



# East Cambridgeshire District Council

## Minutes of a Meeting of the Planning Committee held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on Wednesday 21<sup>st</sup> June 2023

### **PRESENT**

Cllr Chika Akinwale  
Cllr Christine Ambrose Smith  
Cllr David Brown (Vice-Chairman)  
Cllr Lavinia Edwards  
Cllr Martin Goodearl  
Cllr Julia Huffer (substitute for Cllr James Lay)  
Cllr Bill Hunt (Chairman)  
Cllr John Trapp  
Cllr Christine Whelan  
Cllr Gareth Wilson

### **OFFICERS**

Maggie Camp – Director Legal Services  
Holly Chapman – Senior Planning Officer  
Caroline Evans – Senior Democratic Services Officer  
Simon Ellis – Planning Manager  
Catherine Looper – Planning Team Leader  
Angela Tyrrell – Senior Legal Assistant

### **IN ATTENDANCE**

Adam Davies (Applicant's Agent, Agenda Item 5 / Minute 7)  
Warren Holmes-Chatfield (Applicant, Agenda Item 5 / Minute 7)  
Shane Luck (Cambridgeshire County Council Principal Highway  
Development Management Engineer, Agenda Item 5 / Minute 7)  
Jamie Palmer (Applicant's Agent, Agenda Item 6 / Minute 8)

Lucy Flintham – Office Team Leader, Development Services  
Melanie Wright – Communications Officer

### **3. CHAIRMAN'S ANNOUNCEMENTS**

*(Taken as the first item, out of the published Agenda order.)*

The Chairman made the following announcements:

- All Committee members were welcomed, in particular those who were new to the Council and to the Committee.
- Councillors were reminded that the cost to the Council of determining an application called-in to committee, rather than *via* delegation to Officers, was

very high. The mechanism provided an essential safeguard but Councillors were asked to use the privilege sparingly.

- The committee's functions on the day of a meeting started when Members boarded the minibus for site visits, they were therefore required to declare any interests at that point as well as in the meeting itself.
- Any additional information for consideration by the committee needed to be submitted at least 48h before the meeting and all public speakers were required to register by 10am the day before the meeting. Although Councillors were not subject to the same time restriction for speaker registration, it was not productive to provide statements at a late stage and all Councillors were encouraged to speak to Planning Officers as far in advance of the meeting as possible.

#### **4. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllrs Kathrin Holtzmann and James Lay.

Cllr Julia Huffer was attending as a substitute for Cllr Lay.

#### **5. DECLARATIONS OF INTEREST**

Regarding Agenda Item 6 (23/00376/FUL, 10 Dexter Lane, Littleport), Cllr Christine Ambrose Smith stated that she had spoken in support of the related previous application for the site, and had called the item in for determination by the committee because the prior application had been considered by the committee. After addressing the committee, she would leave the meeting for the remainder of the item.

#### **6. MINUTES**

The Committee received the Minutes of the meetings held on 5<sup>th</sup> April 2023, 26<sup>th</sup> April 2023 and 25<sup>th</sup> May 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meetings held on 5<sup>th</sup> April 2023, 26<sup>th</sup> April 2023 and 25<sup>th</sup> May 2023 be confirmed as a correct record and be signed by the Chairman.

#### **7. 22/00827/FUM – BARCHAM TREES PLC, EYE HILL DROVE, SOHAM, CB7 5XF**

Catherine Looper, Planning Team Leader, presented a report (Y12, previously circulated) recommending approval of an application seeking consent for the change of use of a former engineering workshop to create a visitor centre with a café, restaurant and retail facilities to be associated with opening the existing arboretum (granted under 19/00658/FUM) for public access, together with car parking, access arrangements, and improvements to the junction between Eye Hill Drove and the A142.

Members were shown a location plan and aerial image illustrating the site's position adjacent to the A142 and accessed *via* Eye Hill Drove. A site layout plan was also provided. The wording of the previously-circulated revised recommendation was

read aloud and all Members confirmed that they had received it in advance of the meeting.

