

PLANNING COMMITTEE



25 JULY 2012 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M G Bucknor, M J Curtis, Mrs J French, Mrs K F Mayor, A Miscandlon (substitute for Councillor D W Connor), P Murphy, Mrs F S Newell, D C Oliver, D R Patrick, T E W Quince, R E Scrimshaw and D Stebbing.

APOLOGIES: Councillors D W Connor, B M Keane and K G Peachey.

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 I Hunt (Chief Solicitor).

P34/12 MINUTES OF 27 JUNE 2012

The minutes of the meeting held on 27 June 2012 were confirmed and signed, subject to amendment to minute P22/12, third bullet point of the members comments, to read:

"Councillor Scrimshaw expressed the view that he does not support the proposal as it is filling in a gap **and is not** in the main settlement of Murrow".

*** FOR INFORMATION OF THE COUNCIL ***

P35/12 F/YR09/0707/F (4.11.2009) GUYHIRN - LAND SOUTH-EAST OF 3-5 HOMELANDS, ERECTION OF 2 X 3-BED SEMI-DETACHED HOUSES WITH ASSOCIATED PARKING (MR S BROWN, SKUNA CORP)

Members were informed that this application had been withdrawn by the applicant.

P36/12 F/YR11/0432/F (9.6.2011) WISBECH ST MARY - LAND WEST OF MANOR HOUSE, STATION ROAD, ERECTION OF 2 X TWO-STOREY 4-BED AND 2 X THREE-STOREY 5/7-BED DWELLINGS WITH DETACHED DOUBLE GARAGE/STORES (MR J HUMPHREY)

Members considered objections.

The committee had regard to 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:

- further comments have been received from English Heritage as follows:
 - the historical report and appraisal of the development land is not dated, but seems to be a new document, perhaps responding to earlier comments on the significance of the site. This report presents some interesting information about the development of the Manor's setting, but it does not draw convincing conclusions. It might be valid to suggest that the removal of parkland trees has changed the landscape's qualities, but to conclude, as the report does, that the landscape setting "does not enhance the significance" of the Manor

is a wild overstatement. The report also reiterates the notion that the 18th century landscape is somehow being "reinstated" by the proposed works. This is also incorrect for two reasons: 1) we do not know exactly how the 18th century landscape appeared, and 2) the 18th century landscape did not feature modern private houses and their car parking spaces directly in front of the Manor House, as is proposed. In my view, the report does not fully represent the significance of the Manor's setting, does not acknowledge the proposed development's impact and fails to mount any justification for it. Beyond this report the proposals have not changed in any significant way. I would, therefore, reiterate my view that by bringing a fundamental change to that part of the immediate setting of the Manor that contributes most to its significance the development would cause substantial harm to it. The "clear and convincing" justification for this harm the NPPF requires has not been made. There is no reason why these houses could not be built elsewhere in the district and the idea that a mere four dwellings could deliver "public benefit" of an amount that would justify such harm to a nationally important historic building is completely unconvincing. I would, therefore, reiterate my strong objection to the application and urge the Council to refuse permission

- the agent has submitted amended plans which show the following:
 - amended footpath from 1.5m wide to 1.8m
 - wheelie bin collection points on site plan
 - signage will be used to enforce the one-way system on the parkland drive
 - 90m x 2.4m visibility splays out of the parkland drive added to the site plan for clarity
- whilst the amended plans address some of more technical aspects of the operation of the site and layout raised in the report, they represent only incremental refinements and do not overcome the more fundamental issues raised within the report or in the further consultation response of English Heritage, which officers' feel is a strident summary as to why the scheme cannot be supported.

Members received presentations, in accordance with the public participation procedure, from Mr Lusty and Mr Payne, objectors to the proposal. Mr Lusty informed members that he is a Chartered Town Planner for Savills and has been instructed by the owner of the Manor House to make representations to committee on this application.

Mr Lusty made the point that this proposal follows a withdrawn application for 6 dwellings in 2010 and has been revised in June in an attempt to address concerns, but, in his view, these concerns remain outstanding, which is reflected in the officers' report. He stated that the Manor House is a Grade II* Listed Building and is one of 5% of top buildings of importance in the country and he feels it is a statutory duty for the building and its historic setting to be preserved.

Mr Lusty expressed the view that the proposal has no authentic relationship to the site and it omits to assess the impact on the Manor House, with there being, in his view, no measure or justification for the harm the development would cause. He made the point that English Heritage and the Council's Conservation Officer are of the view that the proposal would cause significant harm to the setting of the Listed Building.

Mr Lusty referred to the NPPF, which is in favour of sustainable development, but this must not be to the harm of a heritage asset, and, therefore, in his opinion, this proposal does not comply with this policy. He asked that members refuse the application in accordance with officers' recommendation and the statutory advice received.

Mr Payne informed members that he is speaking as a resident of Wisbech St Mary and as a local historian. He expressed the view that the Manor House is an important house in Wisbech St Mary, with it belonging to the Williamson family for most of its life who played an important role in the village, and he feels that the Manor House should remain in its present setting.

Mr Payne made the point that there are only three significant Listed Buildings in Wisbech St Mary and the significance of the Manor House should be celebrated by retaining its watch over the open field. He feels that the Manor House would be surrounded by modern houses if this proposal was granted ruining the outlook of this 18th century building.

