was satisfied with the offer of a commuted sum.

The proposal did not include any on-site public open space. This would be addressed via a contribution in lieu of public open space in line with the contributions per dwelling figures, as set out in the Councils Supplementary Planning Document (SPD) on Developer Contributions. This contribution would be secured via a S106 Agreement and would be £42,408.

The developers would also be required to make provision for the on-going maintenance of the informal open space provided for the direct benefit of new development, as set out in the SPD on Developer Contributions as well as provision of a footpath link to Ancient Meadows.

In conclusion the Senior Planning Officer recommended that the Planning Committee approve the planning application as per the revised recommendation:

Members are requested that Approval be delegated to the Planning Manager, subject to the receipt of amended plans in relation to highway discussions and the successful completion of a S106 Agreement in relation to affordable housing provision, open space provision and maintenance and subject to the recommended conditions set out in the report.

At the invitation of the Chairman, Objectors Mr Jeremy Barnett and his wife addressed the Committee and a summary of their comments were as follows:

Mr Barnett:

- Had resided at 32 Tunbridge Lane, Bottisham for 27 years.
- Had submitted objections previously on 24 and 26 November 2013 for 3 key reasons.
- The first reason being inadequate sewerage and drainage system. The documentation to support the application stated that Anglian Water had confirmed that the system would be able to accommodate the additional housing. However, there was no information included as to how Anglian Water had come to this conclusion. Over the Christmas period the drains had become blocked and sewage had overflowed in Tunbridge Business Park which had cost the owner nearly £1000 to resolve. The drains had been pumped out on 26, 27 and 30 December. The incident proved this was a valid objection.
- The second reason was the mix of development and employment uses. The previous application did not reflect a mix of employment and residential use. The current application included small business use, but did not incorporate any form of public open space.

- The third reason was the marketing of the proposed business unit. There had been no serious attempt to negotiate with the dental practice. It would not be too difficult for a developer to include a unit for both a doctor and dental surgery.

Mrs Barnett:

- Agreed with the comments that Bottisham Parish Council had submitted in February.
- The development should be attractive with useful areas of public open space.
- Areas to encourage wildlife should be incorporated.
- A play area would be a useful addition.

In response to a question regarding the recent drainage issue that had occurred, Mr Barnett explained that as he was not a drainage engineer he did not know the exact cause. However, a serious backlog had occurred in the drainage system due to excess water. Unit 5 of Tunbridge Business Park had been the most severely affected by the overflow.

At the invitation of the Chairman, Mr Trevor Faulker on behalf of the Applicant addressed the Committee and a summary of his comments were as follows:

- The Senior Planning Officer had thoroughly explained the application and how the Applicant had addressed the previous reasons for refusal.
- Bottisham was designated as a Key Service Centre area and the site was located within the development envelope of Bottisham.
- The proposal would not create an adverse impact on the character of the area.
- An appeal had been submitted regarding the decision of the previous application as the time limit for when an appeal could be lodged was soon to expire. If the current application was approved the appeal would be withdrawn.
- It was not viable to redevelop the site for employment use only.
- The proposal was mainly for residential development in accordance with the thrust of the National Planning Policy Framework.
- The scheme had been amended to incorporate B1 and D1 Use.
- The scheme had also been amended to include a footpath throughout the development and 2 two bed market dwellings.
- An archaeological evaluation had been undertaken since the previous application was considered.
- Anglian Water had confirmed that there was sufficient capacity for foul water drainage.
- The Applicant had only very recently become aware of the drainage issue over the Christmas period so had not been able to ascertain the reason this had occurred. However, it might have been as a result of a pumping station failure.

A summary of the questions and answers to Mr Faulkner by the Planning Committee were as follows:

Cllr Schumann - Chairman:

- Had there been any communication with the dentist?

There had. However, until the planning application had been approved the Applicant was not in a position to negotiate with the dentist or any other provider.

Cllr Beckett:

In response to a question regarding the size of the B1/D1 employment site, 0.06 hectare had been allocated in light of the dental practice's land requirements and included the required number of car parking spaces to meet the Car Parking Standards.

