

PLANNING COMMITTEE



7 MARCH 2012 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M G Bucknor (until 5.50pm), T R Butcher (substitute for Councillor B M Keane), D W Connor, M J Curtis, Mrs J French, Mrs K F Mayor (substitute for Councillor T E W Quince), P Murphy (until 5.50pm), Mrs F S Newell (until 5.30pm), D R Patrick (until 5.30pm), K G Peachey, R E Scrimshaw and D Stebbing.

APOLOGIES: Councillors B M Keane, T E W Quince and H B Wegg.

Officers in attendance: G Nourse (Chief Planning Officer), Ms A Callaby (Planning Performance Manager), S Lalor (Area Development Manager), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

Councillor Sutton attended the meeting as an observer.

P122/11 MINUTES OF 8 FEBRUARY 2012

The minutes of the meeting of 8 February 2012 were confirmed and signed, subject to amendment to Minute P117/11, last paragraph, removal of Councillor Mrs French's name from the list of members who had been lobbied on the application.

*** FOR INFORMATION OF THE COUNCIL ***

P123/11 F/YR11/0337/F (30.6.2011) WHITTLESEY - NEWHAVEN ESTATE, COMMONS ROAD, EXTENSION OF EXISTING CARAVAN PARK AND SITING OF 31 PARK HOME UNITS (GREEN PARK HOMES LTD)

Members considered objections.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- following the site visit the following issues were raised:
 - site density - 32 sites per hectare. Site licence approval is (maximum of) 50 sites per hectare. A revised plan has since been submitted showing all caravans spacing at the minimum 6 metre spacing distance as required by the site licence
 - maintenance of Common Drove Drain - a meeting has been held with the North Level Internal Drainage Board (NLIDB) and the Council, with NLIDB responding as follows:
 - "In light of possible improvements to the Common Drain, I would recommend that the developer discharges all surface water from the site into the improved Common Drain. This in turn discharges into a riparian drain before outfalling into Moretons Leam. For the Nene Washland Commissioners to accept an increase in run-off into this private watercourse an agreement with the landowners for the future maintenance of this watercourse will be required and then a development levy in accordance with the enclosed will be payable. In

principle I would encourage this solution for the area in question, with the cost of any drain improvement works immediately downstream of the site through to Moretons Leam to be borne by the developer"

- the revised site plan shows the removal of plots 7 and 17 thus enabling a maintenance strip of 6 metres on the east side of Common Drove Drain and a further strip of approximately 3 metres for landscaping
- Councillor Mayor has drawn attention to the number of developments which have taken place in the vicinity taking access onto and causing disruption to Commons Road and surrounding roads. However, no objections have been received from the Local Highway Authority
- Cambridgeshire Fire and Rescue Service has no objections subject to the provision of fire hydrants
- the Council's Environmental Health Team have provided advice regarding the layout of the site, the details of which have now been demonstrated in the revised submission
- the Environment Agency stated that as the recommendation is to grant planning permission for the proposed development, subject to the applicant entering a Section 106 Agreement relating to improvements to the Common Drove drainage channel, it considers that the following conditions should be imposed on any planning permission:
 - Condition 1 - Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of how the scheme shall be maintained and managed after completion. Reason - To prevent the increased risk of flooding, to improve and protect water quality, and to ensure future maintenance of the surface water drainage system
 - Condition 2 - The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters
 - Condition 3 - Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. a preliminary risk assessment which has identified:
 - all previous issues
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
 3. the results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
 4. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of

pollutant linkages, maintenance and arrangements for contingency action

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. Reason - To prevent the pollution of controlled waters, in accordance with Planning Policy Statement 23 (PPS23) and the Environment Agency's groundwater protection (GP3) policies and position statements

- Condition 4 - Prior to the commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved. Reason - To prevent the pollution of controlled waters, in accordance with Planning Policy Statement 23 (PPS23) and the Environment Agency's groundwater protection (GP3) policies and position statements
- Condition 5 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. Reason - To prevent the pollution of controlled waters, in accordance with Planning Policy Statement 23 (PPS23) and the Environment Agency's groundwater protection (GP3) policies and position statements
- the additional conditions recommended by the Environment Agency are acceptable and, together with the deletion of recommended condition 9 should be added to any planning consent notice
- the use of land as a caravan site is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960. Section 5 of the Act enables local authorities to set licence conditions.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws informed members that Whittlesey Town Council initially had concerns about the application and whether or not it should have been validated and sent out for consultation in the form received, for the following reasons:

- when viewing the layout, design and visiting the site it clearly is a substantial increase of units not a change of layout for the existing number of static caravans
- the description of the application does not appear to be consistent. Is it a mobile home park or a caravan park or a permanent static homes park? The proposed development would appear to be for static homes intended for permanent residential use
- No.7 on the planning application indicates no increase in the number of dwellings, but as there are currently 10 dwellings on site it is believed that there is a substantial increase
- the question referring to trees and shrubs on site indicates there are none when through personal knowledge of the site the Town Council is aware there are both trees and shrubs on site. On week commencing 20 February, workmen were on site removing shrubs and trees and burning the remnants, which was reported to officers and work ceased but unfortunately to the detriment of one tree. She questioned progress with putting a TPO on

- two mature willow trees at the entrance to the site
- there was originally no indication on the site design layout for wheelie bin storage per unit and it needs to be ensured, if approved, that Condition 10 of the officers' report is enforced.

Councillor Mrs Laws expressed the view that the proposed development is unacceptable as it would give rise to increased vehicle movements from the site onto the narrow and already over-used local road network. She stated that many Commons Road dwellings do not have a garage or hard base, therefore, a range of vehicles are continually parked in this narrow road, which is effectively a single carriageway road with very limited opportunities for vehicles travelling in opposite directions to pass one another.

Councillor Mrs Laws made the point that Commons Road already serves other road and pedestrian networks. She asked if pedestrian and vehicle safety has been considered, reading an extract from the Decision Notice for planning application F/YR08/0220/F for an extension of 21 units which mentions the implications of a "staggered cross-road" type of junction and was refused due to being "unacceptable on the grounds of pedestrian and vehicle safety". She feels that the staggered crossroad junction mentioned in 2008 has not changed and, therefore, cannot understand how this cannot be taken into consideration now, with traffic movements having increased considerably following the completion of the extension to Bowker Way.

