

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange, Nutholt Lane,
Ely on Wednesday 7th May 2014 at 2.00pm

PRESENT

Councillor Joshua Schumann (Chairman)
Councillor Derrick Beckett
Councillor Jeremy Friend-Smith
Councillor Tony Goodge
Councillor Richard Hobbs (Substitute for Councillor Ambrose
Smith)
Councillor Mike Rouse
Councillor Robert Stevens
Councillor Gareth Wilson

OFFICERS

Lorraine Brown – Conservation Officer
Maggie Camp – Senior Legal Assistant
Sue Finlayson – Team Leader Development Control
Giles Hughes – Head of Planning & Sustainable Development
Services
Scott Jackson – Planning Officer
Janis Murfet – Democratic Services Officer
Sue Wheatley – Principal Development Management Officer
Cathy White – Senior Trees Officer

IN ATTENDANCE

4 members of the public

102. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors David Ambrose Smith, Lavinia Edwards, Tom Kerby, Philip Read, and Sue Willows.

It was noted that Councillor Hobbs would substitute for Councillor Ambrose Smith for the duration of this meeting.

It was further noted that Councillor Kevin Ellis had also sent apologies, as he had been due to substitute for Councillor Edwards, but was now unable to do so.

103. DECLARATIONS OF INTEREST

Councillor Goodge declared an interest in Agenda Item 5 (13/00734/OUM, Kings of Witcham Ltd), being a Ward Member for the Downham Villages.

104. MINUTES

It was resolved:

That the minutes of the meetings held on 28th March and 2nd April 2014 be confirmed as a correct record and signed by the Chairman.

105. CHAIRMAN'S ANNOUNCEMENTS

Councillor Schumann announced that he was once again standing in as Chairman for Councillor Read, who was unable to attend the meeting due to ill health.

The Committee sent their best wishes to Councillor Read in the hope that he would have a speedy recovery.

The Chairman informed Members that this was Giles Hughes' last meeting of the Planning Committee.

He said he wished to take this opportunity to pass on his and the Planning Committee's thanks to the Head of Planning & Sustainable Development. Mr Hughes had advised and supported the Committee with a constant high level of professionalism and Members were grateful for his guidance and good management in all cases. His work on ECDC's Local Plan had kept the Authority at the forefront of forward planning.

After spells at Cambridgeshire County Council, New Zealand's North Shore City Council and a government office in the East Midlands, Mr Hughes joined ECDC in 2007 and had given 7 years of expert support and knowledge.

The Chairman concluded by saying that he was sure the Committee would join him in wishing Mr Hughes the very best in his new employment at West Oxfordshire District Council.

106. 13/00734/OUM – CONSTRUCTION OF 7 DWELLINGS PLUS 3 FLEXIBLE DWELLINGS WITH POTENTIAL FOR EMPLOYMENT USE – KINGS OF WITCHAM LTD, THE SLADE, WITCHAM.

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:

- Public Open Space provision was not included in the Committee report. The applicant had agreed to pay a contribution in lieu, which would be secured by S106 Agreement; this issue needed to be added to the recommendation;
- The recommendation, and references to it in paragraphs 1.4 and 9.19, and Section 10 of the report should be changed to delegate authority to the Principal Development Management Officer, as this was the last Committee meeting for the Head of Planning & Sustainable Development;
- In paragraph 9.3 of the report, the reference to Policy CS1 should be *EC1*, and in paragraph 9.14 (third line), the reference to "hardstanding" should be "*built form*".

In summarising the main points of the report, Mrs Finlayson reminded Members that this was an outline application with only the issue of access to be determined at this stage; all other matters were reserved for future consideration. County Highways had no concerns about the proposed access.

The application proposed the redevelopment of the existing garage business site to residential, to enable the business to relocate to a more sustainable site within the District. Ten dwellings were proposed, of which three would have the potential to be adapted to future "home working", to try to retain an element of employment on the site, but being mindful of the need to ensure such employment would be conducive to surrounding residential accommodation. Current policy also required the provision of three affordable dwellings, and the applicant proposed to provide a sum in lieu to address this issue. This would be subject to viability and would require further negotiation prior to the submission of any reserved matters application.