- Was concerned that there would be insufficient car parking spaces for the dental surgery given the potential number of employees.

Any prospective user of the B1/D1 employment site would need to respect the size of the site when considering whether it was a suitable premise.

*At this point of the meeting Cllrs Brown and Beckett both declared a personal interest as they were patients of the dental practice in Bottisham.*

Cllr J Friend-Smith:

- Noted that Condition 15 referred to the need for adequate drainage measures and that a further condition would be required if this did not adequately incorporate the drainage issue that had occurred in December.

The Applicant had only very recently become aware of the drainage issue over the Christmas period so had not been able to discover the reason for the problem. Anglian Water had confirmed that there was sufficient capacity for foul water drainage.

Cllr Stevens:

- Energy Efficiency regulations were changing and there was a requirement to construct zero carbon homes. The Applicant was fitting devices to reduce emissions from boilers but would the Applicant be prepared to consider other energy efficiency measures such as ground source heating?

The Applicant was prepared to consider incorporating energy efficiency measures and would develop the homes to the required standards. However, the Applicant needed to also consider whether it was financially viable to include additional energy efficiency measures.

- The Applicant had submitted a full planning application for the erection of 24 dwellings and an outline application for the employment site. Would it be possible to develop the residential aspect of the site and the employment site both at the same time?

The Applicant had considered the reasons for refusal of the previous application and attempted to address these. One of the reasons for refusal was the loss of an employment site and the application now incorporated employment use. The site had been re-designated by the Council and there was now no requirement for the site to be a mixed housing/employment use. If it was conditioned that the residential aspect of the site and the employment aspect be developed simultaneously it could prejudice bringing forward the site.

- The Chairman noted that such a condition could also be considered unfair at appeal.

Cllr B Hunt:

- The Applicant sought permission for 24 dwellings. 40% affordable housing would equate to 9.6 dwellings. The number of affordable dwellings proposed had been 'rounded down' to 9 dwellings and the Applicant would offer a commuted sum of £9000 in lieu of the 'missing' fraction. Had there previously been negotiations with the Housing Officer?

Yes and the Housing Officer was satisfied with the offer of a commuted sum of £9000 in lieu of the 'missing' fraction.

- The proposal did not include any on-site public open space – this would be provided via Ancient Meadows. Would the Applicant provide a complete footpath link from the site to Ancient Meadows?

The Applicant would provide a footpath link up to the site boundary.

The Senior Planning Officer explained that the cost of the provision of a footpath from Ancient Meadows to the application site had been calculated and would be incorporated in the S106 Agreement. Although the District would be responsible for constructing the footpath from Ancient Meadows to the application site, the costs incurred would be fully funded by the developer.

As the application did not include any on-site public open space, the developer would provide a contribution of £42,408 via a S106 Agreement.

In addition to this the developer would also be required to make provision for the on-going maintenance of the informal open space at a rate of £6.37m<sup>2</sup>.

Cllr Rouse:

- Noted that one of the responses from consultees stated that the footpath was not wide enough for wheelchair users.

The footpath complied with Cambridgeshire County Council standards and Cambridgeshire County Council Highways had not objected to the width of the footpath.

Cllr T Hunt:

- The development incorporated affordable housing. Could this not be a mix of affordable and shared ownership dwellings?

The affordable housing element of the scheme was the same as the previous scheme and there had not been any objections to this by the Housing Officers.

At the invitation of the Chairman, Cllr Hilda Buchanan on behalf of Bottisham Parish Council addressed the Committee and a summary of her comments were as follows:

- It had been a mistake not to have addressed the Planning Committee when the previous application had been considered as some of the queries could have been addressed.
- The Planning Officer had done East Cambridgeshire District Council and Bottisham Parish Council proud.
- The comments of Bottisham Parish Council were incorporated within the officer's report and the Planning Officer had reiterated those.
- The issues regarding sewage and infrastructure had been a problem in Bottisham for many years.
- Did not believe Anglian Water - that there was sufficient drainage capacity to accommodate the development.
- The drainage issue over the Christmas period resulted in the overflow of both surface water and sewage. It had taken a long time to resolve and the drains had to be flushed. It was likely that the issue had occurred due to increased usage.
- The Parish Council was aware of a lack of public open space in Bottisham. It was hoped that Ancient Meadows would provide this and a footpath was not always required.
- It was disappointing that Bottisham did not have a play area. However, with the assistance of East Cambridgeshire District Council the Parish Council was hoping to address this issue.
- The application site had always been a brownfield site and over the years had become more derelict.
- There were concerns regarding the proposed employment site, such as parking. However, these could be addressed when a full application for the employment site was submitted.
- It was a good positive use of a brownfield site.