Councillor Mrs Laws stated that a substantial part of the site lies within Whittlesey Washlands flood storage area and to provide effective compensation for the loss of the flood storage would restrict the proposed development to approximately three-quarters of the site, with issues of drainage and flooding being very complex. She informed members that whilst the Town Council object to the over-intensification of the site the following needs to be addressed:

- the owner has not displayed any form of good housekeeping ensuring the site is maintained or kept in good order
- from the site visit members would have seen how rubbish has been permitted to accumulate and this is not over a period of weeks but years, with the grounds being badly neglected
- it is essential that all of the trees and hedges and shrubs be retained to ensure the washland landscape and to continue to support the existing wild life.

Members received a presentation, in accordance with the public participation procedure, from Mr Robertson, a supporter of the proposal. Mr Robertson informed members that he was speaking on behalf of himself and his partner who own Willow Boarding Cattery adjacent to this site.

Mr Robertson stated that he purchased his property 8 years ago when the application site was already beginning to deteriorate, but was not owned by the applicant at that time, and he feels that this proposal is the ideal solution to revitalise the area. He referred to the work undertaken on site in February as mentioned by Councillor Mrs Laws, which was merely removal of broken limbs from one Willow tree which were a danger to people.

Mr Robertson informed members that he has researched other park homes operated by the applicant and expressed the view that he provides an attractive landscaped park home community targeted for the over 55's. He expressed the view that he does have one concern in relation to surface water as his land is lower than the caravan site, with there being at present no specific system for disposal of surface water, which could create and exacerbate the problem as his land is trapped between this mobile home site and residential development, but he feels it can be resolved by emptying the surface water into the large drain, understanding that discussions have taken place regarding this solution.

Mr Robertson stated that if the problem of surface water is addressed he believes this proposal is an ideal opportunity to utilise the land for a park home community in a self-contained landscaped site and he would support the application.

Councillor Butcher asked Mr Robertson if his neighbour had made any comments to him about the proposal? Mr Robertson advised not.

Members made comments, asked questions and received responses from officers as follows:

- officers advised in relation to the comments from the speakers that when the application was originally submitted it was validated, but this does not mean that the statements within the application are correct or incorrect. The question of the trees and shrubs being burnt has been covered in Mr Robertson's presentation, officers did ask for work to stop on site and a TPO is being investigated. The Local Highway Authority has no objections to this particular application for this number of units;
- Councillor Peachey asked if the edged area by each static home is hardstanding areas for vehicles? Officers advised in the affirmative. Councillor Peachey asked how wide is the access road? Officers advised 4.5 metres, which is a wider standard than the minimum requirements. Councillor Peachey asked where the visitor parking is located? Officers showed the location of the 4 visitor plots on the plan;
- Councillor Butcher referred to the comments of Environmental Protection who states that no further information regarding contamination is required and expressed his concern, due to his local knowledge that the site was an old Council dump and asked has this been checked? He referred to the site being a flood storage area and expressed concern about flooding of this area, especially with the site having bigger homes, with more water going down towards the washes. He expressed concern, that whilst it would be good to see the site brought back into use and tidied, about the number of homes, stating that Commons Road becomes blocked up and is in poor condition. Officers advised that there is a condition included regarding contamination and the disposal of surface water to the washes has been negotiated with the North Level Internal Drainage Board, with the flow of water from site into the washes taken into account and if it can be improved for the entire length and meets the criteria of the Board it is sufficient. Councillor Butcher made the point that he is talking about flood risk which puts half the site in a flood storage area. Officers referred to the map showing the northern part of the site being in a flood risk area, but this has been taken into account and is part of a detailed assessment by the Environment Agency. Councillor Butcher expressed the view that the depth of water being mentioned could float a mobile home away;
- Councillor Patrick expressed concern about the level of parking proposed. Officers advised that the update report referred to the fact that planning legislation is concerned about the use of the land rather than the detailed layout of the application site, which is controlled by other legislation;
- Councillor Curtis asked how this site complies with the new policy on bin provision? Officers advised that this is a matter for the site licence. Councillor Curtis asked if the site would not have refuse collection in the normal way that a property would and why should this site be different to other properties, especially as the site would be aimed for over 50's and bins should not moved to a collection point more than 30 metres? Officers' advised that the advice on bin distances is on housing developments and this is not categorised as a housing development, however, Condition 10 of the recommendation requires the submission of a refuse collection strategy before the development is implemented.

Councillor Hatton asked if he was right in assuming that refuse vehicles would not go onto the site. Councillor Murphy advised that the vehicles would not go onto the site as the roads are not wide enough. Officers advised that a commercial system could be introduced or the owner could indemnify against any damage to the roadway, but it is not a reason to resist permission on this basis. Councillor Curtis expressed the view that just because the site is a mobile home park does not make it different to any other site, with residents having to move the bin to the edge of an adopted road. He has seen the site deteriorate over the last 7 years as a County Councillor and if there is a development that works and can be delivered he would welcome it;

- Councillor Mrs French expressed the opinion that this development appears to go against every policy in terms of bins and parking and if the application was for a normal housing development it would be refused. She feels that the road is appalling and could be a disaster for the future, whatever the Local Highway Authority says, there is no condition regarding archaeology and a couple of months ago committee refused an application for a mobile home due to the danger of flooding as members were told that you should not have mobile homes in a flood area. She cannot support this application and feels that it should either be deferred or refused;
- Councillor Mrs Newell agreed with the views of Councillors Curtis and Mrs French, whilst acknowledging that the site is a mess and the proposal would be an improvement;
- the Principal Litigator advised that he is not in a position to give legal advice in terms of bin collection and he would suggest a deferment to seek further information on bin collection, archaeology and flooding issues;
- Councillor Mrs French stated that she hopes that the applicant would offer a unilateral undertaking due to the benefit he would derive from the site. Officers advised that due to the nature of the site there is not a formal policy on this, but an invitation could be put to the applicant;
- Councillor Connor referred to the two Willow trees on site and asked has anything been undertaken about placing a TPO on them? Officers advised that this is currently being investigated by the Tree Officer. Councillor Connor expressed the need for urgency with this as these trees have no protection and could be removed at any time.

Proposed by Councillor Mrs French, seconded by Councillor Connor and decided that the application be:

Deferred to obtain further information regarding bin collection, archaeology, highways and flooding issues.