Mr Payne stated that renovation work is on-going at the Manor House and, in his view, the property enhances the street scene. He asked that members refuse the application so that it may remain in its original setting as part of the village of Wisbech St Mary's heritage.

Members received presentations, in accordance with the public participation procedure, from Mr Barker, a supporter of the proposal, and Mr Humphrey, the applicant's agent. Mr Barker informed members that he is involved with this application as it is recognised that conservation is the key issue with the proposal and he looked after Listed Buildings in the north of the district for 15 years whilst working at Fenland District Council and has worked on this proposal in consultation with a previous Conservation Officer of the Council, who thought the Manor House was worthy of listing, making the point that he understands the building's significance.

Mr Barker made the point that he has used the same policies as officers, but has come to different conclusions believing the proposal should be granted and making the point that members can use their discretion and experience. He expressed the opinion that conservation does not mean preservation, with the proposal an attempt to build four executive dwellings to enhance the village and the setting.

Mr Barker expressed the view that the proposal does not cause any harm to the Manor House or its setting believing it enhances it, does not cause overlooking and does not conflict with the NPPF and Core Strategy. He feels that the proposal complies with Policy CS14, with this view being supported by the previous Conservation Officer of the Council.

Mr Humphrey expressed the view that the site is adjacent to the Development Area Boundary, is in a sustainable location, complies with IPPLS, which has now been superseded by the Core Strategy where Wisbech St Mary is upgraded to a Growth Village. He feels the development would be enhanced by a roadside footpath link making it accessible to the village and his client would be prepared to make a £10,000 contribution to the Parish Council if the development is approved.

Mr Humphrey expressed the opinion that the proposal is for four magnificent houses, opposite and mirroring the Listed Building. He displayed a photomontage showing the existing and proposed view, which he feels shows not much alteration in view.

Mr Humphrey expressed the view that highway issues have been resolved and asked what is the purpose of entering into pre-application discussions with senior officers who supported the proposal for other officers to change their mind and say they do not support the scheme. He feels that English Heritage have referred to PPS5 in its comments, which is no longer in existence, and, therefore, some of its comments should be disregarded.

Councillor Scrimshaw requested clarification on what comments in the English Heritage response should be disregarded? Mr Humphrey advised that English Heritage refers to PPS5, which has been superseded by the NPPF.

Councillor Curtis referred to the officers report and reference to the Design and Access Statement regarding traditional design and asked Mr Humphrey if this is correct? Mr Humphrey confirmed that it was.

Councillor Mrs Newell asked Mr Humphrey to reiterate his comments about pre-application discussions? Mr Humphrey advised that he had a meeting on 28 April in the early stages of the scheme with officers, who agreed that it was a fantastic site and welcomed the scheme, advising what they wanted to see on the site and the need to avoid an adverse impact on the Listed Building. This was followed by a subsequent meeting in June showing draft details and officers still said that they liked the development. He made the point that officers were aware at these meetings the impact of the development on the Listed Building.

Councillor Mrs French requested clarification of the year of the pre-application discussions, was it April and June 2011? Mr Humphrey confirmed this to be the case.

Councillor Quince asked Mr Humphrey what materials would be used on the development? Mr Humphrey advised that these have been agreed with officers, which would be traditional hand made materials to complement the Manor House.

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

- Councillor Curtis expressed the view that the issue is not about how the Manor House looks from a distance, but the fact that houses would be placed on a site where there are no houses with the deliberate intention to create a view and he feels that it does create significant harm. He acknowledges that PPS5 does not exist anymore, but feels that principles within PPS5 that are relevant to this application remain. He made the point that it is for this committee to decide whether the application is acceptable or not, and any administrative issues are outside its remit. He stated that he cannot support the application and urges members to take into account the strength of the recommendation from English Heritage, which he feels should be given significant weight;
- Councillor Patrick agreed with Councillor Curtis stating that the Manor House is a very important Listed Building and this proposal would have a detrimental impact upon it;
- Councillor Mrs French agreed with Councillor Curtis making the point that the Manor House is a beautiful building, with the evidence from English Heritage making this clear;
- Councillor Mrs Newell questioned the fact that this is a 2011 application and the comments regarding pre-application discussions? Officers advised that delays in the process were due to work on the heritage statement and mitigation proposals. Councillor Curtis made the point that delays in the process are not an issue for this committee, reiterating that it is whether the application is acceptable or not;
- Councillor Scrimshaw stated that he is favour of the application for four executive dwellings as, in his view, it fits with the IPPLS. He feels the setting of the Manor House is a personal opinion and he finds it acceptable.

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

Refused for the following reasons -

1. **by virtue of the location of the proposal the development would constitute the erosion of an important gap in the linear development along Station Road, which plays an important role in reducing the visual impact of ribbon development in this location and enables a distinctive, long vista of Fenland landscape to enter and connect with the habitable area of the village, contrary to Policy E1 of the Fenland District-wide Local Plan, which seeks to protect the unique, open character of the Fenland landscape**

2. **the proposed development, which is located directly opposite the Manor House (Grade II* Listed Building and designated heritage asset) will lead to substantial harm and fail to conserve the asset in its appropriate setting, contrary to the provisions of the National Planning Policy Framework and Policy CS14 of the Core Strategy (draft 2011).**

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

P37/12 **F/YR11/0574/F (20.10.2011)**
WHITTLESEY - 300 EASTREA ROAD, CHANGE OF USE OF SITE TO HAULAGE
YARD AND PART CHANGE OF USE OF EXISTING WAREHOUSE TO FORM
OFFICE ACCOMMODATION FOR LORRY DRIVERS INVOLVING FORMATION OF
MEZZANINE LEVEL (RETROSPECTIVE)
(MR W BOARDMAN, GCE FLEET HIRE)

Members considered objections.