A summary of the questions and answers to Cllr Buchanan by the Planning Committee were as follows:

Cllr B Hunt:

- If the Parish Council were offered S106 contributions and maintenance costs for the provision of public open space at Ancient Meadows, would the Parish Council be willing to accept responsibility for this?

The Parish Council would give this serious consideration but a definitive answer could not be given at the meeting.

Cllr Stevens:

- Bottisham had 2 schools, was 7 miles from Cambridge and Newmarket, had a bus service, good shops and other services. Other than a lack of public open space was there anything the village required?

The road network around Bottisham was a problem as initially this accommodated horse and carts. The Parish Council was attempting to resolve speeding traffic. The local schools were full to capacity. Basic infrastructure was a problem for Bottisham.

Cllr Wilson:

- Encouraged the Parish Council to take responsibility for a play area as a Parish Council was able to access better grants. Haddenham Parish Council had successfully been awarded £100,000 towards the play area in Haddenham. Cllr Wilson would offer any assistance he could to Bottisham Parish Council if they required.

A play area was a significant problem for Bottisham Parish Council.

In response to questions regarding affordable homes, the Development and Enabling Officer Oliver Cook explained that all of the affordable homes proposed within the application would be rented properties, not shared ownership. The Development and Enabling Officer had been willing to support the application on that basis as previously in Bottisham there had been an application that had included all shared ownership dwellings and another application that had incorporated a mix of shared ownership and rental dwellings.

In response to a question by Cllr Stevens, the Development and Enabling Officer was not aware of an agreement between the Applicant and any Housing Association to take responsibility of the 9 affordable dwellings.

In response to a question from Cllr Beckett, the 9 affordable dwellings would be available to anyone on the housing register that had a connection to the district. However, the policy was flexible so if the Committee wished it

would be possible to designate the 9 affordable dwellings to anyone with a connection to Bottisham.

Cllr Rouse expressed appreciation to the Senior Planning Officer for the significant amount of work involved with the application. Cllr Rouse noted that one of the responses from consultees stated that the footpath was not wide enough for wheelchair users. The Senior Planning Officer explained that Cambridgeshire County Council Highways had not objected to the width of the footpath and that these comments were from the Council's Access Group.

The Senior Planning Officer noted that Anglian Water had raised no objections to either the current or previous applications.

In response to questions by Cllr J Friend-Smith, the Senior Planning Officer explained that if the road was to be of an adoptable standard the surface would need to be entirely tarmac or of the shared surface material, it could not be a mix of both. Refuse vehicles would be able to enter the development and the Applicant had submitted a Waste Strategy. The Senior Planning Officer also noted that the Applicant had submitted a lighting statement and that the proposed lighting columns in the parking area had been replaced with lighting bollards.

In response to questions by Cllr T Hunt regarding the housing mix, the Senior Planning Officer explained that prior to the Committee considering the previous application she had expressed concerns to the Applicant regarding the housing mix, following which the Applicant subsequently amended the application. The Applicant had further amended the application following refusal of the previous application to now include 2 bed dwellings.

Cllr Beckett stated that the application being considered was an improvement on the previous application and the Applicant had incorporated the majority of comments made by the Planning Committee.

The application was proposed for approval as per the amended officer's recommendation, with the inclusion that the material of the shared surface be tarmac with a footpath throughout the site, and that Ancient Meadows and the commuted sum be transferred to Bottisham Parish Council.

The Chairman stated that the potential transfer of public open space to Bottisham Parish Council would need to be a recommendation to the Asset Management Sub-Committee as the Committee responsible for managing the Council's assets, and not by condition.