The main considerations for the application were deemed to be:

- **Principle of development** – the proposal would expand an existing business using an engineering workshop that had ceased to operate. This would provide continued employment and could increase visitors to the area without affecting the viability of either Ely or Soham. The proposed development was therefore considered to comply with the aims of the NPPF and with policies EMP1, EMP2, EMP4 and EMP7 of the Local Plan 2015.
- **Visual amenity** – an existing building would be converted and extended using a high-quality design with a good palette of materials. The front dimensions of the building would be retained, with extensions to the rear and sides. The site appearance would be improved due to the materials used, the clearance of rubbish, and the proposed landscaping. The construction of an arboretum had been approved in 2019 and the landscaping and planting was underway. Widening of Eye Hill Drive had been considered acceptable in visual terms under approved application 17/01128/FUM and would be less extensive under the proposed plans due to the proposed access point being closer to the A142. Replacement hedging could be required by condition. The proposed development was therefore considered to comply with the NPPF and policies ENV1 and ENV2 of the Local Plan 2015.
- **Residential amenity** – the proposed development was not considered to create overbearing, overlooking or overshadowing. It was acknowledged that the character of Eye Hill Drive would be likely to change and there would be a certain level of noise and disturbance from traffic movements and users of the visitor centre. However, consideration of the existing site use was necessary, and the proposal would have a smaller floorspace than the previously-approved plans, as well as a reduction in the required roadworks on Eye Hill Drive. On balance, and subject to appropriate conditions including the submission of a Construction Environmental Management Plan, the proposed development was considered to comply with the NPPF and policy ENV2 of the Local Plan 2015 and would not have a significantly detrimental impact on residential amenity.
- **Highways** – improvements would include widening Eye Hill Drive from the A142 to the site access, upgrading the A142/Eye Hill Drive junction, provision of a pedestrian island crossing, new and extended footpaths and a new bus lay-by. The Barway junction would also be improved. The works aligned with the previously-approved scheme and were therefore considered acceptable by the Local Highways Authority. The Cambridgeshire County Council Transport Assessment Team had also supplied no further comments since the plans had been approved for the previous, larger, visitor centre proposal. Parking provision for cars, motorcycles and pedal cycles was supported by a Transport Assessment and was considered to be sufficient.
- **Ecology** – Preliminary Ecology Appraisals had been submitted and included a number of recommendations for avoidance, mitigation and enhancement measures. Implementation of the proposed measures would mitigate all significant impacts. Substantial enhancements for a range of protected species were anticipated and the previously-approved arboretum would result in significant environmental benefits including the creation of new

habitats and the planting of approximately 2000 trees. On-site biodiversity enhancements could be secured by condition.

- **Flood risk and drainage** – a small section of the site was within Flood Zones 2 and 3, but within areas benefitting from flood defences. The sequential test was passed by virtue of there being no alternative sites for the development due to its necessity to locate it next to the existing business. The layout of the development had been designed to avoid, where possible, areas known to be at risk of flooding. Following an amendment to reposition overflow parking, there were no objections from the Environment Agency, the Lead Local Flood Authority, Anglian Water or the Internal Drainage Board.
- **Other matters** – sustainability measure would be dealt with by way of condition. Approval of the proposal would require a Unilateral Undertaking to revoke the previous visitor centre permission.

In summary, all statutory consultees were satisfied and all aspects of the proposal were considered to be acceptable. The application was therefore recommended for approval subject to the signing of the Unilateral Undertaking.

The Chairman invited the applicant and their agent to address the committee. Warren Holmes-Chatfield (from Barcham Trees, the applicant) thanked the Planning Team Leader for her comprehensive report and her assistance throughout the application process. He informed Members that Adam Davies, Barcham Trees' Planning Consultant, would be available to answer any technical queries. He outlined Barcham Trees' position as a well-established local business employing 75 full-time staff and 25 additional staff during busy periods. It was a leading horticultural business in Europe, specialising in trees, and holding two royal warrants. Planning permission had been granted in 2018 for an arboretum and large visitor centre and work had since taken place on the layout of the arboretum, including the planting of over 5000 trees and hedging plants. Since the granting of that planning permission, the company had been able to purchase the site that was the subject of the current application, and they considered that it would be preferable to convert the existing on-site building and utilise the improved access point, rather than build the previously-approved visitor centre. They anticipated the creation of 35-40 jobs and believed that the project would bring visitors to the area. It was a unique project that would showcase the importance of trees. The arboretum was intended as a legacy of value to the local community, the environment and the local area.