Officers informed members that:

- the Scientific Officer (Contaminated Land) confirms that he has received all that he requires to discharge this condition
- the recommended Condition 2 should read "outside the hours of" rather than "between the hours of".

Members received a presentation, in accordance with the public participation procedure, from Mr Boardman, the applicant for the proposal. Mr Boardman informed members that he is the applicant for the site and planning permission was previously granted for industrial buildings on the site, with the use of HGVs being essential within this permission.

Mr Boardman stated that the site has been leased for the past two years to a Dutch company, which employs over 100 local drivers, and it wishes to renew its lease, but was not, in his view, aware that the consent did not exist for the activities on the site, hence the retrospective change of use application. He referred to Whittlesey Town Council opposing the application on highway grounds, but he does not believe there are highway issues due to the photographic evidence collected by the Local Highway Authority.

Mr Boardman made the point that HGVs are able to remotely open the gates as they approach the site, the site is not a base for lorries or trailers, vehicles are able to park safely on the site and 24/7 access is acceptable in other places, with there being 1-2 vehicle movements each hour. He expressed the view that there would be more noise from vehicles travelling past the site at 40mph than from HGVs accessing or exiting the site.

Mr Boardman stated that if planning permission is not granted the occupiers would leave the site making over 100 employees redundant and the site empty and he urged members to approve the application.

Councillor Stebbing asked if there are any contingency plans for vehicles arriving outside permitted hours? Mr Boardman advised that it cannot be guaranteed what time a vehicle would exactly arrive at the site, but the site is not a base for HGVs where they usually leave in the morning and return at night, it is an administrative base. He stated that there is a parking area to the eastern side of the main entrance. Councillor Stebbing asked about refrigeration units? Mr Boardman advised that there would be no refrigeration units as it is potatoes being transported by new, top of the range, quiet HGVs.

Councillor Miscandlon referred to HGVs turning in and out of the site and that he has seen vehicles parked with their rear end out of the site creating a danger to highway users. Mr Boardman advised that the entrance has been measured and can adequately accommodate HGVs, there is usually someone on site at all time and no vehicles should be parking at the entrance of the site.

Councillor Miscandlon asked Mr Boardman to confirm his comments that there is less noise from vehicles accelerating or slowing down to access the site than going past at 40mph? Mr Boardman confirmed that these comments are correct.

Councillor Mrs Mayor asked Mr Boardman when the gates were made electric? Mr Boardman advised approximately a year ago, with all UK lorries having remote access, but sometimes lorries arrive from other countries that do not have remote access.

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

- Councillor Mrs Mayor made the point that she has seen lorries at the entrance of this site with their rear ends hanging over the entrance;
- Councillor Mrs French acknowledged that the application is retrospective, but made the point that this is not a consideration. She believes that the proposal should be supported due to the number of employees it supports and the economy at present. She does have concern over operating hours, with Condition 2 requiring amendment and she would recommend approval providing there is no operation outside the correct times;
- Councillor Murphy expressed the view that it is not acceptable for lorries to be leaving the yard in the early hours of the morning and it should be stopped as it is unfair to the residents that live in this area. He made the point that there is a lorry park in the area that lorries could park in out of the way as they do make a lot of noise;
- Councillor Curtis stated that he knows the issues about lorries parking at this site, but members need to be mindful of the current permission the site has. In his view, it is not just about jobs, but about what the current permission allows and lorry movements are currently allowed.

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

Granted, subject to the conditions reported including amendment to Condition 2.

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

(Councillors Mrs Mayor 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)

P38/12 **F/YR12/0265/O (4.4.2012)**
MARCH - LAND NORTH OF THE ELECTRICITY SUBSTATION, GAUL ROAD,
ERECTION OF 36 DWELLINGS
(ASHLEY KING DEVELOPMENTS LTD)

Members considered objections.

The committee had regard to 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:

- a Section 106 Agreement is required, with no off-site highway works which will be addressed via any S38 Agreement with the Local Highway Authority, to secure the following:
 - CCC Household Recycling Centre Contribution of £9,612
 - Public Open Space Contribution of £43,200
 - FDC Waste Contribution of £2,160
 - 30% affordable housing on site
- there has been further discussions between the Local Planning Authority, Local Highway Authority and the agents focusing on mechanisms to address highway safety. The agents have expressed the view that imposing a condition which places the same obligation on them with regard to roundabout delivery or links their scheme to that of the Cannon Kirk scheme would be unlawful as it would be placing a reliance on implementation on a third party, in addition it would make their scheme unviable and would not be proportionate. The agent goes on to reiterate that its transport assessment clearly sets out that the junction has a good safety record (taking into account the recent accident also) and that 36 units could be safely accommodated onto the existing network without any off-site works being required. The view of the applicant's agent is that they should not be required to contribute to off-site works in this instance given the small scale of its scheme. Furthermore, it has not seen any justification from CCC as to why improvements would be needed in relation to its 36 unit scheme. It also highlights that there is a clear timetable for Cannon Kirk to deliver so by the time that it has secured reserved matters the works should have been completed by Cannon Kirk, thereby dovetailing with its scheme
- the Local Highway Authority maintain its earlier stance in that if the junction had a good safety record there would not have been an identified need for the roundabout. The timing of this scheme, coming as it does prior to completion of the Cannon Kirk works, results in some difficulties with regard to ensuring junction safety and may result in the Local Planning Authority being open to challenge by Cannon Kirk with regard to implementation timings for the agreed works. As technically, there could be a situation where the traffic generated by more than 50 houses is using the junction before the improvement works are undertaken, ie the number that Cannon Kirk have built plus the 36 units now being considered. That said it is recognised that it is unlikely a Reserved Matters application could be submitted, houses built and occupied on this site before Cannon Kirk are required to commence the junction improvements. Consequently, the Local Highway Authority would not feel comfortable recommending refusal of this proposal on highway grounds alone
- officers' have some sympathy with the agent's comments whilst also wishing to ensure that highway safety and/or implementation timings for the planned improvements are not compromised by any decision on this scheme. On balance, and mindful of the position of the Local Highway Authority regarding its recommendation, it is not considered that a refusal on the grounds of highway safety could be maintained, albeit officers would feel more confident with a scheme that makes provision for junction safety works
- the recommendation remain one of Grant, subject to deletion of (i) in light of the clarification above and re-wording of Condition 25 as follows:
 - A 2.0m wide footway together with attendant street lighting and drainage of Gaul Road is required to be provided to Gaul Road along the frontage of the site to meet that existing to the east. Such footway, and related works, to be provided prior to the occupation of any of the dwellings.

Members received a presentation, in accordance with the public participation procedure, from Mr Hodgson, the applicant's agent. Mr Hodgson informed members that he fully supports officers' recommendation on this proposal, which has been the subject of pre-application discussions and

March Town Council have been kept informed during the process, who are also supportive of the application. He expressed the view that the site is sustainable, being within 10 minutes of the Town Centre.

Mr Hodgson expressed the view that this proposal is a very good scheme, with the only issue being one of highways, making the point that a £1 million roundabout, subject to a third party permission, is not viable on this scheme. He expressed the opinion that this scheme for 36 units should not be reliant on a third party providing a roundabout and it is anticipated that Cannon Kirk would be delivering this roundabout within its timescale.

Councillor Scrimshaw asked Mr Hodgson if the Middle Level Commissioners objections have been resolved to satisfaction? Mr Hodgson advised that a drainage strategy would be produced as part of the conditions of a Reserved Matters application.

Councillor Murphy agreed that roundabouts are expensive, but expressed the view that smart lights are now regularly used and would Mr Hodgson be prepared to provide these? Mr Hodgson advised that, in his view, this development does not justify any upgrade to the junction of Gaul Road and the A141, which will be delivered by Cannon Kirk.

Councillor Mrs Newell made the point that there is always a queue of several cars waiting to get onto the bypass from Gaul Road, which in parts is very narrow, and if there has not been accidents it is just a miracle, with this proposal seeking to add another 36 houses to the issues that exist, asking Mr Hodgson how often he has visited the site? Mr Hodgson advised that he has often visited the site, but could not specify the exact number of occasions.

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

- in response to an objector in the audience raising his hands and asking to speak on the application, which was denied by the Chairman due to being outside the procedure permitted for public participation, Councillor Mrs French asked if the objections would be the same as written in the officers' report? Officers' read through the summary of objections as detailed in the report. Councillor Mrs French made the point that most of the objections can be addressed in the Reserved Matters application and some are not material considerations;
- Councillor Mrs French stated that this site lies within her ward and she knows it well, she has spoken to the Local Highway Authority about this application as she has concerns about the Gaul Road/A141 junction, with there being a fatality recently at this junction, but she feels it is unfair for this applicant to contribute to a roundabout as it falls to Cannon Kirk and they may want to provide smart lights. She is concerned about additional traffic on Gaul Road and will be pushing to make the whole of Gaul Road a 30mph speed limit. She would like to see the Section 106 asking for additional lighting along Gaul Road. Officers' advised that the proposal does consist of footpath works along the frontage, which does provide lighting, and officers would wish to see appropriate lighting within the site, with certain elements forming part of a Section 38 Agreement;
- Councillor Curtis asked why the development is proposing three junctions out onto Gaul Road and not just one? Officers' advised that the operators of the site to the rear own the middle access road and need to maintain this, so this is why each parcel of land is self-supporting. Mr Hodgson, who was allowed to comment on this question, advised that the Electricity Board was approached to see if the access could be shared, but it was unwilling to do this due to the nature of vehicles that visit the site.

Proposed by Councillor Mrs French, seconded by Councillor Mrs Mayor and decided to:

Grant, subject to:

1. **prior completion of a Section 106 Agreement**
2. **the conditions reported, including the re-wording of Condition 25 as detailed above.**

(Councillors Mrs French and Quince registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of March Town Council at which this application had been discussed but had taken no part)

P39/12 **F/YR12/0276/F (10.4.2012)**
MURROW - LAND SOUTH OF BANK FARM HOUSE, MURROW BANK,
ERECTION OF 3 X 5-BED DWELLINGS WITH DETACHED GARAGES
(ARTHUR GEE (THORNEY) LTD)

Members considered one objection.

