

PLANNING COMMITTEE



22 AUGUST 2012 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M G Bucknor, D W Connor, Mrs J French, B M Keane, Mrs K F Mayor (from 2.50pm), A Miscandlon (substitute for Councillor M J Curtis), P Murphy, Mrs F S Newell, D C Oliver, D R Patrick (until 5.20pm), T E W Quince and D Stebbing.

APOLOGIES: Councillors M J Curtis and R E Scrimshaw.

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)).

P45/12 COUNCILLOR PEACHEY

Members joined the Chairman in standing in remembrance of Councillor Peachey, a member of this committee, who sadly passed away on 31 July 2012.

P46/12 MINUTES OF 25 JULY 2012

The minutes of the meeting held on 25 July 2012 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

**P47/12 F/YR12/0167/F (29.2.2012)
MANEA - LAND NORTH-EAST OF 9 PARK ROAD, ERECTION OF 4 X TWO-STOREY 3-BED HOUSES WITH ATTACHED GARAGES
(MR E BARNES)**

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:

- Councillor Archer has made the following further comments - It is my view that this site is an unsuitable location for two-storey properties of this nature. The proposed properties are overbearing in their relationship to all the nearby single-storey dwellings and are completely out of keeping with the surrounding area. This was also the view of the Parish Council. Although the applicants have reduced the numbers by one, they have not done anything to address the concerns of existing residents on this issue. The roof lines of the proposed buildings are in the region of 3m higher than the existing bungalows. The change from dormer windows to skylights may have helped mitigate this but the applicants have not chosen this option. There is also the issue of inadequate provision for dealing with the surface water. Middle Level Commissioners and the Parish Council recommend refusal on the grounds that the proposed 'soak aways' will not be sufficient on this site. Local knowledge and expert advice should be listened to on this issue and I support refusal on

these grounds alone! The Parish Council has already had to deal with flooding issues in recent times on Park Road, for this very reason. Please ensure that my views are expressed to the committee. Officer comments - the issues raised have been addressed in the officer report and taken forward, as appropriate, through the imposition of conditions (Condition 8 refers specifically to surface water drainage)

- the submitted Ecological Report has been received by the County Council's Ecologist who has made the following observations:
 - i) would like to see additional information relating to amphibians/reptiles and nesting birds including background data records prior to the determination of the planning application
 - ii) the site includes habitats with biodiversity potential so it is important for biodiversity features to be incorporated into the detailed landscape scheme - supported by a management plan
 - iii) would encourage the creation of a species rich hedgerow along the southern boundary to provide additional habitat and wildlife corridor

- in response to this, the agent's ecologist has provided an updated report and further clarification. Whilst this has been forwarded to the County Council for comment, timings are such that a response is not be available for the committee. Notwithstanding this, officers have reviewed the information supplied and it would appear that:
 - i) clarification has been provided in respect of the species identified in i) above, although it is acknowledged that historic records have not provided justification for this in terms of the transient nature of biodiversity and the benefit of historic records as an information source is challenged
 - ii) it is noted that the landscaping condition (No.3 - page 32) includes reference to the need to ensure biodiversity enhancements are incorporated
 - iii) the agent's ecologist has queried the value of introducing new hedgerows for bats on a small site as the site is not so large that bats will not cross it as it is or forage over grass (such as lawns). Noting that in Fenland bats fly miles without following hedgerows and they have radio tracking evidence in this respect. It is further noted that hedgerows may cause 'problems by attracting nesting birds - and possibly just feeding cats'

- Officer comments - it is clear that the applicant's agent has sought to address the biodiversity and habitat aspects arising from the scheme, and that a reasoned justification for the form of the report and the background research undertaken has been provided. Principally the items under (ii) and (iii) may be addressed through the post-decision landscape detail and although there is an absence of historic data, officers would be reluctant to recommend that the scheme be refused on these grounds alone
- the applicant's agent has challenged the requirement for Section 106 based on the site area as they consider the latest Core Strategy policies in this respect cannot be given any weight for two reasons - the early stage of the Core Strategy and the fact that any policy which has been altered since the last draft has not been subject to public comments and is likely to be objected to. They also query how it is proposed to calculate contributions for four houses as the calculations refer to five houses or more. Officer comments - it would be contrary to the NPPF to place nil weight on the emerging policy. Members have given a clear steer regarding the need to secure appropriate Section 106 contributions regarding developments of this nature and as such the recommendation remains unchanged.

Members received a presentation, in accordance with the public participation procedure, from Ms Smith, an objector to the proposal. Ms Smith informed members that she is a resident affected by

the proposal and is also speaking on behalf of neighbours who live on the northern boundary of the site. She stated that there are three main concerns with this application; biodiversity, size and scale, and planning conditions.

Ms Smith stated that she is a hydrologist and has seen the report from the County Council, which she received yesterday, and it highlights that the applicant's consultants assessment is inadequate, referring to Section 4 of the report, which states that issues should be addressed prior to determination of the application, with, in her view, the applicant having had many months to address these issues. She expressed the opinion that the additional conditions by the County Council should be added to the application and she would wish to see an additional condition in relation to a native hedge to provide a screen.

Ms Smith referred to Section 6 of the officers' report in relation to design, impact and layout expressing the opinion that the information contained within it is incorrect as this application and the previously withdrawn one were for chalet bungalows and there was never a formal proposal for two-storey dwellings. She feels that the two styles of dwellings have merely been moved around on the site and Plot 1 does not have a reduced height or scale, it is just a few metres further away from the boundary.