(Councillor Mrs Mayor registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters, that she had, as Chairman of Whittlesey Town Council and as the site lies within her ward, had considerable input into this application, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Curtis registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of this item at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

(Councillors Butcher and Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of Whittlesey Town Council at which this application was discussed but took no part)

(Councillor Bucknor registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

P124/11 **F/YR11/0752/F (13.1.2012)**
MEPAL - LAND AT BLOCK FEN, BLOCK FEN DROVE, TEMPORARY USE OF LAND FOR A PERIOD OF FIVE YEARS FOR THE PURPOSES OF MOTORSPORT USAGE INCLUDING SITING OF FOUR PORTABLE BUILDINGS AND USE OF LAND FOR SITING OF RECREATIONAL MOTOR VEHICLES (FENLAND RESOURCE MANAGEMENT LTD AND HANSON QUARRY PRODUCTS LTD)

Members considered letters of objection and support.

Officers informed members that:

- the applicant/agent submitted an updated noise monitoring report on 6 March 2012 stating
 - "I have calculated that a noise bund also known as a berm and tree planting will offer the acoustic reduction required to discharge the condition on the application in relation to noise at the nearest receptors. Depending on the manufacture of the bund an additional acoustic barrier can also be added and details of this are enclosed in the report. I have completed a number of noise measurements on and around the site at the receptors and I am completely of the opinion having some 20 years acoustic experience backed by my membership of the IOA that this site will be able to comply with the conditions for noise reduction from the site. I am happy to provide the full calculations if required but I believe you may find all you need to pass this application enclosed within the report"
 - the applicant states "I request that consideration be given to continue the application to finalise a compliant solution"
- the applicant fails to acknowledge that the basic planning submission is deficient and that current noise mitigation measures are not proven. On-going assessments of existing noise levels have not overcome the fundamental deficiencies in the application. The latest noise survey has not been assessed in detail due to its late submission. However, it does not deal with the planning issues which have been identified in the committee report
- one existing objection has been replaced with conditional aspirations for the development of the site
- Witcham Parish Council object on the grounds of noise nuisance and concern over future landscape and reinstatement/regeneration of the area
- Cambridgeshire County Council's Waste and Minerals Planning state that the applicant believes that a construction method and material formula for the construction of noise suppression bunding as part of a revised restoration plan for the extant 106 agreement has been agreed with Hanson Quarry Products Europe, but that is not the current position and discussions are on-going
- Mepal Parish Council are "extremely concerned that there has been a further delay in the determination of this planning application and that the unlicensed use of this site continues to be allowed to disrupt the lives of our residents"
- Mepal Outdoor Centre has sent a further letter of objection
- Middle Level Commissioners propose that the temporary use should not unduly affect the Board's system or operations
- there are no issues arising in respect of the above that have not been addressed in the original officers' report, except a reiteration of the concerns of Mepal Parish Council

- regarding delays in bringing this matter to a decision
- it is also clear the applicant has yet to provide any firm methodology/proposals with regard to noise attenuation in the form of plans/sections in order that the Local Planning Authority may consider the impacts of the same. In addition it is clear from the consultation response of the County as Minerals and Waste Planning Authority that a satisfactory scheme is still being negotiated.

Members received a presentation, in accordance with the public participation procedure, from Mr Villis, the applicant/agent for the proposal. Mr Villis informed members that the site is operated by Fenland Resource Management Ltd who have a transitional freehold sale agreement with Hanson Quarry Products Ltd.

Mr Villis expressed the view that there is a complex planning situation as there is an existing Section 106 site restoration obligation, a minerals extraction approval, integration into the Block Fen and Langwood Fen Development Plan, a retained aggregate rights and a highway road widening scheme. He stated that this application is for usage of the site from September to May to avoid Summer nuisance and it would be difficult to use the site in the Summer months due to its nature.

Mr Villis stated that an independent ecology and bio-diversity checklist has been carried out including habitat analysis for Great Crested Newts, with Hanson having carried out regular site ecology studies during mineral and processing since 1971 and the results show that bare sand habitats have low reptile suitability and there are no significant species or plant specimens present. He expressed the opinion that there is a noise attenuation solution, with noise being a major factor in the controlled and uncontrolled usage of the site for over 30 years for this activity, with the report clearly stating that there is a risk of noise nuisance at a number of receptors, but it can be controlled and a compliant solution can be created as this problem area, in his view, is not going to go away.

Mr Villis expressed the view that a site has been created for a unique British National and International facility with 2012 events agreed for which there is competition from other regions for these events and which bring substantial revenue to the district. He expressed the opinion that there is widespread local landowner support for the facility and the proposal offers a controlled environment for the usage.

Mr Villis expressed the view that there is extensive local support with a petition containing 627 signatures. He feels that a noise analysis, proven noise management and noise attenuation solution has been delivered, together with agreement from Cambridgeshire County Council's Minerals and Waste Planning for a noise attenuation solution using material from Hanson excavation at Langwood Fen. In his view, doing nothing is not an option as the problem would not go away and requested an approval for a five year period.

Councillor Patrick asked Mr Villis if he had handed the petition of support into the Council? Mr Villis advised that it was waiting to be submitted.

Councillor Butcher questioned why Mr Villis has not tried to solve the problems that have occurred for 30 years before now? Mr Villis advised that one of conditions that the County Council are instigating involves using material off Langwood Fen dig, which is sustainable and can be integrated, with these attenuation measures being able to suppress the noise.

Councillor Mrs Newell questioned the use of this site for this activity for 30 years? Mr Villis advised that the site has been used for motorcycle activities for over 30 years, but racing for three years.

Councillor Mrs Mayor asked how much material will be needed and how many vehicle movements would this create? Mr Willis advised about 80,000 metres squared cubed, but the movements would not be on a highway, but a private road as it would be an adjacent development site providing the materials.

Councillor Stebbing asked if there is evidence that members can see to show that the type of bunding proposed would reduce the noise considerably? Mr Willis advised in the affirmative that there is proven methodology and this noise attenuation feature has been implemented and works at sites in Coventry and Mildenhall.