Officers informed members that:

- the agent has submitted amended plans showing a revised design. The garages have been detached and the elevations have been modified to improve the overall appearance of the development and allow views of the open countryside beyond the application site
- Policy CS3 of the emerging Core Strategy should be applied to this application, therefore, as the site area is over 0.50 hectares, 30% of the dwellings should be affordable. The policy allows that in exceptional circumstances a financial contribution of broadly equivalent value may be made to enable the provision of the affordable housing elsewhere within the district, which would appear applicable in relation to this site
- the recommendation is now one of Grant, subject to a Section 106 Agreement to secure the provision of affordable housing and conditions as follows:
 - the development permitted shall be begun before the expiration of 3 years from the date of this permission
 - prior to the commencement of the development hereby approved full details of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter
 - any gate or gates to the vehicular accesses shall be set back a minimum 5.0m from the near channel line of the carriageway of Murrow Bank. Any access gate or gates shall be hung to open inwards
 - prior to the first occupation of the development the vehicular accesses where they cross the public highway (new footway) shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification
 - prior to the first occupation of the development sufficient space shall be provided within each plot to enable vehicles to park clear of the public highway and enter, turn and leave the site in forward gear. The area shall be levelled, surfaced and drained, and thereafter retained for that specific use
 - prior to the commencement of the development temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction
 - the existing access to Murrow Bank shall be permanently and effectively closed in accordance with a scheme to be agreed with the Local Planning Authority within 28 days of the bringing into use of the new access to Plot 2
 - a 1.8m wide footway shall be provided along the frontage of the development site to run from that existing to the north up to and including the paired accesses to Plots 2 and 3. Such footway and any associated drainage to be constructed to the specification of the County Council and completed prior to first occupation of the development
 - no development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the

Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

- a) the contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site
- b) the site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology
- c) a site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end user of the site and surrounding environment including any controlled waters

no development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs d), e) and f).

- d) approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance
 - e) if, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority
 - f) upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site
- no development or preliminary groundwork of any kind shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site
 - prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:
 - a) means of enclosure
 - b) hard surfacing, other hard landscape features and materials
 - c) existing trees, hedges or other soft features to be retained
 - d) planting plans, including specifications of species, sizes, planting centres number

- and percentage mix
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- g) management and maintenance details
- all hard and soft landscape works including any management and maintenance plan details shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority
- prior to the commencement of any works or storage of materials on the site, all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection, in accordance with that standard, shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes
- the development hereby approved must be carried out in accordance with approved plans

Members received a presentation, in accordance with the public participation procedure, from Mr Swann, the applicant's agent. Mr Swann informed members that this proposal provides three new dwellings on land between Peartree House and Bank Farm House, with comments made at the last meeting, and subsequent discussions with officers, now incorporated into the scheme.

Mr Swann stated that Plot 3 has been orientated so that it does not overlook Peartree House, and the windows and massing has been reduced on all properties, with the form and scale, in his view, now in keeping with the shape and form of Murrow. He feels the revised plans provide a more traditional appearance, with individually designed executive homes that support IPPLS.

Mr Swann referred to a neighbour enquiring about a new footpath along this stretch of road with the school being 170 metres from the site and this proposal would see existing development to the south connected to the village. He referred to consultations on provision of a Section 106 Agreement, expressing the view that he was told up to yesterday that no Section 106 was required, but the applicant is prepared to make a contribution to a new village hall, and he feels that this site is an exception due to its nature, requesting that the new footpath and a contribution towards the village hall should be acceptable in terms of the Section 106.

Councillor Scrimshaw asked if any street lights are to be provided outside the development? Mr Swann advised that none are proposed, with Murrow presently having none. Councillor Scrimshaw asked if the applicant would be prepared to provide street lighting? Mr Swann advised in the affirmative.

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

- Councillor Curtis expressed the view that just moving the garages to the rear has made a huge difference to this application, with all issues now being addressed;

- Councillor Mrs French referred to the concern she expressed about the size of the site and Section 106 contributions. She stated that the Section 106 requirements are running parallel with the emerging Core Strategy and the full amount of Section 106 applicable will be required from the site, but she is happy for this to be provided off-site. She asked that if the requirements for the Section 106 is not signed or achieved, that the application be referred back to committee for refusal;
- Councillor Scrimshaw questioned why officers now feel that the refusal reason 1 is not relevant to this application as he does not feel this reason for refusal has changed. Officers' advised that members deferred the application at the last meeting due to issues with design, with no emphasis being placed on the location of the site, and when officers evaluate an application a range of different factors are taken into account. A recommendation on an application comes down to a balance of factors, with the location initially being a concern, but officers felt that if a design can be produced that is acceptable to this location and that as a footpath is to be provided to assist with sustainability to the village, the proposal could now be approved.