Ms Smith expressed the view that Condition 6 of the officers' recommendation points to the proposal being borderline and she feels that only single-storey bungalows would be acceptable in terms of impact on surrounding properties. She made the point that of seven of the neighbouring properties, four are bungalows, expressing her disappointment that this information is not included within the officers' report, and that the Parish Council also recommend that the development should be for bungalows.

Ms Smith referred to the Strawberry Patch, a property neighbouring the site, expressing the opinion that the proposal would have a detrimental impact upon this property, which was purposely built for her neighbour who is a paraplegic.

Ms Smith expressed the opinion that planning conditions are required that relate to biodiversity as the site has a diverse habitat and these conditions would go some way to restoring and preserving the sites value, with wildlife corridors being required across the site. She feels it is a developers risk in applying for planning permission that a site may not be commercially viable.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that this application, and the previously withdrawn one, have been in existence for approximately 12 months, which, he feels, shows the depth of involvement with officers and the negotiation that has been undertaken to reduce the scheme from five to four to make it more acceptable, with an officer recommendation for approval.

Mr Humphrey made the point that the site lies within the Development Area Boundary of Manea and Manea is identified as a growth village in the Core Strategy. He stated that the proposal is only for four dwellings, which are not houses, but chalet bungalows to respect the adjoining seven properties.

Mr Humphrey referred to biodiversity, noting that their specialist had responded to the update from the County Council, which was received yesterday, stating that due to the number of properties surrounding the site there would be no reptiles on site due to domestic cats. He expressed the view that hedging on this small site would not have an impact on bats and that the neighbours are using spoiling tactics in relation to biodiversity, which has been and will be addressed in a professional manner. He made the point that approval can be granted with conditions so that reports do not have to be provided before permission is obtained.

Mr Humphrey referred to affordable housing and the requirements as set out in the Core Strategy, expressing the view that he does not know what needs to be provided asking officers to clarify this. He expressed the opinion that the height and size of the dwellings has been reduced, and the properties have been moved away from neighbouring properties to address the concerns from neighbours.

Mr Humphrey expressed the opinion that the proposal should be granted with conditions, including producing a report in relation to Middle Level Commissioners comments, he asked members to support the officers' recommendation especially as a considerable amount of time has been spent making this proposal an acceptable scheme.

Councillor Mrs French asked how the proposed block paved access road is to be built with a no dig method? Mr Humphrey advised that the whole surface would be built up. Councillor Mrs French requested confirmation that the roots to the TPO trees would not be damaged whatsoever? Mr Humphrey advised that as far as he has been advised they would not.

Councillor Patrick asked about waste management and bin collection. Mr Humphrey advised that there is capability within the site for the bin lorry to enter, turn around and exit the site.

Councillor Quince asked if the no dig construction was in relation to the foundations of the dwellings also? Mr Humphrey advised that it is just the access roadway due to the trees that exist on site.

Councillor Miscandlon asked if the whole length of the driveway would be block paved? Mr Humphrey advised in the affirmative.

Councillor Connor queried how block paving on top of the ground would withstand the weight of a bin lorry? Mr Humphrey advised that as part of a Building Regulations application the roadway has to be up to a standard to withstand the weight of a fire engine.

Councillor Hatton asked if the applicant owns the land to the south of the application site? Mr Humphrey advised that he does, but it is outside the Development Area Boundary.

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

- Councillor Hatton stated that when he was on the Site Inspection he turned his vehicle around further down the road coming across an entrance which was gated and appears to be a natural access to this whole area. He made the point that Manea is classed as a growth village and feels that an opportunity is being lost for a quality combined development of this whole area of land by allowing, in his view, this piecemeal development;
- Councillor Mrs French raised concern over the TPO trees and the no dig block paved access, making the point that the tarmac on site has already been lifted by the roots of these trees and she is not happy to approve this application in the knowledge that some time in the future an application for removal of the trees would be made and feels that another access somewhere else might be suitable. In relation to affordable housing and Policy CS3 of the Core Strategy, she knows that Mr Humphrey as a member of the Fenland Development Forum has been consulted on the strategy prior to public consultation. She is unable to support the application.

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

Refused for the following reasons -

- **the proposal constitutes piecemeal development**
- **the access for the proposal would have a detrimental impact on the TPO trees that exist on site.**

Members do not support officers' recommendation of grant of planning permission for the reasons set out above.

(Councillor Mrs Mayor took no part in the decision on this application due to arriving late for the meeting)

(Councillor Mrs French declared a non-pecuniary interest in this application, by virtue of knowledge of the objector to the proposal)

(Councillor Murphy declared a non-pecuniary interest in this application, by virtue of using the agent for his own planning application, and took no part in the discussion and voting thereon)

**P48/12 F/YR12/0207/F (9.3.2012)
MARCH - LAND NORTH OF FLOODS FERRY FARM, FLOODS FERRY ROAD,
ERECTION OF A 36.4M HIGH (HUB HEIGHT) WIND TURBINE
(MR H WHITTOME)**

Members considered letters of support and one of objection.

