

# PLANNING COMMITTEE



14 NOVEMBER 2012 - 2.30PM

**PRESENT:** Councillor P Hatton, Chairman; Councillors M G Bucknor, D W Connor, M Cornwell, D Hodgson, B M Keane, Mrs K F Mayor, A Miscandlon, Mrs F S Newell, D R Patrick, T E W Quince, R E Scrimshaw, D Stebbing and W Sutton.

**APOLOGIES:** Councillor M I Archer.

Officers in attendance: G Nourse (Head of Planning), 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)).

## P118/12      MINUTES OF 17 OCTOBER 2012

The minutes of the meeting of 17 October 2012 were confirmed and signed, subject to the following amendments:

- in relation to minute P117/12, the decision to read "Proposed by Councillor Connor, seconded by Councillor Archer and **decided that the Tree Preservation Order in respect of the Poplar tree at the rear of 8 Horsegate, Whittlesey be confirmed**"
- in relation to minutes P93/12, P103/12, P109/12 and P114/12, Councillor Bucknor's declaration to read "(Councillor Bucknor stated that he is a member of Wisbech Town Council, but takes no part in planning matters)".

\* FOR INFORMATION OF THE COUNCIL \*

P119/12      F/YR12/0697/F  
BENWICK - LAND NORTH-WEST OF 6-7 NENE PARADE, ERECTION OF A TWO-STOREY 5-BED DWELLING WITH SOLAR ROOF PANELS AND DETACHED TRIPLE GARAGE  
(MR AND MRS RUSHBROOK)

Members were informed that this application had been withdrawn by the applicants.

P120/12      F/YR12/0368/F  
SOMERSHAM - LAND SOUTH-WEST OF OLD HALVES FARM, CHATTERIS ROAD, ERECTION OF 2 X 50 METRE HIGH (HUB HEIGHT) WIND TURBINES  
(MR CS AND AR ALLEN)

Members considered letters of objection and one letter of support.

Officers informed members that the report should refer in the summary on Page 45 and as part of the refusal reason to **individual** and cumulative landscape, visual and sequential impacts.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Murphy of Chatteris Town Council. Councillor Murphy informed members that

Chatteris Town Council strongly recommends refusal of the proposal referring and detailing the consultation response of the Town Council as set out within the officers' report.

Councillor Murphy referred to the cumulative effect on this area and that the Town Council believes it is not a cumulative effect in this instance as the Red Tile Wind Farm, which is in Huntingdonshire, is 4.8 kilometres to the rear and right whilst driving down Somersham Road and the proposed two very large turbines of this application are to the front and left off the same road. He expressed the view that these turbines would be very visible as they would lie in a totally flat landscape and, in his view, Red Tile Wind Farm is very visible, like being in your back garden despite being 4.8 kilometres away.

Councillor Murphy expressed the opinion that this proposal is a completely new site in the open countryside with magnificent vistas as far as the eye can see. The Town Council believe that if this proposal is approved, it would be highly likely that the powers that be will say there are already now two here so the cumulative effect would not be of any detriment to this area.

Councillor Murphy asked members to support officers' recommendation and make twelve town councillors very happy.

Councillor Hatton made the point that members did not have a site visit on this proposal as they would only be looking at an open field and it was felt that it was better to view the photomontages. Councillor Murphy expressed the view that the photomontages do not adequately reflect the situation.

Councillor Hodgson asked if there are houses nearby that would be affected by a noise problem? Councillor Murphy advised that there are one or two houses dotted around this area, but none that are close to it.

Members received a presentation, in accordance with the public participation procedure, from Mr Gallie, the applicant's agent. Mr Gallie stated that this application was made in April of this year and has faced minimal objection from members of the public or from statutory consultees. He expressed the view that the turbines are medium in scale, and not as large as those at the Red Tile Wind Farm situated over 4km to the north-west, being 50m to hub and 74m to blade tip and over a third smaller in height.

Mr Gallie expressed the opinion that these turbines would make a significant contribution to renewable energy targets as set in the extant East of England Plan, as well as national targets of 15% of energy production from renewable sources by 2020. He stated that the turbines are capable of producing over 3 million KW hours of clean and renewable energy per annum and, in his view, such benefits should be the starting point for the proposal's acceptability.

Mr Gallie expressed the view that apart from the renewable energy benefits, the proposal accords with the current Local Plan, including the draft Core Strategy, as the application:

- is not located in either a locally important or nationally significant landscape or likely to impact on the Fens landscape character area
- presents no noise or visual amenity impacts on nearest neighbours or nearby settlements
- would not impact on the Ouse Washes SAC
- would not present substantial harm to significant heritage assets in the wider area.