Proposed by Councillor Mrs French, seconded by Councillor Patrick and decided to:

Grant, subject to:

1. **prior completion of a Section 106 Agreement in relation to the provision of affordable housing (to be referred back to committee if this agreement is not completed)**
2. **the conditions detailed above.**

(Councillor Scrimshaw requested it be recorded that he abstained from voting on this application)

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

P40/12 **F/YR12/0387/F (16.5.2012)**
LEVERINGTON - THE WALNUTS, ROMAN BANK, ERECTION OF 2 X TWO-STOREY 4-BED AND 3 X THREE-STOREY 5-BED DWELLINGS WITH DETACHED DOUBLE GARAGES AND 2.1 METRE HIGH FENCING INVOLVING DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS
(MR AND MRS B LEE)

The committee had regard to 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 plan that has been submitted addresses the highway issues raised and is, therefore, acceptable from a highway point of view
- in accordance with Policy CS3 of the emerging Core Strategy, the District Council require the provision of 30% affordable housing on site unless the applicant can demonstrate exceptional circumstances which necessitate provision on another site, or the payment of an in-lieu financial contribution should an alternative site provision not be possible.

Members received a presentation, in accordance with the public participation procedure, from Mr Bevens, the applicants' agents. Mr Bevens thanked officers for their input into this scheme, which addresses the development of the site comprehensively and is acceptable to the Local Highway Authority.

Mr Bevens expressed the opinion that the main benefit of the proposal would be the improvement to highway safety in the vicinity as there is currently a large hedge along the boundary which would be removed by this proposal to provide better visibility and a footpath connection would be created to the south to the village centre. He stated that he is aware of the changes to the affordable housing provision and the applicant would be happy to enter into a Section 106 contribution toward affordable housing off-site.

Mr Bevens expressed the view that the proposal complies with IPPLS and is a development of five well designed executive homes in a good location. He requested that members follow officers' recommendation and approve the application.

Councillor Quince asked what materials would be used on site? Mr Bevens explained the high quality materials that would be used.

Councillor Mrs French asked if all the existing hedging was being removed? Mr Bevens advised in the affirmative, except a section of the hedge to the south which is being retained.

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

- Councillor Mrs French stated that she was concerned that the site was not attracting any Section 106 contribution, but is now happy that it is and for this contribution to be used on another site;
- Councillor Mrs Newell referred to the non response from some consultees and asked if any response has since been received? Officers advised not;
- Councillor Curtis asked if the access road along the frontage of the dwellings is to be to adoptable standards and does this development comply with the wheelie bin collection standards? Officers advised that there is space on the entrance roadway to accommodate the bin lorry for collection of refuse, but the development is within the permitted distances for wheelie bins;
- Councillor Curtis stated that he is not against development on this site per se, but he feels the design is another brick wall, which should be better designed and opens up the countryside to the rear. He feels that the proposal should be refused on grounds of design.

Proposed by Councillor Mrs Newell, seconded by Councillor Mrs French and decided to:

Grant, subject to:

1. **prior completion of a Section 106 Agreement to secure the provision/in-lieu contribution of 30% affordable housing**
2. **the conditions reported.**

P41/12 **F/YR12/0415/F (28.5.2012)**
WISBECH ST MARY - LAND WEST OF ALAN HUDSON LIMITED, BEVIS LANE,
ERECTION OF 2 X 18.3 METRE HIGH (HUB HEIGHT) WIND TURBINES
(MR D WHEELER, ALAN HUDSON LTD)

The committee had regard to 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, in accordance with the public participation procedure, from Ms Harness, the applicant's agent. Ms Harness expressed the view that this is a proposal for two small scale wind turbines, which are 18 metres to hub height, and has attracted no objections from

statutory consultees or local residents and is supported by the Parish Council.

Ms Harness stated that the applicant is a local businessman and once the fruit has been picked, it is stored on the farm, which requires electricity to stop its deterioration. She stated that the applicant has reduced his electricity costs due to the installation of photovoltaic panels, but these do not function at night or to capacity in inclement weather, therefore, these turbines would reduce the electricity costs further and she explained the economic and social benefits that the turbines would provide.

Ms Harness made the point that the application is recommended for approval, subject to conditions, and there is no objections to these conditions.

Councillor Miscandlon asked how far the turbines are being constructed from the single track service road? Ms Harness advised approximately 10 yards.

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

- Councillor Mrs French stated that she does not have an issue with these turbines as there are no objections received to them, but she would have liked to have seen reference to the Council's own Wind Turbine Policy Guidance in the report;
- Councillor Murphy asked if any local residents were interested in the application? Officers advised that nothing has been received;
- Councillor Patrick stated that due to there being no local objections, he would support the officers' recommendation.

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

Granted, subject to the conditions reported.

(Councillor Mrs Mayor requested it be recorded that she abstained from voting on this application)

(Councillor Curtis registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters, that he had a pre-determined view due to comments he has previously made against wind turbines, and retired from the meeting for the duration of the discussion and voting thereon)

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

P42/12 **F/YR12/0428/F (30.5.2012)**
DODDINGTON - LAND NORTH-EAST OF HOLLY TREE HOUSE, HOSPITAL ROAD, SITING OF TWO TEMPORARY MOBILE HOMES, STORAGE CONTAINER AND ERECTION OF STABLES AND 2.0 METRE HIGH TIMBER FENCE FOR EQUESTRIAN BUSINESS AND FORMATION OF 1.4 METRE HIGH EARTH BUND (RETROSPECTIVE)
(MR AND MRS M JOYCE)

Members considered letters of objection and support.