Responding to Cllr Huffer's query regarding the lack of parking provision for coaches, the agent explained that, following discussion with the Local Highways Authority, coaches would be by appointment only and would use the existing rear access to the Barcham site. Cllr Ambrose Smith stressed her familiarity with the location and the difficulties that could be experienced when exiting from Eye Hill Drove onto the A142. She asked whether they were confident that traffic would not back up to the site entrance at busy times. The agent reminded Members that a detailed Transport Assessment had been completed and the applicants had worked closely with the Highways Team. It was not anticipated that there would be peaks of vehicles leaving the site at any one time. The junction improvement works, also forming part of the previously-approved application, were considered to be a significant benefit of the project.

The applicant informed Cllr Wilson that the building had previously been occupied by an engineering business which had closed approximately 2 years earlier having sold all of its machinery: the building was now empty. He also confirmed to Cllr Akinwale that there would be electric car charging points within the car park. Cllr Brown drew attention to the Design Out Crime Officers' comments in the report encouraging the applicant to submit a "Secured by Design" application, and questioned whether they intended to do so. The agent explained that they would consult the police as part of the detailed design and fittings and would ensure that the site was secure and did not attract criminal activity. Cllr Trapp asked for evidence that there would be sufficient interest, given the two existing garden centres in nearby Fordham. The applicant explained that the Barcham Trees offering would be very different and focused on the 16-acre arboretum that would enable visitors to see trees at different stages of maturity. The business sold their own produce, not products from overseas, and there would also be an educational element rather than a sole focus on retail.

At the request of the Chairman, the Senior Democratic Services Officer read aloud a statement from a Ward Councillor, Cllr Keith Horgan. The statement detailed his concerns about the ability of Eye Hill Drove to safely handle traffic volumes at busy periods and requested conditions to address those concerns. In particular, he considered that the widened section of Eye Hill Drove should extend at least 200m from the A142 junction, past the entrance to the development, in order to prevent the single-track section being blocked at busy periods by vehicles entering or leaving the new development in convoy. Additionally, he requested that a yellow box junction be painted on the road outside the entrance to keep the junction clear and ensure emergency access at all times, and traffic lights be added to the A142/Eye Hill Drove junction to ensure safe passage onto the busy A142.

Responding to the statement, the Planning Team Leader explained that some of the suggestions would be subject to traffic regulation orders that were outside the planning process, and any of the suggestions would need a full analysis and consultation. She also reminded Members that the previously-approved application had included the highways improvements and they had been assessed again for the current application with no objections being raised. With the agreement of the Chairman, she invited Shane Luck (Cambridgeshire County Council Principal Highway Development Management Engineer) to provide further information. He explained that the application had been fully reviewed and there were no concerns on highway safety grounds. The A142 works had been previously permitted for a larger development and the Eye Hill Drove proposals differed from the approved scheme due to the access point being in a different location. The proposals had been refined during the course of the application and were considered to be safe. Some of the mitigations suggested by Cllr Horgan could not be conditioned and he advised that signalised junctions were installed on capacity grounds rather than safety grounds, and could introduce safety issues on high speed roads.

Mr Luck confirmed to Cllr Hunt that he was content with the scheme and it could be approved from a highways perspective. Cllr Goodearl asked for details of the pedestrian island and was informed that it would be uncontrolled. Mr Luck further explained how controlled crossings in such locations were more dangerous than uncontrolled crossings.

Cllr Trapp asked about the potential for a roundabout at the A142 junction instead and requested further information about Cllr Horgan's assertion that the widening of Eye Hill Drive would not reach the site access point. Mr Luck explained the land-intensive nature of roundabouts and that they worked best when there was a balanced traffic flow from each junction, which would not be the case at the A142/Eye Hill Drive junction. Regarding the widening of Eye Hill Drive, Mr Luck clarified that the position of a veteran oak tree in the hedge meant that the widened section of road would narrow at the entrance to the site. In the previously-approved application, the tree would have been removed and replacement trees planted.