The Chairman invited Helen Wass of Cambridgeshire County Council's Waste and Minerals Planning Team to address the committee as to whether there is agreement with the applicant regarding the proposed bunding and restoration of the site as the applicant alleges. Ms Wass informed members that the position of the County Council has not changed significantly during this application, with there being restoration obligations for the site and the County Council requiring these details to be submitted to it. Objection has been made to the bunds being constructed of waste materials as it is felt that this would compromise restoration of the site, however, material could be used from the new Hanson site, which could be brought to the site to make the bunds and would have to be removed or integrated into the site as a revised restoration strategy, but the County Council has not received any such strategy from the applicant. She feels that there is still quite a few unresolved issues with this site.

Members made comments, asked questions and received responses from officers as follows:

- Councillor Mrs French expressed her surprise that this application is back before committee this month as various information had not been submitted and she would have thought it would have taken a couple of months to obtain the correct information. She is frustrated by the application, it has been used for a number of years without control, but she does not believe that the committee is in a position to approve this application and she would suggest a deferment;
- Councillor Curtis disagreed that there should be a deferment as he feels that many issues could have been resolved during the pre-application process and the only evidence that the committee has got is that what is there now does not work with no plans submitted to say what is proposed will and he thinks the application should be refused. He reiterated that, in his view, the application was submitted when there should have been more pre-application discussion and agreement and he believes that this is enough reason to refuse it;
- Councillor Peachey expressed the view that there are more questions than answers every time members consider this application, with nothing being fulfilled, and he thinks that officers should take the application away until all issues have been resolved or they come to a point where no further action can be taken.

Proposed by Councillor Curtis, seconded by Councillor Mrs Newell and decided that the application be:

Refused for the following reasons -

1. **the applicant has failed to submit a noise/acoustic report clearly showing background noise levels, the impact of motorcycle meets on these background noise levels, identification of the residential or other properties likely to be affected by noise and the measures required in order to mitigate potential noise nuisance. In the absence of a noise/acoustic report the application cannot be given full and proper**

consideration and is, therefore, contrary to Government Planning Policy Guidance 24 and Fenland District-wide Local Plan Policies R1, E8, T3 and E20

2. no information has been submitted to show that the proposed hours of operation, in particular those at weekends and in the evenings, will not affect the amenity and enjoyment of adjoining residential properties by virtue of noise nuisance in an open Fenland setting and as such the proposal is contrary to Government Planning Policy Guidance 24 and the Fenland District-wide Local Plan Policies R1, E8, T3 and E20
3. the applicant has failed to supply the necessary ecological information to enable the application to be given full and proper consideration and the proposal is, therefore, contrary to Government Planning Policy Statement 9 and the Fenland District-wide Local Plan Policy R1
4. the applicant has failed to submit satisfactory site restoration proposals which take into account restoration conditions attached to planning application reference F/0363/98 (granted by Cambridgeshire County Council in a decision notice dated 27 November 1998) and the terms of a Section 106 Planning Obligation dated 28 November 2002 on which the original planning permission for mineral extraction (also granted by Cambridgeshire County Council reference F/0257/92/CM) was dependent
5. in the absence of details of the proposed importation of "inert infill" in order to create the proposed 4 metre high noise bunds, the restoration scheme approved under condition 22 of the application (approved by Cambridgeshire County Council under reference F/0363/98) may be prejudiced.

(Councillor Murphy declared his personal and prejudicial interest in this application, by virtue of being a Fenland District Council Trustee on the Mepal Outdoor Management Committee, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Mrs Newell registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she was present at the meeting of Chatteris Town Council at which this application had been discussed but had taken no part)

(Councillors Mrs French and Scrimshaw registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P125/11 **F/YR11/0926/F (29.11.2011)**
DODDINGTON - LAND WEST OF 60A BENWICK ROAD, ERECTION OF THREE
SINGLE-STOREY 3-BED DWELLINGS WITH ATTACHED GARAGES INVOLVING
DEMOLITION OF EXISTING AGRICULTURAL STORAGE BUILDING
(MR D WHEATLEY)

Members considered one objection.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that the Local Highway Authority has confirmed that the access to each plot is acceptable, but requests an additional condition relating to gates being set back 5 metres from the near channel line of the carriageway of Benwick Road and they must hang to open inwards.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Hufton of Doddington Parish Council. Councillor Mrs Hufton informed members that Doddington Parish Council objects to this proposal as it is outside the Development

Area Boundary by some 500 metres, it would be setting a precedent and would be allowing development and sprawl both sides of Benwick Road.

Councillor Mrs Hufton advised that whilst the Parish Council is not against small development such as this, this particular proposal could open the floodgates to more sprawl and it would not be in accordance with planning guidelines to allow development outside village envelopes. She feels that if members were minded to approve the proposal they are stating that they know better than the views and needs of residents of the village.

Members received a presentation, in accordance with the public participation procedure, from Mr Wheatley, the applicant for the proposal. Mr Wheatley expressed the view that this proposal would enhance this area of Benwick Road from either direction and enhance the other properties surrounding the site.

Mr Wheatley stated that as you come into Doddington from Benwick there is a new build further outside of the village than his site and recently a 2-bed bungalow was approved on a garden plot on same side of road and in close vicinity to his site. He feels that Doddington is becoming a vibrant village and referred to Askham House having been developed, the playing field being a short walk away from this site and the new build at the Hospital site.

Mr Wheatley expressed the opinion that the dwellings would have generous plots, with plenty of room for parking and turning and the site would be nicely landscaped with trees and shrubs blending into the countryside. He stated that he has lived in the area for 50 years and would not want to do anything that is detrimental to the countryside

Mr Wheatley advised that this land has lay dormant for a few years and he has had a bat survey undertaken of the building currently on the site, which shows that there is no evidence of bats. In his view, he believes the proposal would enhance the area.

Councillor Scrimshaw asked if the small ditch at the front of the site was not a drainage ditch? Mr Wheatley advised not, there has never been any water in the dyke since he has owned the land and believes it is to stop people from being able to go straight onto the land and, in his view, there would be no water problems.