It was noted that the application had been called in to Planning Committee at the request of the local Ward Members, due to concerns raised about the form of development proposed within the original application. The application had now been amended to address most of the concerns raised, and it was considered that with appropriate planning conditions to ensure

Careful design at reserved matters stage, the proposal accorded with planning policy and addressed the concerns expressed.

The main issues for consideration were:

- Planning Policy;
- Planning history of the site and the need for the application;

- Affordable housing, viability, S106;
- Drainage, contamination;
- Highways issues;
- Residential amenity/impact on street scene.

The Committee was shown a series of slides which included aerial photographs, an illustrative layout plan, photographs of the existing accesses, the existing street scene and character of the area, and the revised access arrangements.

Access would be taken from The Slade, in a similar position to that which already existed. The indicative layout plan showed the access road running into the site to the west and curving to the south, ending in a hammerhead. Six dwellings with two parking spaces could be sited along this access route, with three dwellings on the frontage to the south of the access road, and one to the north, all facing The Slade and all with two parking spaces each within the site.

A new footpath was proposed within the highway verge from the site to the Silver Street junction to provide pedestrian access to the centre of the village. This would be constructed at reserved matters stage.

Members noted that the applicant had submitted a confidential business history and future requirements report and a financial statement in support of the application.

Mrs Finlayson reiterated that this was a case of a local business wanting to relocate to a new site to expand and encourage new business. The present site offered no opportunity for expansion as it was “off the beaten track”, and was in an unsustainable location for the business to progress.

At the invitation of the Chairman, Mr Nigel Hailstone, resident of No.6 The Slade, spoke in objection to the application and made the following points:

- He was not completely against development on the site and was aware of the business when he bought his house;
- The main issue was density and the number of dwellings, as he believed there would be too many;

- The scheme would encourage parking on the road, where visibility was poor;
- Most properties had their own driveways and this would have a knock on effect.

At the invitation of the Chairman, Mr Colin Every, applicant, spoke in support of the application and made the following comments:

- In response to Mr Hailstone's comments, this was only an outline application. Many things were up for revision; nothing was cut and dried;
- Kings of Witcham employed 8 people, all of whom were the major wage earner in their families. All were residents of East Cambridgeshire and he wished to keep them in employment;
- The demographics of East Cambridgeshire had changed;
- People could now search online for goods and services;
- Kings of Witcham was located where it was, because that was where Don King had started the business 50 years ago – the rest was history;
- To quote a popular TV show, it was all about "location, location, location" and the business needed to relocate to a more visible location.

Having concluded by asking Members to allow his application, Mr Every then responded to comments and questions from the Committee.

Councillor Wilson wished to know if Mr Every had found somewhere to relocate the business and whether he had a definitive plan for the new site. Mr Every replied that he had been working on relocation since 2008, but at the moment he did not have a new location. He was taking one step at a time: first getting planning permission, then involving a developer, and then negotiating a deal. He felt that the only way to retain his employees would be by doing things in a chronological, logical order. The business was in survival mode and he wished to keep the business going.

Councillor Rouse said he supported the principle of businesses succeeding and he was aware that Mr Every had been "going one step at a time" for many years. He expressed the hope that this time he would succeed. Mr Every responded by saying that this was correct, but his efforts had been punctuated by the ups and downs of the property market. All businesses were going through a survival period when the housing market was on its knees, but the situation might now be more favourable. The desire to relocate was never *not* there.

Councillor Stevens noted that the original proposal including 3 live/work units was not supported and he wondered if this might be looked on more favourably if the business was located elsewhere. Mr Every replied that the Parish Council and residents had made it clear that the original proposal

would not find any favour and therefore the viability of the site was killed stone dead.

With regard to employment within the village, Councillor Hobbs asked how many employees lived in Witcham. Mr Every informed him that none lived there; in all his time there were only ever 3 that did. However, he would give first consideration to villagers.