The committee had regard to 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 notes that the approach roads to this site are restricted in width, although the condition of the carriageway is poor, the verges along most of the route do not show signs of overrunning and vehicles tend to utilise existing accesses along the route as passing places. In cases where the carriageway is narrow, the Local Highway Authority often requests the provision of passing bays and this particular site would require a number of bays at 200m intervals. Given the small scale of the proposed business and the very modest level of traffic anticipated it is up to the Local Planning Authority to consider whether the request for bays is reasonable. The level of traffic that is expected to be generated is really no more than could be expected by agricultural use of the land.

Members received a presentation, in accordance with the public participation procedure, from Mr Neve, an objector to the proposal. Mr Neve informed members that he is a resident of Hospital Road, residing further down the road from this site. He expressed the view that he has serious concerns over the safety of the road, which is worsening, and he has met with the County Council regarding the road, who has stated that it would be 18 months before any funds were available to improve the road, and also feels that the proposal would also create a danger to walkers in Hospital Road.

Mr Neve expressed doubts that the site would be used as an equestrian business as there is no grazing land. He questioned why the applicants do not run their business from Holly Tree House, which is up for sale and has been for two years, without the need to require extra land for their use?

Mr Neve referred to the applicants initially having a one acre site to the north, which was removed from the application as it was sold land. He also referred to the claimed six acres that the applicant can use from his brother, which is stated as 5 minutes from the site, but he disagreed expressing the opinion that the only way to access this land is to go via Hospital Road and Benwick Road, which would be over 30 minutes away.

Mr Neve questioned whether anything else is going to be run from the site, claiming that the applicant has a HGV licence operating from the site, which has not been declared on the planning application. He requested that members refuse the application as recommended.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicants' agent. Mr Brand referred to the description of the application as being two mobile homes, stating that there are two caravans, but it is only one dwelling with two sections to it.

Mr Brand expressed the view that the main issue is the viability of the business and he feels that the appraisal of the business plan by the Council's consultant is seriously flawed, having only received these comments on 11 July 2012. He expressed the opinion that there is a mistake in the amount of land available as there was an error in the drawings, with land being removed, which had not formed part of the agricultural appraisal, but the Council's consultant has concluded that there is two acres less land available when there is not.

Mr Brand expressed the opinion that there is inconsistency and incorrect statements being made in the turnover and profit figures, which have been used from an application that was withdrawn, not from an amendment submitted and a profit of £23,000 should have been used. He referred to the mention of tenancy agreements and extra land, but stated that there is no formal tenancy agreement, but confirmation from the landowners that the land is available to his clients.

Mr Brand stated that the applicants have not invested in the land as they are holding back as if they do not obtain planning permission they do not want to spend a huge amount of money on the site. He expressed the view that the Council's consultant also visited the site when some of the

horses were off-site.

Mr Brand expressed the opinion that the Council should be supporting local people who want to start up a business. He asked that the proposal be given a chance for three years, and if the applicant does not make a success of it they would not remain on this site.

Councillor Mrs French asked if the applicant has more horses where are these kept? Mr Brand advised that some are kept on his brother's land and some on other land. Councillor Mrs French made the point that she has visited the site twice and, in her view, it is only the same horses present.

Councillor Miscandlon asked what is the proposed number of horses on the site? Mr Brand advised 15 horses over the three year period.

Councillor Scrimshaw referred to the applicant's brother's property in Benwick Road and asked if planning permission was granted for an equine business at this location? Mr Brand advised not, it is just grazing land.

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

- Councillor Mrs Newell stated that she became involved in this application due to the way that the applicant had been wrongly informed and advising him to appoint a reliable agent. She feels that there are so many inconsistencies in statements and reports, being amazed at the way the applicant has been treated. She thought the Council was in the business of helping people setting up a business feeling it is better to have a riding stable or equestrian business in an area where there are no dwellings;
- Councillor Mrs French expressed her concern over the inconsistent advice from the Environment Agency, with this site being in Flood Risk Zone 3 and the Environment Agency having no issues with this, and compared it to a similar site where an application was refused in Murrow for a mobile home as the Environment Agency did have issues;
- Councillor Patrick asked how long the mobile homes have been on the site? Officers advised that the change of use started on 24 September 2011. Councillor Patrick stated that he has visited the site twice and he does not think he has seen any equine activity;
- Councillor Miscandlon expressed concern about HGVs using the site where there are horses, which would be detrimental to the horses on site. Councillor Curtis asked, due to the comments made, is there any evidence that the site has been granted an HGV operating licence? Officers advised that an Enforcement Officer has spoken to VOSA and there is no trace of this activity being operated from this site;
- Councillor Mrs French stated that when she first visited the site there was a large amount of rubble on the land, with, in her view, the field that some of the horses were kept in being scrubland, not grazing land.