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:

- for the purposes of clarification, the Council's Wind Turbine Development Policy Guidance, Paragraph 2.13 states that "existing wind turbines generally range in height from 100-125m to the tip of blades". This application has a blade tip of 46 metres. Reference is also made to possible advances in turbine technology and to the different scales of possible turbine development. This guidance is considered to continue to be relevant in the assessment of turbines of all heights as the guidance informs the Council's view of wind turbines of various sizes
- a map showing the location of existing and proposed turbines in the area has been circulated to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Whittome, the applicant for the proposal. Mr Whittome advised members that he is a farmer and applicant for the proposal, he sat before the committee last year in relation to a turbine at Staffurths Bridge, and he believes that the three aspects to that proposal are the same for this proposal; its relative size, its contribution to the farm and strength of local support.

Mr Whittome expressed the view that this proposal is for a small sized turbine compared to the larger ones, which would have been seen at the site and at Staffurths Bridge, with the approximate length of the turbine being the same as the blade on a larger turbine. He expressed the opinion that increasing energy costs, which have risen by 30%, threatens the viability of the farm and the jobs of his employees, with this proposal, in his view, being appropriate and proportionate to the size of the farm and would cut the power being brought in.

Mr Whittome explained his power usage on the farm, with this 50kw turbine being the best match and output to reduce his electric bills and provide his business with a lower carbon footprint. He provided statistics from the turbine at Staffurths Bridge, expressing the view that there has been an 80% drop in the amount of power he has to bring into the farm due to this turbine.

Mr Whittome referred to the strength of local support, expressing the view that he has discussed his plans with the occupants of the nearest properties who are all supportive of the proposal. He expressed the opinion that all the people that supported the Staffurths Bridge turbine are still supportive of it post application and implementation.

Mr Whittome hoped that members would support local people, support a local business and support the environment in using less fossil fuel by approving this application.

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

- Councillor Mrs French referred to the turbine location map that had been provided and asked if it included the turbines approved under appeal? Officers advised in the affirmative. Councillor Mrs French asked if the plan also includes the turbine applications that have been submitted this week in Whittlesey Road and Gaul Road. Officers advised it did not. Councillor Mrs French stated that she supported the applicant's previous turbine, but she feels that with the number of turbines being submitted and the Core Strategy being out for consultation, which includes allocations for March which would be affected by this proposal, she cannot support it.

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

**Refused for the following reason -
the proposal would have an unacceptable cumulative and visual impact.**

Members do not support officers' recommendation of grant of planning permission for the reason set out above.

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

**P49/12 F/YR12/0303/F (16.4.2012)
MARCH - THREE ACRES, SOUTH JUNCTION, CREEK ROAD, ERECTION OF 1 X
41.4 METRE HIGH (HUB HEIGHT) WIND TURBINE
(MR R MOORE, RICHARD MOORE ENGINEERING)**

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:

- for the purpose of clarification, the Council's Wind Turbine Development Policy Guidance Paragraph 2.13 states that "existing turbines generally range in height from 100-125m to the tip of blades". This application has a blade tip height of 55.9 metres. Reference is also made to possible advances in turbine technology and to the different scales of possible

turbine development. This guidance is considered to continue to be relevant in the assessment of turbines of all heights as the guidance informs the view of wind turbines of various sizes

- the applicant has separately recently submitted a letter to all members of the Planning Committee for information
- the applicant has advised that following a full inspection of all buildings on site no evidence of bats using them as a roost or feeding perch was found and that a report of the findings can be produced. Also, as recommended by Natural England a full suite of bat surveys (May to October) and bird surveys (January to December) are being carried out to allow an impact assessment to be made and surveys are on-going which will be reported when completed. Whilst this information is helpful, the outcome of inspections and surveys must be known prior to any planning permission being granted and, therefore, recommended refusal reason 2 remains.

Members received a presentation, in accordance with the public participation procedure, from Mr Moore, the applicant for the proposal. Mr Moore expressed the view that Fenland needs three plans; Plan A to create jobs, Plan B to create jobs and Plan C to create jobs; not just takeaway or charity jobs, but jobs for apprentices and the young, who did not create the recession, but are facing the brunt of it.

Mr Moore stated that he has spent £90,000 of his own money on this proposal and provided members with a scenario to make his point that wind turbines are similar to windmills of 200 years ago. He expressed the opinion that the Fens being flat allows for a good connection infrastructure and currently electricity prices are rising, asking why a resource should be given away.

Mr Moore stated that he has lived in Fenland all his life, he has a local business and his site currently has vacant industrial units, which he is paying rates for and cannot rent. He feels that the community can benefit from this proposal, it would provide longevity to the site and he feels that this proposal would create more jobs than all the other turbines in Fenland altogether.

Councillor Mrs French asked Mr Moore if the site was contaminated as when members visited the site they were advised not to leave the bus due to contamination? Mr Moore advised that the site is not contaminated, he has spent the last two years clearing the site of above ground waste, and contaminated signs were erected previously to deter people from the site. Officers advised that there were signs about 6-7 months ago stating the site was contaminated, which have now been removed.

Councillor Miscandlon asked Mr Moore what the large pile of rubble and waste was on the site? Mr Moore advised that it is clean hardcore that he is keeping as it has a value.

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

- Councillor Patrick expressed the view that officers' have got the recommendation on this proposal correct as it is about the visual impact and location;
- Councillor Mrs French stated that she supports local businesses but she cannot see any justification that this wind turbine would support local business, especially due to the economic climate. She feels the biggest issue with this proposal is the visual impact it would have on those that live along Creek Road. There is also an allocation of housing in the vicinity contained within the Core Strategy, which would be detrimentally impacted by this proposal;
- Councillor Bucker asked how far the turbine is from the public footpath, with the

recommended distance being 200 metres? Officers advised that proposal would be 40-70 metres from two rights of way.