Members made comments, asked questions and received responses as follows:

- Councillor Curtis expressed the view that there is a time and place for development outside the Development Area Boundary where you are creating a natural boundary to a village, but he feels this site is too far out to be acceptable and he will support officers' recommendation;
- Councillor Mrs French disagreed, she feels that this proposal would have sat comfortably with the Infill Policy when it was in existence and that villages should have limited growth, with the bungalow the other side of the site being the ideal end of the development. She would like to see it approved, but asked, whilst acknowledging that it did not qualify for Section 106 monies, if an unilateral undertaking could be obtained for the village? Officers' advised that there are guidelines on what can be asked for and it needs to be relating to the development and reasonable;
- Councillor Peachey asked what are the buildings between the site and the Development Area Boundary? Officers advised residential properties, the village pavilion, Askham House and the Hospital;

- Councillor Hatton made the point that the committee approved another property just along from this site previously. Officers' advised that this is a field that would create a precedent for future development and the previous approval for a dwelling near to this site was just for one property;
- Councillor Mrs Newell stated that the Development Area Boundary keeps being quoted, but this is being abolished under new regulations, and, in her view, the site is not miles outside the Development Area Boundary and is surrounded by properties;
- Councillor Butcher referred to the fact that precedent has been mentioned and made the point that each application is determined on its own merits.

Proposed by Councillor Mrs French, seconded by Councillor Mrs Newell and decided that the application be:

Granted, subject to suitable conditions.

Members do not support officers refusal of planning permission as they feel that the proposal reinforces the built form and would not be detrimental to the character and appearance of the area.

P126/11 **DODDINGTON - LAND NORTH-EAST OF 11 BENWICK ROAD**
F/YR11/0937/F (2.12.2011)
ERECTION OF FIVE TWO-STOREY 4-BED DWELLINGS WITH DETACHED
GARAGES
F/YR12/0039/CA (19.1.2012)
DEMOLITION OF OUTBUILDINGS AND PARTIAL DEMOLITION OF BRICK
BOUNDARY WALL TO FORM NEW ACCESS
(MR AND MRS K HILL AND MR AND MRS S SHORTLAND)

Members considered objections.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that plans have been received showing tree constraints and tree protection measures together with a Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement. Consultation with the Council's Tree Officer is being undertaken.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Hufton of Doddington Parish Council. Councillor Mrs Hufton informed members that the Parish Council objects to the proposal as it is outside the Development Area Boundary and within the Conservation Area, contravening the guidelines as set out in Paragraph 8.101.

Councillor Mrs Hufton expressed the view that the area is inhabited by bats, which should not be disturbed, and there are infrastructure problems in the village, with the sewerage system already being overloaded, which would be added to and the problem exacerbated by this proposal. She disagrees that the visibility splays are acceptable as Benwick Road is congested and the access would be on a corner that is viewed as dangerous. She referred to one of the properties opposite the access having no off-road parking and vehicles always been parked along this road from the Doctor's Surgery, which would be added to with the new cemetery.

Councillor Mrs Hufton feels that precedent has already been set by the refusal of development at 3 Benwick Road and to allow this development would go against this refusal, feeling that this proposal does not respect the character of the area or the amenities of adjoining occupiers. She expressed the opinion that she would rather see development where the ambience and rural character of the area is not compromised and would wish to see the infrastructure of Doddington vastly improved before further development is allowed in the village.

Councillor Mrs Hufton expressed the view that the boundary wall is a special feature in Benwick Road. She made the point that there are a number of established trees within the ground and feels that a Canadian Sequoia, which is a valued part of Benwick Road, could be damaged as a result of this development.

Members received a presentation, in accordance with the public participation procedure, from Mr Bevens, the applicants' agent. Mr Bevens advised members that the scheme for a full application was submitted on 28 November 2011 and the application became valid from 2 December 2011 without a Tree Implication Assessment or Ecology report. He stated that he was not informed at validation stage that the site lies within the adopted Doddington Conservation Area, which was adopted in November 2011, with it not being until 4 January 2012 that a new Conservation Area Consent application to remove the run-down buildings in the garden of plot 11 was requested, which was just over 3 weeks from determination, and the application was submitted and validated on 19 January 2012.

Mr Bevens circulated a photo-montage to show how the access would look and stated that discussions with the Local Highway Authority have concluded that the access and the visibility splays met with its requirements. In his view, the access is not on a dangerous bend and visibility is good in both directions and that in seven site visits that he has made at various times, there has never been vehicles parked on the entrance side of Benwick Road and he understands that additional parking provision is being made at Doddington Hospital, which would greatly increase the parking provision in the locality for users of the Medical Centre.

Mr Bevens expressed the opinion that the original boundary wall was low level with railings on top and the current wall is not original being re-built sometime in the mid-twentieth century as part of road widening works to Benwick Road. He stated that the materials demolished to create an attractive entrance that shares some symmetry with the existing vehicular entrance to No.11 would be re-used and referred to the approval that was given for four detached dwellings at 50 Benwick Road, which involved partial demolition of the dwelling at the entrance to achieve the access.

Mr Bevens acknowledged the site lies outside the Development Area Boundary, but feels that there have been numerous recent precedents for executive style housing in the District to suggest that this should not always be a defining refusal reason. He stated that this site has been looked at in the light of the Leaders' Statements and the adjacent development at Oaktree Close, which is behind the main frontage on this side of Benwick Road arguing that this proposal follows the form and pattern of this development and addresses the main issues contained in the IPPLS.

Mr Bevens stated that he fails to see how the proposal would result in a loss of important features in the Conservation Area, as the wall, whilst historic, is not original, and the outbuildings are not attractive to the street scene as they are covered in vegetation and consist of a mixture of blockwork, brick and a variety of poor timber. The proposal is looking to retain the original brick outbuilding, which, in his view, is the only outbuilding of worth.

Mr Bevens made the point that the existing mature Wellingtonia at the front of the site was always to be respected and the recent Arboricultural Impact Assessment carried out has suggested that the proposed entrance wall would not cause harm to this tree, subject to standard protocols being

followed, and the existing farmhouse at No.11 would remain unaffected. He reiterated that the application was validated without a bio-diversity/ecology survey, and whilst he is happy to provide one, it was not deemed necessary to carry one out at 50 Benwick Road, approved for 4 dwellings. He advised that new landscaping would be planted to replace the orchard trees that would be removed as part of the proposal, which would encourage diversity at the site together with the retention of the mature trees to the boundary.

Mr Bevens made the point that the scheme was validated without the need for a Flood Risk Assessment, with the Council agreeing that the site lies within Flood Zone 1 and is under 0.5 hectares. He stated that he received correspondence from the Middle Level Commissioners on 23 February, some 11.5 weeks after the original full application was validated, questioning whether this can be right as it is outside the consultation period and did not give him sufficient time to enter into dialogue regarding flood protection measures.