Speaking as a Ward Member, Councillor Goodge said that he had known the business since 1972 and was aware of the issues. This was an outline application, so if it was approved, the layout could be changed when it came back to Committee. Were Members happy to lose a business site in favour of a development of houses ? His own feeling was that if permission was *not* granted, it would eventually become a run-down business site. He could see this business moving on to a business area, and the current site could have a layout that was more suitable for the village rather than a mismatch; a mixed development would be good.

Councillor Rouse, in proposing that the Officer's recommendation for approval be accepted, said he felt that all the questions raised had been thoroughly answered by Mr Every. He was happy with the principle of development and believed it would be acceptable on the site. He hoped the company would be able to move on, grow and develop.

Councillor Wilson said he was happy to support the application but affordable housing was an absolute, and the proper number of affordable housing units had to be secured. He felt that this was much more important than flexible dwellings.

Councillor Beckett thought that this was one of the worst, mismatched reports to have come to Planning Committee and he questioned the need for flexible dwellings. With no disrespect intended to Mr Every, this was flogging a dead horse (in respect of employment provision on the site), so why not just take 30% for affordable housing and allow Mr Every to move on ?

The Head of Planning & Sustainable Development Services reminded the Committee that the application was for 7 dwellings and 3 flexible dwellings. That could not be changed and Members were required to determine what was before them today

Councillor Stevens suggested that if 3 affordable dwellings were not viable, then this should be increased to 4, and the funds for the 4th property be found from elsewhere. The flexible units would offer employment in this location but he was concerned that they could become larger houses. He asked if there was a way to ensure that they were used for employment purposes. Mrs Finlayson replied that flexible units had been suggested by Officers because they were sympathetic to the applicant's need to relocate the business. With regard to planning policy, this was a period of transition and

the new policy would be much more stringent. The units had to be termed as flexible housing if there was to be employment on the site as the former proposal for live/work units greatly affected viability.

Councillor Friend-Smith thought there remained many unanswered questions. He wondered whether 10 dwellings could be fitted on the site, and the provisional layout showed the pavement grinding to a halt immediately inside the site. This was not ideal as there were likely to be children living in the houses. There were also a number of other issues: whether the roads would be up to adoptable standards; the area would need lights and designated pedestrian pavements; waste collection and drainage would have to be addressed. In his mind, Councillor Friend-Smith said he felt uneasy that the scheme was not very adequate.

Mrs Finlayson reminded Members that this was just an illustrative and access was the only matter to be determined today. Highways had said that the road should 5.5m wide for 15m into the site and the issue of whether the road would be adopted or private would be determined at the reserved matters stage. She also assured Councillor Friend-Smith that his concerns regarding the footpath had been picked up.

Councillor Goodge commented that the width of the road would be adequate for 2 vehicles to pass each other. In reality this application would be coming back to Committee, so Members should forget about the flexible dwellings and accept that the business would move. He wanted the applicant to come back with a better layout for the dwellings.

Mrs Finlayson responded by explaining that they had gone with flexible dwellings because they looked like any other housing and would allow someone to work from home. This all fell within allowing a business to be run from home. The difficulty with live/work units was that they required a different kind of mortgage, and as these mortgages could be difficult to obtain, it tended to have an adverse impact on the viability of a scheme.

At this point, Councillor Beckett offered apologies to Mrs Finlayson for his earlier remarks about the application, saying that he had not understood the concept of flexible dwellings until she had explained what they were.

When put to the vote,

It was resolved:

- i. That planning application reference 13/00734/OUM be approved for the reasons set out in the Officer's report and subject to the conditions set out in the Officer's report, and
- ii. That delegated authority be given to the Principal Development Management Officer to negotiate the successful completion of a S106

legal agreement to address viability, the provision of affordable housing on the site and a payment in lieu of public open space on the site.

107. 14/00253/FUL – REPLACE EXISTING FIRST FLOOR WINDOWS WITH TIMBER WINDOWS – 17 – 21 CHURCHGATE STREET, SOHAM.

Lorraine Brown, Conservation Officer, introduced a report which was a resubmission of the previously refused application 13/00494/FUL that was brought to Committee on 22nd November 2013.

The report 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.

In summarising the main points of her report, Mrs Brown reminded Members that the main issue for consideration in determining this application was the impact of the proposed windows on the character and appearance of an undesignated heritage asset located with Soham Conservation Area.