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

Refused, for the following reasons -

1. the proposal is contrary to:

- **the Fenland Wind Turbine Development Policy Guidance June 2009 as it is considered to be visually unacceptable**
- **Paragraph 109 of the National Planning Policy Framework 2012 in that it does not conserve and enhance the surrounding natural environment**
- **Policy CS14 of the draft Fenland Core Strategy July 2012, which seeks to deliver and protect high quality environments across the District**
- **Policies E1 and E8 of the Fenland District-wide Local Plan, which seeks to resist development likely to detract from the Fenland landscape, be of a design compatible with their surroundings and have regard to amenities of adjoining properties, and**
- **Policies ENV2, 3 and 4 of the East of England Plan, which seeks to protect and enhance the diversity and local distinctiveness of countryside character, ensure development respects/enhances local landscape character and minimise damage to bio-diversity**

2. the application fails to provide a protected species survey of adjoining buildings to identify whether or not bats, a European protected species, may be affected by this application.

(All members present registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

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

P50/12 **F/YR12/0409/F (23.5.2012)**
MARCH - MARCH CONSERVATIVE CLUB, 14 CREEK ROAD, STATIONING OF
PORTACABIN FOR STORAGE PURPOSES (RENEWAL OF PLANNING
PERMISSION F/YR09/0228/F)
(MR S BRADSHAW)

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

Granted, subject to the conditions reported.

(Councillors Connor, Mrs French, Hatton, Keane, Mrs Mayor, Murphy, Mrs Newell, Oliver, Quince and Stebbing declared a non-pecuniary interest in this application, by virtue of being members of the Conservative Party)

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

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

P51/12 **F/YR12/0459/F (15.6.2012)**
CHATTERIS - OUTBUILDING AT 36A NEW ROAD, CONVERSION OF
OUTBUILDING INVOLVING ERECTION OF A SINGLE-STOREY REAR
EXTENSION TO FORM A 1-BED TWO-STOREY DWELLING (RETROSPECTIVE)
AND THE ERECTION OF A CYCLE/STORAGE SHED
(MRS P HARDING)

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:

- Middle Level Commissioners comment that in the absence of supporting evidence it is not considered that the applicant has demonstrated that a viable scheme for water level/flood risk management exists. The disposal of surface water being a material planning consideration
- officers note that the building has been in situ for some time and the refurbishment works/conversion works have been undertaken, notably with the benefit of Building Regulations approval, as such it is not considered appropriate to require further information in this regard.

Members received a presentation from Councillor Melton, who supports the proposal. Councillor Melton stated that New Road lies in Birch Ward, which he represents, and he is attending the meeting as the ward member supporting his constituents.

Councillor Melton stated that there is a housing problem in Fenland and this property could be brought back into use to assist with the deficit. He feels that the Council has not been joined up in relation to this property, as far as long as he can remember it has been occupied and Council Tax has been paid on it for a number of years.

Councillor Melton expressed the opinion that it is only due to objections from the Local Highway Authority that a problem has arisen, but thanked officers for the way that have attempted to reach a solution to overcome the problems. He referred to an e-mail received from officers on 13 August 2012 stating that due to a highway objection the application was being recommended for refusal and in response he asked some questions as follows:

- has the highways officer taken into account the historical use of this site (lorries and storage)?
- has the highways officer taken into account that there is an existing use for the site, i.e. property currently occupied by the applicant, who currently drives in and out every day, also her extended family are frequent visitors, all driving in and out?
- has the highways officer taken into account that the vehicles from the proposed application would increase by a maximum of two vehicles?
- has the highways officer taken into account that there has never been an accident/incident whilst vehicles are leaving the site?
- has the highways officer taken into account the remedial works the applicant is prepared to undertake at the entrance/egress of the site to slow and stop the traffic exiting the site? This

will make the existing use safer.

Councillor Melton made the point that the pavement outside the property is double width and he has visited the site and reversed out of the site as the gate was shut and he had no problem with visibility. He made the point that this application includes the provision of a turning area so that all vehicles would leave the site in forward mode.

Councillor Melton expressed the opinion that the Local Highway Authority has got its position wrong, he has challenged them and their criteria. He feels that the proposal would bring back into use a valuable home for Fenland that is badly needed, it would improve the safety of the site, making the access to enter and exit the site easier.

Councillor Hatton asked if there had been any accidents at this location? Councillor Melton advised none.

Councillor Mrs French asked for clarification that the site has a previous use, which is not included in the history section of the report, understanding that this was a commercial use where vehicle movements would have been greater than residential? Councillor Melton advised that Mr Harding ran a successful removal business from the site and the front properties of the site also previously used the access.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agent. Mr Brand stated that the issue is highway pedestrian visibility and the width of the access, which is 4.85 metres and not the necessary 5 metres. He made the point that highway improvements are proposed and a revised plan has been submitted in consultation with officers to provide a rumble strip at the entrance making the access safer by slowing vehicles down before they exit.

Mr Brand expressed the view that the footpath is 9 feet wide so there would not be a problem with pedestrians. He stated that the site has been in use for 10 plus years as the property was initially an annexe to the main house and has been rented out quite recently.

Mr Brand referred to an application approved in March at 122 High Street for two dwellings behind a Listed Building, which has a narrow access that is only 3 metres wide, making the point that the Local Highway Authority objected but officers felt the benefits of the scheme outweighed the highway objections. He asked for a commonsense decision as the outbuilding was part of a business and there was previously a business use on the site.