The Chairman then opened the debate. Cllr Huffer stated that she considered the application to be an excellent development and she therefore proposed that the Officer's revised recommendation be accepted. Cllr Hunt seconded the proposal. Cllrs Ambrose Smith and Wilson also spoke in support of the application and welcomed the new jobs that would be created as well as the future education provision.

Cllr Trapp stated his support for the concept but he had concerns regarding the access from Eye Hill Drive onto the A142, particularly for vehicles turning towards Ely. Cllr Whelan echoed those concerns.

It was resolved with 8 votes in favour, 0 votes against, and 2 abstentions:

That planning application ref 22/00827/FUM be APPROVED subject to the signing of an agreed Unilateral Undertaking confirming that the previous planning permission 17/01128/FUM would not be implemented; delegated authority to the Director Legal to agree the terms; and subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

#### **8. 23/00376/FUL – 10 DEXTER LANE, LITTLEPORT**

Holly Chapman, Senior Planning Officer, presented a report (Y13, previously circulated) recommending refusal of an application seeking retrospective permission for a 1.2m fence and gates along the front boundary of the application site, adjacent to the highway. She reminded Members that the fence they had viewed in the morning's site visits had been considered at the March 2023 Planning Committee meeting and had been refused. The new application sought to retain the 1.2m high section and reduce the taller section to 1.2m throughout.

Members were shown an aerial view of the site's location within Littleport and various site photographs illustrating the fence and its wider surroundings. They were reminded that permitted development rights, such as for 1m boundary treatments, were established at the national level and represented a less prescriptive approach to development when compared to planning applications. However, they provided no guarantee of high-quality development.

The main considerations for the application were deemed to be:

- **Impact on the character of the street scene** – the fence was considered to be an alien feature within the street-scene and resulted in visual harm by enclosing the application site and eroding the open character of the cluster of dwellings in the immediate vicinity and in the wider area. The proposed

development was therefore considered to be contrary to the objectives of the NPPF and policies ENV1 and ENV2 of the Local Plan 2015.

- **Other matters** – the application was considered to comply with all relevant policies relating to residential amenity, trees, and highway safety and parking.

In summary, the fence and gates as seen on site had previously been refused permission and it was not considered that the proposed revisions would address the concerns regarding visual impact. The application was therefore recommended for refusal.

On the invitation of the Chairman, Jamie Palmer addressed the committee in his role as the applicant's agent. He explained that the property had been purchased from the builders during lockdown and the new owners had been assured by them that no permission would be required for a fence. After completion of the house purchase, they had installed a boundary fence for the safety of their children and pets, and had subsequently received an enforcement letter from the District Council advising them of the need to reduce the height to 1m or apply for retrospective permission. He had been contacted at this point to assist them with the application. In March 2023 their application for retrospective permission for approximately 5m length at 1.8m height and the remainder at 1.2m height was refused despite there being taller boundary treatments on some older sections of Dexter Lane. The new proposal sought to reduce the entire front section to a 1.2m height in line with the gates, and to add soft landscaping behind. As explained in the Officer's report, a 1m tall fence would be allowed under permitted development rights. He therefore asked Members to consider whether an additional 20cm was sufficient to justify refusal.

In response to questions from Cllrs Akinwale and Trapp, the agent confirmed that the applicant had a young child and the purpose of the fence was security for the child and for pets. Cllr Trapp also challenged the agent's assertions regarding existing tall fencing nearby. The agent clarified that he was referring to the walls on the older section of Dexter Lane; they were adjacent to the highway and therefore his client's fence adjacent to the highway would not be an alien feature. Cllr Trapp argued that the walls were to the rear of properties and that the frontages were open on the other side of the road. Cllr Huffer questioned why the agent had not advised his client to simply reduce the height to the permitted 1m. The agent explained that the 1.2m height of the gate, together with its mechanism, and the fence rails positioned for a 1.2m height, meant that reducing the overall height by 1.2m would not be straightforward and would be costly.