It was noted that the East Cambridgeshire Design Guide stated that where original windows were beyond economical repair, any replacement window should be of timber construction and the original appearance should be retained. The previous application had been refused by the Planning Committee for the insertion of PVCu windows at the first floor of the property. The property is a significant building and Members determined that the use of PVCu combined with the design and appearance of the windows was not in keeping with the character of the building and the Conservation Area.

Mrs Brown reported that the applicant had since worked with Officers in order to secure a more appropriate design for timber windows to replace the PVCu ones. The design of the windows proposed was based on photographic evidence of the style of those that were previously found in the building. The windows would be casement style, with top hung openers, and the large window on the gable end would be replicated in timber.

Members noted that Officers had negotiated that the windows to the rear of the property could remain as PVCu, as these were not visible in the street scene and would not have a detrimental impact on the character or appearance of the Conservation Area.

Councillor Rouse proposed that the Officer's recommendation for approval be accepted, adding that the applicant was a reputable builder who

had worked hard on this site. Councillor Beckett seconded the motion, and when put to the vote,

It was resolved:

That planning application reference 14/00253/FUL be approved for the reasons set out in the Officer's report and subject to the conditions set out in the Officer's report.

108. 14/00356/FUL – PROPOSED NEW BUILDING (B2 & B8) AND CREATE NEW ACCESS – ARMTRAC, 70 REACH ROAD, BURWELL.

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 asked the Committee to note that additional responses had been received from the Environment Agency, and Burwell Parish Council. The Environment Agency had no objections to the proposal, but wished Condition 14 to be amended to read "*Finished ground levels to be set at 300mm above the 1:100 flood event.*" Burwell Parish Council had raised some concerns regarding the public footpath across the area.

In summarising the main points of his report, Mr Jackson reminded the Committee that the main issues for consideration were:

- Principle, including impact on the character and appearance of the countryside – Policy EC2;
- Public footpath;
- Flood risk.

During the course of his presentation, Mr Jackson showed the Committee a number of slides which included an aerial view of the site, a view of the existing building, a view of the site where the building was proposed, and an illustrative in respect of traffic generation.

It was noted that the proposal was outside the settlement boundary for Burwell where development was strictly controlled. A supporting statement had been submitted with the planning application to demonstrate the operations of the applicant's company and the need for the proposed building in this location.

Whilst it was acknowledged that the development would be located outside the settlement boundary, on balance it was considered that there was

sufficient justification for the development in this countryside location. It would create 6 additional jobs, a rural location was required for testing/training on products within the surrounding fields, and a clean sterile environment was required for the assembly and development of new robotic bomb detection/detonation equipment.

By virtue of its scale, height and appearance the proposed building was considered to be in keeping with the existing building at the site and it would not result in an alien and discordant feature in the countryside. It was not considered to give rise to loss of residential amenity, highway safety issues or flood risk.

Referring to the County Council's Rights of Way comments that the footpath should remain unobstructed at all times, Councillor Stevens asked whether there would be any risk to the public. Mr Jackson replied that it was the responsibility of the site owner to ensure that there was no conflict.

Councillor Wilson declared his support for the scheme and proposed that the Officer's recommendation for approval be accepted. Councillor Beckett seconded the motion but raised some concerns regarding the security of the site.

He questioned whether the substantial metal fencing which already surrounded the existing building would also be erected around the new building. He also noted that Condition 6 stated no gates should be erected across the vehicular exit unless details were submitted to and approved in writing by the Local Planning Authority. He felt that, on this latter point, with the building being in open countryside, it could be a target for ne'er-do-wells. Mr Jackson replied that the applicant could erect a fence up to 2m in height without planning permission, but this could be conditioned if Members were so minded.

In response to a question from Councillor Friend-Smith, Mr Jackson confirmed that Highways was happy with the access arrangements; larger vehicles were likely to be used when exporting equipment from the site.

It was resolved:

That planning application reference 14/00356/FUL be approved for the reasons set out in the Officer's report and subject to the conditions set out in the Officer's report, and subject to the following amendment of condition no. 14:

"Finished ground levels to be set at 300mm above the 1:100 flood event."