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

- Councillor Patrick expressed the view that from visiting the site to look at the access and from the level of traffic that commonsense should prevail and the proposal should be granted;
- Councillor Mrs French stated that Cabinet asked for a survey on the number of empty properties in Fenland, which shows there are 498 with over 3,000 people on the waiting list. She believes that Local Highway Authority have got it wrong, the site did have a previous use for commercial and a residential use would mean less vehicle movements. She would recommend approval;
- Councillor Quince expressed the opinion that the access seems adequate to him and he would recommend approval.

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

Granted.

Members do not support officers' recommendation of refusal of planning permission as they feel that the access is acceptable and adequate based on the previous use of the site.

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

P52/12 F/YR12/0469/F (15.6.2012)
GOREFIELD - LAND WEST OF OLD WOOD YARD, BIRDS DROVE, ERECTION
OF 2 X 14.97M HIGH (HUB HEIGHT) TURBINES
(MR M PATRICK, MARK PATRICK 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.

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

- Councillor Mrs Mayor expressed the opinion that on viewing the application site on site inspections it is obvious that the site is disused, which has also been highlighted by the Parish Council, and she doubts the need for the proposal;
- Councillor Stebbing asked what is the purpose of the application, where is the electricity going and is there any benefit to the community;
- Councillor Mrs French expressed the opinion that there would be a detrimental visual impact from the proposal, it would not serve the wood yard but go straight into the grid and the community would not benefit from the development. She would recommend refusal.

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

Refused for the following reason -
the proposal would have a detrimental impact on the Fenland landscape.

Members do not support officers' recommendation of grant of planning permission for the reason set out above.

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

P53/12 F/YR12/0490/EXTIME (28.6.2012)
CHATTERIS - LAND WEST OF 28 HIGH STREET FRONTING RAILWAY LANE,
ERECTION OF A 3-BED DETACHED ONE AND A HALF STOREY HOUSE WITH
ATTACHED CARPORT (RENEWAL OF PLANNING PERMISSION F/YR09/0320/F)
(MR P MURPHY)

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 Town Council has no objections
- the County Council's Archaeology Team has no objections.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that this is a straight forward renewal application, which was approved in July 2009, and is supported by the Town Council, requesting consistency by approving the application again.

Mr Humphrey expressed the view that the site lies in a sustainable location near to the Town Centre and meets officers' requirements. He stated that he has been asked to contact Building Regulations, which shows there is a commitment for the site to be developed.

Mr Humphrey expressed the opinion that if the applicant was not a councillor the proposal would have been approved under delegated approval.

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

Granted, subject to the conditions reported.

(Councillor Murphy declared a Disclosable Pecuniary Interest in this application, by virtue of being the applicant for the proposal, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by virtue of being a fellow District and Town Councillor of the applicant)

(Councillor Mrs Newell registered, in accordance with 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)

P54/12 **F/YR12/0491/F (28.6.2012)**
MARCH - 22 ORCHARD ROAD SOUTH, ERECTION OF A DETACHED DOUBLE GARAGE WITH STORAGE ABOVE, TWO-STOREY SIDE EXTENSION, PORCH AND GARDEN SHED AND ALTERATIONS TO FIRST-FLOOR TO INCLUDE INSERTION OF THREE DORMERS TO EXISTING DWELLING
(MR S SPENDELOW)

Members considered one letter of 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 comments have been received from the adjoining neighbour who acknowledges that changes to the property will dramatically change the exterior appearance, however, they wish it to be known that they welcome the plans and have no objections to the proposals.

Members received a presentation, in accordance with the public participation procedure, from Mr

Brand, the applicant's agent. Mr Brand expressed the view that he can only find two reasons for refusal; the removal of the existing dominant gable on the front elevation and the altered dwelling no longer matching the neighbours.

Mr Brand expressed the opinion that the existing dominant gable is a stark feature which if proposed today would be flatly refused with officers wanting a traditional dormer style as proposed in this scheme. He referred to planning policies but that there is no criteria for these policies to be judged against, specifically referring to the details of Policy CS14 of the Core Strategy.

Mr Brand expressed the view that members would have seen from their site visit that all the properties on Orchard Road, Orchard Close and Orchard Road South are individual properties built between 1960 and 2010, with only this dwelling and the neighbouring one being identical. He feels that Councillor Owen's reason for bringing this application to committee accurately states why it should be approved.

Mr Brand made the point that 20 and 22 Orchard Road South are not Listed Buildings or in a Conservation Area, which would warrant, in his view, the retention of the existing gable feature and the symmetry between the two properties. He expressed the opinion that there are no other criteria of Policies E9 or CS14 which warrant refusal of this proposal, which he feels was set out in the written planning statement that accompanied the application after receiving a negative response to the pre-application enquiry.

Mr Brand referred to the handout that had been circulated to members, which, he feels, shows the proposal would be an attractive enhancement to the area by the subtle remodelling of the roofline making it of distinctive individual character as the rest of the estate. He pointed out the examples, in his view, in the handout where the symmetry and appearance of identical houses have been permitted to be altered and extended.

Mr Brand further referred to the handout which shows, in his opinion, a scheme that members approved in April 2011 that did not adversely affect the surrounding properties or the street scene. He expressed the view that the report finds no fault with the two-storey extension design or garage conversion, which alone would materially alter the overall symmetry, and he cannot see why the proposal warrants refusal because of the removal of the existing dominant dormer gable.