Mr Bevens expressed the opinion that in hindsight the Design and Access Statement could have made surface water disposal clearer, but feels that precedent has been set by the Doddington Hospital project, which indicated that infiltration (soakaways) may be possible. He feels that a suitable condition could be applied to the decision notice regarding details of surface water to be provided and he is confident that a suitable solution could be found with a sustainable drainage solution, particularly with the fact that the site has open ditches to the western and northern boundaries.

Mr Bevens expressed the view that the proposed dwellings have been designed to be traditional, whilst promoting modern methods of construction and renewable technology. He referred to the Waste Management Design Guide and expressed the opinion that he was not made aware of this document until very recently and understands that it was only adopted two weeks ago?

Mr Bevens urged members to reconsider the application more favourably than the officers' recommendation given, in his view, the constructive reasoning he has outlined.

Councillor Hatton referred to the fact that Mr Bevens mentioned that he did not realise that part of site within lies within the Conservation Area? Mr Bevens advised that this was not an approved document when the application was made, but a consultation document.

Councillor Mrs French stated that the document was out to consultation in 2009 and as an agent Mr Bevens should have been well aware of it. Mr Bevens advised that he was aware of the document suggesting this site as being in the Conservation Area, but he was not aware of its adoption.

Members made comments, asked questions and received responses as follows:

- Councillor Murphy stated that there is a linear building line in this area and the site lies within a Conservation Area and this is what should remain. He expressed the view that Benwick Road is a busy road and when he was on site inspections many cars and lorries were travelling past the site. He is against the demolition of the wall, as although the agent said it is recent, it is, in his view, worthy of retention. He referred to the cladding proposed for the dwelling and he does not support this material as he feels it makes the property look derelict after a short period of time. He feels it is sacrilege to change the setting of this C18th dwelling;
- Councillor Curtis agreed with Councillor Murphy expressing the view that the only thing that the proposal has got going for it is that it provides much needed executive housing. He cannot think of any reason why this proposal would be acceptable;

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- Councillor Patrick agreed with the views of Councillor Murphy;
- Councillor Mrs French agreed also feeling this proposal is garden grabbing and backland development.

Proposed by Councillor Murphy, seconded by Councillor Curtis and decided that the applications be:

F/YR11/0937/F

Refused for the following reasons -

- 1. the proposed development is located mainly outside the Development Area Boundary for Doddington where residential development is not normally supported unless justified, contrary to Policy H3 of the Fenland District-wide Local Plan 1993**
- 2. the proposed development would result in the loss of important features in the Doddington Conservation Area, namely the garden of No.11 Benwick Road, which is specifically mentioned in the Doddington Conservation Character Appraisal 2011, and also the loss of a significant section of the historic wall along the frontage. The proposal, therefore, does not seek to preserve or enhance the Doddington Conservation Area and is contrary to Policies E11 and E12 of the Fenland District-wide Local Plan 1993 and Planning Policy Statement 5**
- 3. the proposal fails to demonstrate that all biodiversity issues have been addressed in line with the requirements of Planning Policy Statement 9, therefore, the proposal is contrary to advice contained in PPS9**
- 4. the proposal fails to respect the form and character of the north side of Benwick Road, which is loosely developed and will result in a poor form of backland development, which does not respect the Doddington Conservation Area, therefore, the proposal is contrary to Policy E8 and E12 of the Fenland District-wide Local Plan 1993**
- 5. the proposal fails to demonstrate that adequate flood protection measures have been addressed and is, therefore, contrary to Policy PU1 of the Fenland District-wide Local Plan 1993 and PPS25: Development and Flood Risk.**

F/YR12/0039/CA

Refused for the following reason -

- 1. the proposed partial demolition of the historic boundary wall along the frontage of No.11 Benwick Road is unacceptable in that the alterations will be to the detriment of, and neither preserve or enhance, the character of the Doddington Conservation Area, contrary to Policy E12 of the Fenland District-wide Local Plan 1993 and Planning Policy Statement 5: Planning and the Historic Environment.**

(Councillor Connor declared a personal and prejudicial interest in this application, by virtue of residing opposite the site, and retired from the meeting for the duration of the discussion and voting thereon)

P127/11 **WISBECH - 13 MARKET PLACE**
F/YR11/0948/LB (6.12.2011)
INTERNAL AND EXTERNAL ALTERATIONS INVOLVING INSERTION OF WALLS,
NEW CEILINGS, TWO EXTERNAL CONDENSERS AND DISPLAY OF TWO
FASCIA SIGNS AND ONE HANGING SIGN
(MS S TURNER, THE MONEY SHOP)
F/YR12/0021/F (11.1.2012)
CHANGE OF USE FROM A1 TO A2 USE AND TWO CONDENSER UNITS ON
EASTERN ELEVATION (RETROSPECTIVE)
(INSTANT CASH LOANS LTD)
F/YR12/0046/A (20.1.2012)
DISPLAY OF TWO FASCIA SIGNS AND ONE PROJECTING SIGN
(RETROSPECTIVE)
(THE MONEY SHOP)

Members considered objections (F/YR12/0021/F only)

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- F/YR11/0948/LB - a Heritage Statement has been received in view of the requirements of PPS5. The Council's Conservation Officer has reviewed the document and has no comments to make regarding it
- F/YR12/0021/F - the Council's Valuation and Estates Officer has no objection to the proposal which appears to have no direct impact on any Council asset.

Members received a presentation in relation to F/YR12/0021/F, in accordance with the public participation procedure, from Miss Barker, the applicant's agent. Miss Barker informed members that she is a Town Planner at Freeth Cartwright Solicitors.

Miss Barker appreciated that this application is retrospective as the shop opened in November but assured members that the decision taken by The Money Shop to open prior to obtaining planning permission was not taken lightly. She expressed the view that the submission of a planning application in this instance was delayed by legal factors outside of her client's control and it was only after consideration of all relevant issues including discussions with officers, planning policy and guidance, the vacant nature of the premises and the benefits of the proposal, that the decision was taken to open.

Miss Barker made the point that officers support the occupation of the premises by The Money Shop and conclude that the use is acceptable with regard to relevant planning policy and guidance. She acknowledged the number of objections received, but feels that the proposal complies with the Local Plan, specifically the criteria in Policy S3 which relates to non-shopping uses in the primary shopping frontages.