Cllr Wilson on seconding the proposal stated that the Applicant had done a splendid job of listening and addressing the concerns of the Planning Committee. Cllr Wilson agreed that the road throughout the development should be tarmac. However, he was concerned that the employment site

would not come to fruition resulting in more empty business units in Bottisham.

Cllr T Hunt agreed that the application was an improvement to the previous application. Cllr T Hunt stated that he had expressed concern that no shared ownership dwellings were incorporated in the development as he supported first time buyers and shared ownership dwellings provided this opportunity.

Cllr Brown was concerned at the amount of land allocated for employment use, of potential security issues and he expected a degree of goodwill on behalf of the Applicant to ensure serious negotiation occurred with the dental surgery. Cllr Brown proposed that within the S106 Agreement the 9 affordable dwellings be designated to people with a local connection to Bottisham in the first instance.

Cllr Rouse considered that the employment use was a token gesture and that it was located on the wrong side of the road. Cllr Rouse expressed appreciation to Cllr Buchannan for her useful and persuasive comments.

Cllr Stevens agreed that the 9 affordable dwellings should be designated to people with a local connection to Bottisham in the first instance. The footpath linking Ancient Meadows to the development was only a short distance. In the past it had been envisaged that Ancient Meadows would incorporate a play area. However, the developer providing the funding had gone into administration. Cllr Stevens noted that there had been some concern regarding the loss of buildings on-site and their historical connection. However, the museum had been re-located. Cllr Stevens hoped that sensible and adequate parking would be provided for the employment unit.

Cllr B Hunt noted that the application provided no public open space. Instead East Cambridgeshire District Council was supplying nearly a quarter of an acre for this provision. Bottisham Parish Council wanted a play area and if they accepted responsibility for Ancient Meadows they were in a better position to bid for grants. The Applicant was to provide £6.37m<sup>2</sup> for the on-going maintenance of the informal open space at that rate in perpetuity and Cllr B Hunt requested the Committee consider where the scales were loaded.

The Solicitor confirmed with the Committee the wording of the two recommendations, which the Chairman noted would be voted upon separately.

The recommendations, having already been proposed and seconded, on being put to the vote were carried.

It was resolved:

That APPROVAL of planning application reference 14/01239/FUM be delegated to the Planning Manager, subject to the receipt of amended plans in relation to highway discussions to include tarmac road and footpath to the end of the site and the successful completion of a S106 Agreement in relation to affordable housing provision to include local connection criteria to Bottisham, open space provision and maintenance and subject to the recommended conditions set out in the report.

**It was also resolved to recommend to the Asset Development Sub-Committee:**

That Planning Committee recommend that Asset Development Sub-Committee consider the transfer of the larger piece of public open space at Ancient Meadows, Bottisham, plus a commuted sum, to Bottisham Parish Council.

*At the conclusion of the above item, at 3.55pm, the meeting was briefly adjourned to allow members of public the opportunity to vacate the Council Chamber. The meeting resumed at 3.56pm.*

80. **CONFIRMATION OF TREE PRESERVATION ORDER - 4 HYTHE CLOSE, BURWELL**

Cathy White, Senior Trees Officer presented a report (P162) to determine whether to confirm a Tree Preservation Order (TPO) for one Sycamore tree in the rear garden of 4 Hythe Close, Burwell. The matter was being referred to Committee due to objections received in the 28 day consultation period that ended on 20 November 2014, and the requirement to confirm the TPO within six months to ensure the tree was protected for public amenity.

Illustrations were displayed at the meeting which depicted the application site and views of the tree from various points.

Tree Surgeons, acting on behalf of the owners, submitted a tree work application to the Council on 29 September 2014 giving the required six weeks notice of the proposed removal of a Sycamore tree from the rear garden of 4 Hythe Close, Burwell, which was located within the Burwell Conservation Area. The owners were concerned that the Sycamore tree was too large and overshadowing their property and their neighbour's property.

The Council was unable to refuse the tree work application notice of the removal of the Sycamore tree. Therefore a TPO was served on the Sycamore tree under Section 201 of the Town & Country Planning Act 1990. The TPO was made on 16 October 2014 and after the statutory consultation period, required confirmation within six months.