Mr Brand asked members to support the proposal and overturn officers' recommendation of refusal.

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

- Councillor Mrs French expressed the view that she cannot see anything wrong with this proposal, it is a nice design and she is surprised that, with the amount of land the property has, a request for an additional dwelling is not being made. She feels the proposal relies on personal choice and she would support it;
- Councillor Mrs Newell queried Middle Level Commissioners comments as "will be commenting"? Officers advised that this is a common response, however, as this is a house extension and not a new dwelling any comments would only be advisory;
- Councillor Mrs Newell queried the need for a contamination condition? Officers advised that if members were minded to grant the proposal, there would be the need to attach a standard un-suspected contaminated condition recommended by the Council's Scientific Officer. Councillor Mrs French expressed the view that she would not support a contamination condition as the proposal is only for an extension.

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

Granted, subject to suitable conditions to include:

- **start date**
- **approved plans.**

Members do not support officers' recommendation of refusal of planning permission as they feel that the design is acceptable in the street scene.

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

P55/12 **F/YR12/0495/F (29.6.2012)**
WISBECH - LAND EAST OF TRIPLE ACRE, LORDS LANE, ERECTION OF A
TWO-STOREY 4-BED DETACHED DWELLING WITH ATTACHED DOUBLE
GARAGE AND 1.2 METRE HIGH POST AND RAIL FENCE
(MR J NEGUS)

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 presentations, in accordance with the public participation procedure, from Ms Rudd, the applicant's granddaughter, and Mr Negus, the applicant. Ms Rudd made the point that the application is supported by the Town Council and the plans have been discussed with neighbouring residents.

Ms Rudd expressed the view that the plot is infill as the site is in between two properties and is not in the open countryside as it would have two properties either side and many other buildings surrounding it. She stated that the dwelling is required to assist with the small holding, which would enable it to be extended in the future and would assist with security, with it suffering from three break ins in one day this year.

Ms Rudd expressed the view that there is no intention of removing the hedge as there is an existing gateway on the site.

Mr Negus expressed the opinion that the hedge is not being removed as he has only just planted it. He stated that he brought the field as rubbish used to blow over into it and he has put most of it down to forestry, with 100 trees already planted there and the intention to plant another 300 and he has a 120 x 30 greenhouse ready to be re-erected on the site.

Mr Negus expressed the view that he cannot see why the proposal cannot be accepted as there are lots of farms in the vicinity and lots of land is derelict in the lane as a living cannot be earned on 7 acres. He asked members to look at the proposal in the same way as the Town Council who know the site.

Councillor Mrs French asked Mr Negus why the site is shaped as it is? Mr Negus advised that it is this shape as he wanted shrubbery, with the rest of land to be laid to shrubs.

Councillor Patrick asked if the proposal would be in association with running an agricultural business? Mr Negus advised more or less.

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

- Councillor Mrs Newell asked why a reason for refusal is due to the removal of the hedge when the applicant says this is not the case? Officers referred to the plan which shows a rail and post fence along the frontage of the site;
- Councillor Patrick asked if this dwelling is to be linked to an agricultural business can an agricultural occupancy restriction be placed upon it? Officers advised that if members are minded to grant the proposal, it should be granted without any restriction as there is no justification for this;
- Councillor Mrs French expressed the opinion that the proposal would support a generation of a family, the Council is Open for Business and if the infill policy still existed the proposal would be approved on infill. She believes that proposal can be supported.

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

Granted, subject to suitable conditions to include

- **start date**
- **revised Flood Risk Assessment**
- **hedge not to be removed**
- **materials**
- **approved plans.**

Members do not support officers recommendation of refusal of planning permission as they feel that the proposal would enhance the business that currently exists, would provide security to this business and the location is acceptable.

(Councillor Murphy declared a Non-Pecuniary Interest in this application, by virtue of using the agent for his own planning application, and took no part in the discussion and voting thereon)

P56/12 **F/YR12/0503/F (4.7.2012)**

WIMBLINGTON - 2 TUDOR PLACE, ERECTION OF A DETACHED SINGLE GARAGE AND CONVERSION OF GARAGE TO FORM ADDITIONAL LIVING ACCOMMODATION TO EXISTING DWELLING (MR M SHOESMITH)

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 made comments, asked questions and received responses as follows:

- Councillor Murphy made the point that nobody uses their garage as a garage these days, so he would recommend approval.

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

Granted, subject to the conditions reported.

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by virtue of the applicant being her son-in-law, and retired from the meeting for the duration of the discussion and voting thereon)

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

P57/12 **F/YR12/0504/F (5.7.2012)**

**MARCH - LAND WEST OF PROSPECT BUNGALOW, BURROWMOOR ROAD,
ERECTION OF A TWO-STOREY 3-BED DWELLING WITH DETACHED DOUBLE
GARAGE IN ASSOCIATION WITH EXISTING BUSINESS
(MRS H LOMBARDO)**

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 made comments, asked questions and received responses as follows:

- Councillor Mrs French stated that she would like to support this application, however, there is a lack of justification for it making the point that if the bungalow was on the other side it would provide security, but she cannot see what purpose it would serve being on the side it is. Officers advised that there is not available space the other side of the business site;
- Councillor Stebbing asked if the application affects the employment of the individual? Officers advised that they do not have any justification or rationale behind the proposal. Officers explained from the Design and Access Statement on the application file why according to the applicant the dwelling is required;
- Councillor Quince stated that he is inclined to support the proposal, it is on the bypass and is advertised as a 24 hour breakdown service;
- Councillor Miscandlon expressed the view that the current location of the bungalow would offer no security to the business as it cannot be seen;
- Councillor Mrs Newell asked if the person connected to the business living in Prospect Bungalow is retired? Officers advised, from indication from the applicant, that they were.