Miss Barker expressed the opinion that the proposal involves the reuse of a previously vacant shop, which has been vacant for over 6 months. She feels the change of use has not affected the number of A1 retail shops in the centre and would reduce the number of vacant units which is higher than the national average in Wisbech.

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Miss Barker expressed the view that The Money Shop generates a high number of customers, which would increase shopper activity in this part of the town, and would not, in her view, affect the vitality and viability of the centre. She feels that the unit has all the characteristics of a shop, with an active shop front with window display and its opening hours are the same as any other shop and, in her view, it would not affect the character of the town centre or reduce the attractiveness of the centre to shoppers.

Miss Barker expressed the opinion that the proposal has been accepted by the Conservation Officer that the extent to which The Money Shop has renovated the unit would secure the long-term future reuse of the property for a purpose that is sympathetic to its conservation, in accordance with Planning Policy Statement 5. She feels that in the current economic climate The Money Shop has made a significant investment in Wisbech in the form of refurbishment of the premises, commitment to a 10 year lease and the creation of 8 full and part-time jobs and she hopes that members would support the proposal by granting retrospective planning permission.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs French made the point that this application previously came before committee a few months ago where she opposed its refusal as there are, in her view, no material considerations to refuse it. She does not have a problem with the proposal, whilst acknowledging that it is retrospective this should not be taken into consideration;
- Councillor Murphy agreed with the comments of Councillor Mrs French that there is no planning reason to refuse it. He asked if empty shops are wanted in the centre of Wisbech? and feels the colour of the signage is not an issue as there are others the same colour in close proximity.

Proposed by Councillor Mrs French, seconded by Councillor Murphy and decided that the applications be:

F/YR11/0948/LB

Granted

F/YR12/0021/F

Granted, subject to the condition reported.

F/YR12/0046/A

Granted, subject to the conditions reported.

(Councillor Bucknor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Wisbech Town Council at which these applications had been discussed but had taken no part)

P128/11 **F/YR12/0009/F (25.2.2012)**

WHITTLESEY - LAND SOUTH OF 28 BASSENHALLY ROAD, ERECTION OF A TWO-STOREY 4-BED DWELLING WITH DETACHED GARAGE (MR R BRANDLE)

Members considered objections.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs French expressed concern that in the history section an application was refused in 2011 and then another subsequently approved outline permission and asked what was the difference between these applications? Officers referred to the history section of the officers' report which states that an application for this site was submitted when the dwelling at No.28 was being constructed and it was deemed inadvisable to approve details for this proposal whilst this dwelling was still in construction;
- Councillor Mrs French referred to PPS1, which stopped garden grabbing, and she is surprised that an application was approved in first place. Officers advised that the proposed dwelling does front Bassenhally Court and it could be regarded as backland development in terms of access, but not in terms of fronting Bassenhally Court;
- Councillor Mrs Mayor expressed concern about the access which is coming out at the side of Bassenhally Court, which she feels is too close, and asked if the access could be altered so it comes out onto Bassenhally Court? Officers advised that the access was committed at the outline stage;
- Councillor Curtis expressed the view that commonsense dictates that the logical access is onto Bassenhally Court and asked if it could not be discussed to see if this could be undertaken? Officers advised that it would be up to the applicant to put forward any other access provision, but the application has to be considered as it is and there is enough parking and turning for both scenarios. The application boundary excludes Bassenhally Court so it is suspected that the applicant has an access from Bassenhally Road, but not Bassenhally Court;
- Councillor Mrs French asked about the mud wall on the boundary of the site. Officers advised that it is recommended that a condition relating to the retention and improvement of the wall along the boundary is placed on any permission;
- Councillor Connor asked if a condition could be placed on any permission that the mud wall is restored before building commences? Officers advised that a condition could be worded that asks for a timeframe for restoration of the mud wall and that it is protected.

Proposed by Councillor Mrs French, seconded by Councillor Connor and decided that the application be:

Granted, subject to the conditions reported and the addition of a condition for the restoration and protection of the mud wall on the boundary of the site.

(Councillors Butcher and Peachey declared their respective personal and prejudicial interest in this application, by virtue of knowing socially the person who owned the land, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Curtis registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of this item at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

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P129/11 **F/YR12/0038/FDC (19.1.2012)**
WISBECH - LAND NORTH-EAST OF 15 SEABANK ROAD, ERECTION OF TWO
DWELLINGS INVOLVING DEMOLITION OF EXISTING GARAGES
(MR T WATSON, FENLAND DISTRICT COUNCIL)

Members considered one objection.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation from Councillor King, who supports the proposal. Councillor King expressed the view that the photographs of the garages do not do them justice as they are in a far more dilapidated state and some may not be safe. He feels that the concern of the Town Council regarding parking are unfounded as there is a horseshoe parking area between Nos.2-20, which has plenty of spaces.

Councillor King stated that only issue he has is regarding a flooding problem in the area and the proposed design states existing concrete access, which is where the problem lies having to be jettied out many times and is one of the reasons why the garages are not used and this problem needs to be addressed. He feels that a privacy issue raised by one neighbour can be dealt with at Reserved Matters stage.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs French questioned flooding in the area and it being in a Flood Zone 1 area? Officers advised that this is the Environment Agency's classification of an area where flood risk is not an issue, but it does not cover surface water as referred to by Councillor King, which can be brought to the attention of the applicant. An informative can be included that details should be agreed that take flooding issues in the area into consideration;
- Councillor Mrs French referred to a gate at the end of the site that has keep clear on it and was this an official access? Officers advised that they are not aware of any issues, but this would be a legal matter rather than a planning issue;
- Councillor Stebbing referred to a triangular piece of land shown on the plan on the left hand side, which does not appear to belong to any property. Officers advised that this is not a piece of land that has been identified in the ownership or control of the Council and is not related to this application.

Proposed by Councillor Mrs French, seconded by Councillor Curtis and decided that the application be:

Granted, subject to the conditions reported.

(All members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

P130/11 **F/YR12/0043/F (20.1.2012)**
**WISBECH - LAND EAST OF 135 ELM LOW ROAD, ERECTION OF A SINGLE-
STOREY 3-BED DWELLING INVOLVING DEMOLITION OF EXISTING SHED
(MR D EDSON)**

Members considered objections.