Concerns were expressed by the neighbours regarding the serving of the TPO on the Sycamore tree, and their objections were received in writing during the statutory consultation period as follows:

- The Sycamore tree was very large and set close to the rear garden boundary fence between 4 and 6 Hythe Close, and overhung excessively.
- Concerned that during very windy weather, the tree would fall onto the garage or the rear of the house at 6 Hythe Close.
- Bird droppings from birds roosting in the Sycamore tree were polluting the gardens and caused a potential health hazard to residents and their visitors.
- Management of the Sycamore tree by cyclical pruning could be cost prohibitive to the owners and they might not be prepared to pay for further pruning work to manage the size of the tree if they were not allowed to remove the tree.

The Senior Trees Officer explained that the report recommended confirmation of the TPO, without modifications, for the following reasons:

- The Sycamore tree could continue to be managed by professional pruning rather than felling.
- Pruning would help alleviate the nuisance problems of overshadowing due to the current size of the tree and reduce the amount of bird droppings falling into the gardens.
- Since serving the TPO the tree owners had submitted a revised tree work application to reduce the height of the Sycamore tree by up to 6 metres and lateral branches by approximately 2 metres, to reshape and reduce the overall size of the tree crown.

Cllr Every enquired if the owner of the tree wanted it felled. The Senior Trees Officer explained that the tree work application submitted on behalf of the owners was to fell the tree. However, this was as a result of a request from the objecting neighbours.

Cllr Every enquired what would happen should the owners not continue to maintain the tree by professional pruning. The Senior Trees Officer explained that the tree was the responsibility of the owner and the Council had no powers to enforce the owner to comply.

Cllr Beckett stated that the tree had been in situ for many years and would have been there when the neighbours had purchased the property. Cllr Beckett acknowledged that the tree owners had submitted a revised tree work application to reduce the height and width of the Sycamore tree and enquired whether the Council could request the height of the tree be further reduced by 8 metres rather than 6 metres. The Senior Trees Officer explained that the Council was unable to dictate the specified tree work and the information contained within the application was as a result of the advice of a Tree Surgeon. Each tree work application had to be considered individually.

If the tree owners submitted a further revised tree work application, the Chairman enquired whether this would be presented to the Planning Committee. The Senior Trees Officer explained that the usual practice for tree work applications was that they were determined under officer's delegation, not by Committee. If the owners did not like the decision they were able to appeal the decision.

In response to a question by Cllr Wilson, the Senior Trees Officer explained that trees in a conservation area had a protection of 6 weeks. If an owner wished to conduct any works to a tree in a conservation area a tree work application had to be submitted to the Council giving 6 weeks notice of the proposed works. If the Council did not respond within the 6 weeks the owner was allowed to carry out the works. If a tree did not have a TPO the Council were unable to require replacement planting.

The officer's recommendation was then proposed.

Cllr Brown enquired whether a tree with a TPO could be felled. The Senior Trees Officer confirmed that it was allowed if the Council agreed this was the best course of action. The owner could offer to replant a tree either in the same place or within the specified vicinity. Or the Council could condition replacement planting. However, if the tree was not in a conservation area the Council could not insist on a replacement planting condition.

Cllr Brown considered the tree to be overbearing and the owners should be allowed to fell the tree.

Cllr T Hunt agreed that the tree appeared domineering, but it would be a loss if it was felled. Cllr T Hunt did not think it likely that the tree would be blown down and that people purchased properties knowing that mature trees were in the garden/neighbouring gardens. Cllr T Hunt subsequently seconded the proposal.

Having been proposed and seconded the proposal to accept the officer's recommendation, was put to the vote and was carried.

It was resolved:

That the Tree Preservation Order (TPO) at 4 Hythe Close, Burwell be confirmed, without modifications, for the following reasons:

1. The Sycamore tree can continue to be managed by professional pruning rather than felling. Pruning would help alleviate the nuisance problems experienced by the owners and neighbours with overshadowing due to the size of the tree and the problem with bird droppings. Pruning would also increase the amount of light to the gardens. Although it is agreed if left unchecked, the size of the mature Sycamore tree would be domineering in the

current location, with cyclical pruning the overall size of the Sycamore tree could be managed at a reasonable size.