Cllr Ambrose Smith was then invited to address the committee as a Ward Councillor for the application. She reiterated that the applicants had purchased the property under the impression that the fence could be installed. Former Cllr David Ambrose Smith had called in the first application for consideration by the committee in March and, since he had not stood for re-election, she had called in this second application since she considered that the 20cm reduction would be very difficult to achieve with the existing gate. The owners required the fence for the restraint of pets and children and she urged the committee to be generous in their consideration of the application.

Cllr Hunt questioned what Cllr Ambrose Smith's view would be of a different property installing a fence a little higher, and another a little higher again, and so on. Cllr Ambrose Smith highlighted that along Dexter Lane there were already tall walls to the rear of some properties, and added that three of the neighbouring properties had objected to the fence and would therefore be unlikely to install their own. Cllr Trapp suggested that the applicants could install a fence in line with their house, which would both retain the open frontage and provide greater security by being taller. Cllr Ambrose Smith reiterated that she did not consider the fence in its current position to be intrusive.

*3:12pm Cllr Ambrose Smith left the meeting for the remainder of the item.*

Addressing points raised by the public speakers, the Senior Planning Officer acknowledged that the applicant appeared to have been poorly advised regarding future fencing when purchasing the property, but reminded Members of the restrictions set by national government. The decision to be reached concerned a 1.2m high fence; her professional opinion was that a 1m high fence at that location would also be inappropriate, but she accepted that it would be allowed under permitted development rights. The taller boundary treatments elsewhere in Dexter Lane were to the rear of properties, rather than the front.

Cllr Huffer asked for, and received, confirmation that the applicants could remove 20cm from the existing 1.2m fence and that would be allowed with no further planning applications required.

The Chairman then opened the debate. Cllr Brown commented that, as at the March 2023 meeting, he would abstain since he considered this to be a subjective matter.

Cllr Whelan queried why the fence height varied along its length and, with the Chairman's permission, the Senior Planning Officer explained common reasoning for stepped height fencing but reminded Members that the application was for a single height throughout.

Cllr Hunt considered that the boundary fence detracted from the attractive open nature of the cul-de-sac and proposed that the Officer's recommendation for refusal be accepted. Cllr Trapp seconded the proposal and reiterated that other nearby properties had set their fences back against their house which was both safer and more attractive. He drew attention to the comments received from neighbouring residents and highlighted the overall open nature of Dexter Lane whilst acknowledging the difficult situation apparently caused by the applicant having received incorrect advice at the point of purchase.

Cllr Huffer also empathised with the applicant's position but reminded the committee that, in determining any applications, they were required to consider only the application rather than the individual. Legislation clearly stated that the maximum height of fencing at the highway was 1m and therefore the retrospective proposal for a taller fence could not be supported. She stressed the importance of consistency throughout the District.

It was resolved with 7 votes in favour, 0 votes against and 2 abstentions:

That planning application ref 23/00376/FUL be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

3:23pm Cllr Ambrose Smith returned to the meeting.

**9. PLANNING PERFORMANCE REPORT – APRIL 2023**

Simon Ellis, Planning Manager, presented a report (Y14, previously circulated) summarising the performance of the Planning Department in April 2023. He explained to new Members the various categories of data presented and highlighted the department's overall success in meeting or exceeding its targets.

Cllr Hunt asked that the relevant Parish Council(s) be kept fully informed of any Grunty Fen applications or appeals. Specifically, he highlighted a forthcoming appeal hearing regarding the land at Pools Road, Wilburton, which would more directly affect Witchford despite technically being within the parish of Wilburton.

It was resolved unanimously:

That the Planning Performance Report for April 2023 be noted.

**10. EXEMPT MINUTES**

The Committee received the exempt Minutes of the meeting held on 26<sup>th</sup> April 2023. The Chairman explained that if any Members wished to comment on the Minutes then it would be necessary to move into exempt session; there were no comments.

It was resolved unanimously:

That the exempt Minutes of the Planning Committee meeting held on 26<sup>th</sup> April 2023 be confirmed as a correct record and be signed by the Chairman.

The meeting concluded at 3:31pm.

Chairman.....

Date.....