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

Granted, subject to suitable conditions to include:

- **start date**
- **landscaping**
- **materials**
- **highway conditions**
- **flood risk assessment conditions recommended by the Environment Agency.**

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal is required to support a business in close proximity to the site.

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

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

P58/12 **F/YR12/0506/F (5.7.2012)**
WISBECH - 5 CHURCH TERRACE, INSTALLATION OF NEW SHOP FRONT AND
SECURITY SHUTTER
(FAIRBROTHERS PHARMACY LTD)

Members received presentations, in accordance with the participation procedure, from Councillors Hodgson and King, supporters of the proposal. Councillor Hodgson expressed the opinion that the security shutters are an additional security measure for the premises, which has already had a break in, with there being other premises in the vicinity that already have shutters. He made the point that the application has been refused in the past as the premises lies within a Conservation Area and opposite a Grade I Listed Church, but he stated that there are four shops in Church Terrace, yards from this premises, that have security shutters and all the roads nearby in the Conservation Area have shops with security shutters.

Councillor Hodgson expressed the view that security shutters would make the Town Centre cleaner and safer. He made the point that shops in the Market Place have security shutters and security for shops is essential, especially for pharmacies that store dangerous items.

Councillor Mrs French asked how many shops have shutters in close proximity to the actual Church? Councillor Oliver responded that Beales has shutters in its doorway, which is next to this premises.

Councillor Bucknor referred to the comments of the Police Architectural Liaison Officer who says that the premises already has shutters for security? Councillor Hodgson advised that these shutters are internal and the premises is asking for additional security.

Councillor Miscandlon asked if the permission granted on 28 October 2009 for shutters are the internal shutters that are in place? Councillor Hodgson advised in the affirmative.

Councillor Bucknor asked if the Police Architectural Liaison Officer is saying that the internal shutters if used are enough to make the premises secure? Councillor Hodgson advised that the premises do not agree as once windows are broken there is access to the internal shutters.

Councillor King stated that he supports everything that Councillor Hodgson has said. He stated that he is not a fan of external security shutters and there are hideous examples, but he feels there are modern shutters that are quite acceptable.

Councillor King asked that members approve the proposal and that officers work with the applicant to reach an acceptable design on external shutters. He made the point that internal shutters do not stop vandalism and this is crucial to the applicant.

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

- Councillor Mrs French asked for officers comments in relation to the comments made by Councillor King. Officers advised that they would be opposed to any external shutters, which if allowed to continue would erode the character of the Conservation Area. The advice from the Police Architectural Liaison Officer is that if the internal shutters are used it would be adequate protection for the shop. It is acknowledged that there may be other shutters in the areas, but two wrongs do not make a right, and if unauthorised, enforcement action should take place. Councillor Mrs French asked if officers are saying that some shutters in the area are unauthorised? Officers advised that some may be historic and

immune from planning control;

- Councillor Oliver stated that he is not a fan of shutters on the front of buildings, but he disputes the figures on vandalism as he has instances reported to him and others on a weekly basis. He expressed the view that if shops cannot protect the front of their premises the insurance becomes null and void, and windows are expensive to replace;
- Councillor Murphy asked why members did not have a site visit to see for themselves how close the premises is to the Church?;
- Councillor Patrick referred to problems with vandalism and questioned if there is glass that is strong enough to withstand vandalism so that the internal shutters are adequate?;
- Councillor Mrs Mayor made the point that the applicant has taken the correct course of action by applying for planning permission. She referred to a premises in Whittlesey where shutters were put up and the shop was told to take them down, which has resulted in an empty shop, asking if this is what is wanted here?;
- Councillor Mrs French asked if officers can investigate who has shutters in this location and who has permission;
- Councillor Bucknor asked if members can see the design of the shutters to see if there is a design that would look good in a historical setting such as this? Officers advised that they do not have a design of what the shutters would like so they may need to ask the applicant to provide more details.

Proposed by Councillor Connor, seconded by Councillor Mrs Newell and decided that there be a:

Committee inspection of the site.

(Members feel it is necessary to inspect the site of this application to enable them to assess the impact of the proposal upon the Conservation Area and Grade I Listed Church)

P59/12 **F/YR12/0509/F (25.6.2012)**
TYDD ST GILES - THE FORMER BOWLING GREEN, KIRKGATE, ERECTION OF
A TWO-STOREY 4-BED DWELLING WITH DETACHED GARAGE AND
FORMATION OF NEW VEHICULAR ACCESS
(MRS P GRANT)

Members considered letters of objection and one letter of 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 advised that an additional comment has been received from a neighbour reiterating previous concerns over the development of this site.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey expressed the view that this proposal is an actual extension of the existing village, with the site abutting the Development Area Boundary.

Mr Humphrey stated that there was initially an application for two 'run of the mill' houses and he thanked Planning Officers for working with him to produce a scheme that has a gatekeepers

cottage feel and, in his view, fits in. He expressed the view that this single large cottage sits on a spacious plot and ticks all the boxes in relation to impact upon neighbouring properties and amenity.