2. Since serving the TPO, the tree owners have submitted a revised tree work specification to reduce the height of the Sycamore tree by up to 6 metres and lateral branches by approximately 2 metres to reshape the crown. This would alleviate problems raised by the neighbours, caused by the tree's current large canopy.

81. **SITE VISIT PROTOCOL**

Sue Wheatley, Planning Manager presented a report (P163) to enable the Planning Committee to consider and adopt the revised Site Visit Protocol.

It was noted that the current Protocol had been updated, the main amendments being the procedure for declarations of interest during site visits.

The Solicitor referred Members to the tabled revision to the officer's recommendation, that the Planning Committee adopt the revised Site Visit Protocol as a Key Document within the Council's Constitution, attached as Appendix 1 of this report.

Cllr Every expressed appreciation to officers as it was an important policy that should be updated and Members made aware of on a regular basis.

Cllr Brown suggested that all references to the Site Visit Protocol be removed from the Council's Constitution and that the Council not have a Protocol.

The Planning Manager stated that it was important for the Council to have a Site Visit Protocol. The Council could be found lacking if it did not have a Protocol in place and it was good practice to have one.

Cllr Stevens referred to the second bulletpoint of the Protocol and stated that it was not always practical to view the site from the nearest public space and suggested that this be replaced with *'the appropriate public space'*.

Cllr Beckett stated that the fifth bullet point was a gagging order. Cllr Beckett accepted that Members should not discuss the application on-site. However, it was not practical for Members not to be allowed to discuss anything about the application at a site visit. The Chairman suggested the context was intended as a protection to avoid it being perceived that Members had pre-determined the matter. The Planning Manager further noted that this bullet point referred to the merits of the application, which should only be discussed during the meeting.

Cllr Beckett stated that inclusion of this in the Protocol would prevent Members highlighting matters to fellow Members whilst at the site visit. The Planning Manager explained that Members could highlight any features of the application site that they considered relevant, that fellow Members should be mindful of when determining the application.

Cllr Wilson referred to the second bullet point on page 2, that Members should not take part in informal site visits with the Applicant, Objectors or Parish/Town/City Councils other than in exceptional circumstances and only then with an Officer present. Cllr Wilson noted that some District Councillors were also Parish Councillors and it was not practical for officers to attend all Parish Council meetings when planning items were discussed. Sometimes potential Applicants also approached Members before submitting a planning application.

Cllr B Hunt stated that the Site Visit Protocol was a 'dog's breakfast' and should be re-written. Cllr B Hunt stated that he did not agree with the Protocol and various elements should be re-considered such as 'Members should not take part in informal site visits' and 'if a Prejudicial Interest was declared a Member must not leave the Site Visit Minibus'. Cllr B Hunt noted that a Member was not always aware that they had a Prejudicial Interest until they had vacated the minibus.

Cllr Stevens referred to the second bullet point on page 2, that Members should not take part in informal site visits. Cllr Stevens stated that this point should be clarified and reference made to if the Member was aware that the matter was going to be determined by the Planning Committee. Cllr Stevens suggested that the Protocol would prevent a Member from visiting certain places, for instance from frequenting a public house if the landlord had submitted a planning application.

The Chairman suggested that the item be deferred to the next Planning Committee meeting and that Members email the Planning Manager with any suggested comments or amendments, for incorporation into the Protocol.

Cllr Every was willing to accept the proposal but stated that the principal of the Protocol was vital.

Cllr B Hunt did not agree to the proposal as it was shifting responsibility to the Members. Instead Officers should revise the Protocol and present it to the Committee.

It was subsequently proposed that the Site Visit Protocol be deferred to the next Planning Committee meeting. The Planning Manager would incorporate Member comments made during the meeting and circulate the Protocol to the Committee prior to it being presented for adoption.



It was resolved:

That the Site Visit Protocol be deferred to the next Planning Committee meeting to enable the Planning Manager to incorporate Member comments and further revise the Protocol.

The meeting closed at 4.33pm.