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that the Middle Level Commissioners require clarification of the method and location of surface water disposal devices as the application does not provide adequate evidence to prove that a viable scheme for appropriate water level/flood risk management that meets current standards exists or can be constructed.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey asked for clarification on what is different between this application and the previous one determined by members, with, in his view, the only difference being that the previous application is on Fenland District Council land.

Mr Humphrey expressed the view that issues on the site have been addressed and this proposal is rounding off the development and finishing off the last gap of a piecemeal development area. He feels that the proposed bungalow would not look significantly different to the shed that is currently on the site and, in his view, officers have already acknowledged this within their report

Mr Humphrey made the point that this proposal is offering a parking space to the occupier of the semi-detached property closest to the application site to allow two cars to park side by side and for this property to have a right of way over the turning head to address the parking issue that exists. He urged members to look at the bigger picture and not just this application, making the point that the shed can be used as a workshop in its current use, with objections, in his view, being prevalent if used for this purpose, and the site should be kept all residential rather than a problematic area.

Mr Humphrey referred to the support from the Town Council and made the point that the site lies within the Development Area Boundary, with Policy H3 supporting new residential development. He expressed the view that the adjacent semi-detached properties have set the precedent for this development and referred to an earlier application fronting Bassenhally Court in Whittlesey determined by members asking if this dwelling is not fronting its own court? He requested that members take a commonsense approach.

Councillor Mrs French asked if the workshop is currently used? Mr Humphrey was not in a position to answer this question.

Councillor Butcher expressed the view that if the plan is to scale you need to be a good driver to enable to get a car into the second parking space for the adjacent semi-detached property. Mr Humphrey clarified that some land in his client's ownership will be provided to this property that enables them to drive and access this area to park two cars.

Councillor Peachey asked if, adjacent to where the cars are positioned, is it a pair of bungalows? Mr Humphrey advised that they were a pair of semi-detached houses.

Councillor Bucknor asked if the dwelling would be able to be serviced by the refuse collection vehicle? Mr Humphrey advised that wheelie bins would have to be taken to the adopted road, which is the same distance as the second semi-detached property currently takes theirs.

Members received a presentation from Councillor King, who supports the proposal. Councillor King expressed the view that this proposal is an improvement of existing arrangements for two reasons; it removes a workshop, which can be used at any time even for metal working, and it provides car parking provision for the second semi-detached house, which is currently parking on land which does not belong to it.

Councillor King stated that Elm Low Road is a cul-de-sac and does not have frequent traffic and he would be happy to drive in and out of the access, with there being no recorded accidents at the junction of this access with Elm Low Road with two properties currently using the gravelled surface. He made the point that the dwelling is not being built on old canal land, it is the garden that would be on this land, and there is only one window to bedroom 2 that looks into the turning space, with all other windows looking to the front or rear and there is no possibility of overlooking.

Councillor King referred to the officers' report, which states it is a contrived development and he feels that many other development are shoehorned in and lots of people like bungalows on plots such as these, which he feels is a very generous sized plot in comparison and is not backland development as it is replacing a workshop. He expressed the opinion that bin storage is no different to the existing bin storage and that the objection letters were submitted in relation to a withdrawn application, with no objection letters having been submitted to this new application.

Members made comments, asked questions and received responses as follows:

- Councillor Mrs French requested clarification on Councillor King's last comments about objection letters. Officers advised that they have received four letters of objection regarding the use of the driveway, fears over parking and turning arrangements, the development giving rise to increased noise and disturbance, overlooking, and building houses in an area which would be affected by an increase in traffic;
- Councillor Scrimshaw requested clarification in relation to the Local Highway Authority comments, as there is an existing drive for two dwellings and it is objecting to a further dwelling? Officers advised that each application is considered on its own merits and this proposal is not a replacement of an existing dwelling whereas the other properties were;
- Councillor Hatton questioned the two semis being replacements? Officers advised that the original dwelling was situated in line with 125 Elm Low Road and was replaced with a pair of semi-detached properties, with the two at the front being developed subsequently to this so in theory they are frontland development;
- Councillor Curtis expressed the view that from the Site Inspection his overall impression was that it was a really cramped development and he feels that it is too dense to be acceptable;
- Councillor Mrs French expressed the opinion that she cannot see where there would be any unacceptable additional increase in traffic, but she does have a problem with the cramped and claustrophobic feel of the development.

Proposed by Councillor Curtis, seconded by Councillor Scrimshaw and decided that the application be:

Refused, for the following reasons -

1. **the proposal is contrary to Policy E8 of the Fenland District-wide Local Plan in that it would have a detrimental impact on the amenity of the adjoining properties, the surrounding area, and the locality in general by virtue of the location of the proposed dwelling on a backland site**
2. **the applicant has failed to demonstrate on the submitted plans that sufficient land lies within his control to provide adequate visibility at the site access, accordingly the proposed development would be detrimental to highway safety and contrary to Policy H3 of the Fenland District-wide Local Plan**
3. **the proposal represents a cramped and contrived form of development which would unacceptably compromise the residential amenities of existing properties in the vicinity of the site and those of the proposed dwelling.**

(Councillor Patrick declared a personal and prejudicial interest in this application, by virtue of having known the landowner for many years, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor King declared a personal interest in this application, by virtue of the owner of 141 Elm Low Road being a personal friend and also a member of North-East Conservative Councillors Association and a fellow Conservative councillor)

(Councillor Mrs Newell had left the meeting prior to determination of this application)

P131/11 **F/YR12/0076/FDC (7.2.2012)**
WHITTLESEY - MANOR LEISURE CENTRE, STATION ROAD, INSTALLATION OF
42 PHOTOVOLTAIC PANELS TO POOL SERVICE AREA ROOF OF EXISTING
BUILDING
(MR T WATSON, FENLAND DISTRICT COUNCIL)

The committee had regard for its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Councillor Curtis questioned why only half of the building was having these panels and not all the building. Officers advised that they were not sure, but it may be constrained by existing openings in the building.

Proposed by Councillor Curtis, seconded by Councillor Stebbing and decided that the application be:

Granted, subject to the conditions reported.

(All members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

(Councillor Curtis registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of this item at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

(Councillors Butcher and Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of Whittlesey Town Council at which this application was discussed but had taken no part)

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(Councillors Bucknor, Murphy, Mrs Newell and Patrick had left the meeting prior to determination of this application)

5.55pm

Chairman