Mr Humphrey expressed the opinion that the trees were removed from the site historically as they were not in existence when the site was surveyed. He stated that his client is a well respected local person who would not remove the trees to suit this proposal.

Mr Humphrey expressed the view that this is a great development and should be encouraged as it is in accordance with the new design policies.

Councillor Mrs Newell asked about the site being the former Bowling Green? Mr Humphrey advised that he cannot remember it being a bowling green.

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

Granted, subject to the conditions reported.

(Councillor Murphy declared a Non-Pecuniary Interest in this application, by virtue of using the agent for his own planning application, and took no part in the discussion and voting thereon)

P60/12 **F/YR12/0538/F (18.7.2012)**
DODDINGTON - LAND WEST OF 6 PRIMROSE HILL, ERECTION OF A SINGLE-STOREY 4-BED DWELLING WITH INTEGRAL DOUBLE GARAGE
(MR R LISTER)

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

Officers informed members that:

- Doddington Parish Council considered the planning application at its meeting last night and wish to record its strong objection to the application for the following reasons:
 - the proposed development does not accord with the provisions of the development plan that is in force for the area
 - the proposed access to the development shows a vehicular crossing with a tarmac surface constructed in accordance with Cambridgeshire County Council Highway department "housing estate road construction specification". However, we would draw to your attention that the land between the proposed development boundary and Primrose Hill is common land
 - the granting of further development along Primrose Hill is not in keeping with the present street scene

- the Local Highway Authority has no objection and recommends the following conditions:
 - the gradient of the vehicular access shall not exceed 1:12 for a minimum distance of 5.0m into the site measured from the near channel line of the highway carriageway
 - prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the

- Cambridgeshire County Council construction specification
 - the access shall be constructed with adequate drainage measures to prevent surface water run-off from the public highway entering the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority
- this development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an offence to carry out works within the public highway without permission of the Highway Authority. It is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents and approvals are also obtained from the County Council
 - the comments of Doddington Parish Council are noted, however, there is no evidence to support the contention that the site lies on common land. In any event this would be a civil matter relating to land ownership which should not be considered in assessing the acceptability of the proposal in planning terms. In addition, it is felt that the proposal accords with the policies of the emerging Core Strategy and the NPPF and as a result can be supported
 - the recommendation remains one of Grant, subject to additional conditions as recommended by the Local Highway Authority above.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agent. Mr Brand informed members that everything has been covered in the introduction to the application by planning officers.

Councillor Miscandlon questioned the size of the site being 0.249ha, which is just below the 0.25ha threshold for Section 106 contributions? Mr Brand advised that the application was submitted on 18 July before the Core Strategy was published for consultation and it is pure coincidence that it is below 0.25ha.

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

Grant, subject to

1. **expiry of the consultation period with no new grounds of objection being received**
2. **the conditions reported, plus the additional Local Highway Authority conditions detailed above.**

P61/12 CHATTERIS - KENT HOUSE, BLACKHORSE LANE

Members were informed that this item had been withdrawn for further negotiations.

P62/12 MARCH - LAND AT 62A WEST END

Members considered what action to take in respect of the demolition and removal of a wall (above 1 metre in height), without permission, from a Conservation Area at land at 62A West End, March. Members were informed:

- of the background to the current situation on the site;
- that the wall was specifically recognised in the March Conservation Area Appraisal as being of particular note; forming a distinctive boundary treatment within the Conservation Area and being characteristic of the time-period when it was constructed;

- that the original boundary wall represents an attractive, historical feature worthy of preservation and its removal in these circumstances is not compliant with saved Policies E12 and E14 of the Fenland District-wide Local Plan. Furthermore, an additional brick wall and area of hardstanding has now been developed within the garden area, adjacent to the highway, which is new development that would have been shielded by the original wall. The new wall has been constructed using modern methods and new materials, resulting in a development at odds with the established setting in terms of styling, colour, texture, finish and overall look;
- that the new addition to the historic environment fails to complement or integrate with the established vernacular characteristic of the Conservation Area. The development has introduced a stark, visually intrusive element and since the original wall is no longer in place the street scene has altered significantly due to the now open view afforded into the garden area, which has exacerbated the visual harm to the amenity of the Conservation Area;
- that whilst the owner of the land, who is responsible for removal of the wall, has shown a willingness to comply, it is felt that the wall is of such historical importance that it should be afforded the added protection of a formal notice in an effort to prevent a repeat of this situation, together with a stipulation on how the wall should be reinstated and the materials to be used.

Councillor Mrs French stated that this site lies within her ward and she feels that it is appalling what has happened to this wall. She expressed the view that West End is one of the nicest walks in March and contains many beautiful buildings. She feels that the owner removed the wall with the full intention of not replacing it and the residents of West End are upset by these actions. She expressed the opinion that if action is not taken the same situation could occur in other places in Fenland.

Proposed by Councillor Mrs French, seconded by Councillor Stebbing and **decided that:**

1. **Enforcement Notice proceedings under Section 38 of the Listed Buildings and Conservation Areas Act 1990 be authorised to secure the reinstatement of the development;**
2. **prosecution proceedings under Section 38 of the Listed Buildings and Conservation Areas Act 1990 be authorised should any formal Notice proceedings, authorised and issued, achieve non-compliance;**
3. **default works under Section 38 of the Listed Buildings and Conservation Areas Act 1990 be authorised should compliance not be achieved by the measures detailed above.**

(Councillor Patrick had left the meeting prior to the determination of this item)

5.50pm

Chairman