109. CONFIRMATION OF TREE PRESERVATION ORDER E/01/14 – THE VICARAGE, HIGH STREET, CHIPPENHAM.

The Committee received a report from which Members were asked to confirm without modifications a Tree Preservation Order (TPO) for group G1, comprising 5 Poplar trees, and group G2, comprising 2 Poplar trees, in the grounds of The Vicarage, High Street, Chippenham.

This matter was being referred to Committee as there was a requirement to confirm the TPO within six months to ensure the trees were protected for public amenity.

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

The Senior trees Officer reminded Members that the Order had been served because the Council had received a notice of intent to remove the 7 Poplar trees in one operation, in the Chippenham Conservation Area.

Serving the Order would prevent the two groups of Poplar trees from being removed all at the same time, creating a significant loss of tree cover and a negative impact on the visual landscape in the centre of Chippenham village. It would also give time for public consultation and to consider alternative options for the management of the 7 Poplar trees, including the opportunity to condition replacement planting.

It was noted that following public consultation on the proposed felling, the overwhelming response from the local residents and Chippenham Parish Council was to object to the removal of all 7 Poplar trees in one operation because of the negative impact on the local landscape.

The Senior Trees Officer summarised the objections:

- Most Poplar trees had a tendency to break under stress, especially during high winds or after periods of drought;
- The owners of the site had concerns for the safety of their tenants occupying the Vicarage;
- The longer the trees were left with heavy branches, the greater the risk of failure and danger to people and property, with the trees being so close to the road and footpath;
- Planting more suitable tree species would compensate for the loss of amenity value by the removal of the Poplar trees.

Whilst determining if the 7 trees, as two groups, were of sufficient amenity value or not was to some extent subjective, the Senior Trees Officer remained of the opinion that collectively the two groups of trees were visually

important within the local street scene and they made a positive contribution to the character of the area. The loss of the 7 trees in one operation would dramatically change the visual landscape at the centre of Chippenham Village.

It was noted that the TPO would not prevent management of the Poplar trees in the future by agreed tree surgery specifications. However, if the TPO was not confirmed the Council could not refuse the proposed felling of all 7 trees in one go, replacement tree planting could not be conditioned, and the Council would not be able to prevent the loss of the trees' visual amenity value at the heart of the village.

At the invitation of the Chairman, Mr Alan Blazey, spoke in support of confirmation of the Order, both as a representative of Chippenham Parish Council and as a resident of the village. He made the following points:

- Chippenham was a Conservation Area, with 64% listed buildings, and the village had been tree lined for many years;
- To the right was originally May–Laburnum-May-Laburnum planting, but many of the trees had died and Chippenham Park had replaced 14 of them;
- On the left were Horse Chestnut and Limes, right down on to the verge and the vista was completed by the Poplars in the Vicarage;
- It would take a long time to get back that vista if the Poplars were felled;
- The trees needed to be maintained but nothing had been done to them for over 30 years;
- The Head Gardener at Chippenham Park had looked at the trees. He had concluded that nothing was wrong with them but they needed trimming;
- He (Mr Blazey) thought this was all to do with the cost to the Diocese;
- In his opinion, if one chose to own property in a Conservation Area, one had to expect to pay for such costs.

Mr Blazey concluded by asking Members to support the confirmation of the TPO; he then responded to comments and questions from the Committee.

Councillor Wilson asked Mr Blazey if he had noticed any branches falling off the Poplar trees, and Mr Blazey replied that he had not, even in the latest bouts of strong winds.

Councillor Rouse had noted that two of the trees were leaning out over the road, and he asked whether pollarding, or the removal of one or two trees would be considered acceptable. Mr Blazey said that pollarding would be acceptable and the tree on one end could be taken out.

It was duly proposed and seconded that the TPO be confirmed, and Councillor Beckett urged Officers to work with the owners of the trees to agree a scheme of phased replacement.

When put to the vote,

It was resolved:

That Tree Preservation Order TPO/E/01/14 be confirmed, with no modifications.

The meeting closed at 3.42pm.