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

Refused for the following reasons -

1. **the proposal is contrary to the advice contained within Policy CS10, Part E, of the emerging Core Strategy - Rural Areas Development Policy, and Policy H16 of the Fenland District-wide Local Plan 1993 in that it fails to satisfy the functional and financial tests to prove that the enterprise has been planned on a sound financial**

basis

2. **the proposal fails to promote sustainable development in rural areas and without a justified need for the mobile home, the development is contrary to the National Planning Policy Framework.**

(Councillor Mrs Newell declared a non-pecuniary interest in this application, by virtue of the applicant approaching her for some advice on the application)

P43/12 **F/YR12/0430/F (6.6.2012)**

CHATTERIS - LAND SOUTH-EAST OF 136 LONDON ROAD, ERECTION OF A TWO-STOREY 4-BED DWELLING AND DETACHED DOUBLE GARAGE/CAR PORT/STORE
(MR R GERMAN)

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

The Chairman read out an e-mail that he had received from Councillor Melton, as follows:

"I fully support this application and I hope that the committee will approve the application as submitted. The design is of the highest quality, set in a location that is conducive to designs of this standard. I know that officers have previously opposed development in this location. However, there are no comparable development areas in Chatteris. For over 30 years, Chatteris Town Councillors, at all levels, have expressed their desire to see this part of London Road, between Tithe Farm and Ferry Hill developed to the highest standard, resulting in the urbanisation of London Road. Fenland members have constantly expressed a desire to see high quality development, in and around our settlements. This application, if approved, will demonstrate that commitment".

Members received a presentation, in accordance with the local council participation procedure, from Councillor Chambers of Chatteris Town Council. Councillor Chambers informed members that this application is supported and expressed frustration at, in his view, the erratic and mind boggling decisions being made by the Planning Department, asking for officers to come into the 21st Century and not rely on out of date documents.

Councillor Chambers stated that the Town Council wants this part of Chatteris to be urbanised and finds the design acceptable. He requested that the application be approved, allowing the Core Strategy a chance of working and to enable common sense to prevail.

Members received a presentation, in accordance with the public participation procedure, from Mr Bevens, the applicant's agent. Mr Bevens acknowledged that the scheme is outside the Development Area Boundary, but made the point that the site is not completely isolated, with there being individual executive housing in the vicinity.

Mr Bevens made the point that the site is overgrown and was used as an overflow car park to the adjacent nursery, with the proposal making full use of the southern aspect having large areas of glazing for solar gain. He expressed the view that it was felt appropriate to use the barn aesthetics and it would enhance the street elevation along this stretch of London Road.

Mr Bevens expressed the opinion that there is precedent for this plot by the approval of planning permission for Mr and Mrs Fuller of a well designed executive development in close vicinity to this site.

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

- Councillor Murphy stated that Chatteris has wanted this area to be a natural extension to the town, which he feels would enhance the entrance to Chatteris. He referred to the fact that members did approve a two-storey 3-bed dwelling in September 2011 approximately 200 yards away from this proposal on the other side of the road against a recommendation of refusal from Planning Officers. He feels that this proposal fits in with the agricultural buildings and other properties in the area, complies with the Core Strategy, IPPLS and Policy E8, does not have an adverse impact on the shape and form of the area, is not using high grade agricultural land and would not result in an unacceptable nuisance and noise to residents who are all in favour of the development. He made the point that the site was used by the nursery as an overflow car park, but it is not owned by the nursery and it no longer requires it. He expressed the opinion that every person that lives along this stretch of road thinks the location is sustainable and enjoy living there, and he would recommend approval of the application;
- Councillor Curtis asked if 134, 136 and 138 London Road are all agricultural dwellings? Officers advised that they were originally granted as agricultural dwellings. Councillor Curtis stated that he supports the principle of more executive housing in Fenland, but the National Planning Policy Framework says that housing in this location should be of outstanding character and quality and he feels by approving this proposal it would be a missed opportunity to obtain something outstanding, with officers saying the design is good but not outstanding. He believes it is wrong to support this proposal for this reason and cannot support it;
- Councillor Miscandlon asked where the overflow car park would be if this land is developed? Councillor Murphy advised that the land has not been used for several years, but the nursery does have land behind it if required for this use;
- Councillor Patrick agreed with Councillor Curtis, making the point that it is too far outside the Development Area Boundary;
- Councillor Mrs French hoped that Councillor Chambers would apologise for the unjust comments he made about officers. She expressed the opinion that it is a personal view on what is outstanding, and she thinks the design is acceptable, with a precedent existing in this location and she will support it;
- Councillor Mrs Newell stated that she has been a Chatteris councillor since 1979 and in all these years attempts have been made to obtain dwellings in this area and move the Development Area Boundary to Ferry Hill. She made the point that there are isolated properties further along from this site and in the Fens you do need a car, with this site being adjacent to a garden centre where cars are being used all the time.

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

Granted, subject to suitable conditions.

Members do not support officers recommendation of refusal of planning permission as they feel that the impact, design and location of the proposal is acceptable and precedent already exists in this area.

(Councillor Murphy registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Chatteris Town Council at which this

P72

application was discussed but took no part)

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

P44/12 **F/YR12/0484/F (22.6.2012)**
DODDINGTON - SHANTI COTTAGE, 9 BENWICK ROAD, ERECTION OF A
SINGLE-STOREY EXTENSION
(MR AND MRS S J SHORTLAND)

Officers informed members that:

- for clarification planning application F/YR11/0937/F for the erection of 5 x two-storey 4-bed dwellings with detached garages was refused
- the Conservation Officer has no objections to this proposal
- Middle Level Commissioners will not be commenting on this application.

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

Granted, subject to the conditions reported and consideration of pending consultation responses.

5.15pm

Chairman