He feels the proposal is also compliant with access, MOD/aviation, design, flood risk and other issues where the Council/statutory consultees either raised no objection or were satisfied there would be no significant impacts. He made the point that even Cambridge City Airport's very late

objection has been retracted due to recognition that the proposal would not have any impact on its radar operations.

Mr Gallie referred to the remaining issues that concern officers being of cumulative effect in terms of landscape, visual and sequential impacts, and supposedly 'unresolved' heritage and ecology issues. In his view, any weighting given to heritage and ecology as potential reasons for refusal is questionable as Natural England clearly states that the proposal is unlikely to have impact on the internationally designated Ouse Washes and English Heritage was also satisfied that the proposal would lead to 'less than substantial harm' to the two SAMs located over 2.3km to the north-east.

Mr Gallie expressed the view that the Council's own Wind Turbine Guidance states that the 'Fens' landscape has a high capacity for and 'low overall sensitivity' to small scale groups of turbines and these baseline indicators formed the exercise which was undertaken to establish levels of visual, landscape and cumulative impact. The exercise concluded that there would be an acceptable level of landscape and visual landscape and whilst some minor cumulative effects might be possible, there are very few public view points where this application and Red Tile would interact to an unacceptable level of cumulative effect, which he feels is clearly demonstrated in the photomontages for the proposal.

Mr Gallie expressed the opinion that while some minor sequential views were possible along the B1050, the overall assessment of cumulative effect also included consideration of simultaneous and successive cumulative views, which were not found to be unacceptable. He feels that any planning inspector would also have to weigh these effects against the overall merits of the scheme, including its major contribution towards renewable targets, strong compliance with planning policy and limited life span and, in his view, these combined factors have not been given due consideration in the officers' overall decision.

Mr Gallie expressed the view that the siting of two medium scale turbines in this location is highly sustainable and in line with the NPPF, which is justified by the clear lack of statutory objections, the proposal's compliance with planning policy and the major contribution towards renewable energy generation/CO2 reductions which would result. He asked that members come to a balanced decision which takes into account all factors and approve the application.

Councillor Stebbing asked Mr Gallie if the proposal would provide any direct benefit to the locality or would it be going into the National Grid? Mr Gallie advised that the proposal would go into the National Grid. Councillor Stebbing made the point that there is, therefore, no reason for the proposal to be sited in this location? Mr Gallie advised that the proposal is sited in this location in accordance with the Council's Wind Turbine Guidance.

Councillor Miscandlon acknowledged that the objection from Cambridge Airport has been removed recently, but asked Mr Gallie about the consultation response from Sutton Meadow Airfield? Mr Gallie acknowledged its response, but made the point that the airfield goes on to say that the effect of the development is not so substantial that it wishes to object. Councillor Miscandlon made the point that trainee pilots in the line of these turbines is not good practice. Mr Gallie responded that these turbines are medium scale and the height that planes fly are thousands of feet in the air.

Councillor Hodgson asked Mr Gallie if there are any houses nearby that would experience a problem with noise as Environmental Health have made recommendations in relation to noise? Mr Gallie advised that discussions have been held with Environmental Health, who is happy with the distances and have added its own standard condition to the proposal.

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

- officers made the point that although the Council does have a Wind Turbine Guidance Policy there are other policies under which this application has been considered and recommended for refusal. The Wind Turbine Guidance Policy was produced in June 2009 at a time when lots of development had not been implemented and it now needs revisiting, with there being a proposal as part of the Core Strategy to bring this guidance policy up-to-date;
- Councillor Mrs Newell stated that she would have liked for the committee to have a site visit as the photomontages do give an adverse impression of the area;
- Councillor Mrs Newell referred to the comments of the statutory consultees, in particular Environmental Health and English Heritage, and feels there is much hearsay about issues;
- Councillor Sutton expressed the view that weight should be given to the knowledge of local councillors and he would support the officers' recommendation;
- Councillor Patrick stated that having read the report he agrees that the officers' recommendation should be supported.

It was proposed by Councillor Mrs Newell, seconded by Councillor Hodgson that the proposal be deferred for a committee inspection of the site, which was not supported on a majority vote by members.

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

**Refused, as the proposal is contrary to**

1. **the Fenland Wind Turbine Development Policy Guidance June 2009 as it is considered to have an adverse individual and cumulative landscape, visual and sequential impact in the area**
2. **Paragraph 109 of the National Planning Policy Framework 2012 in that it does not conserve or enhance the surrounding natural environment**
3. **Policy CS12 (Renewable Energy) and CS14 (Delivering and Protecting High Quality Environments across the District) of the draft Fenland Core Strategy July 2012**
4. **Policies E1 and E8 of the Fenland District-wide Local Plan, which seeks to resist development likely to detract from the Fenland landscape and have regard to amenities of adjoining properties**
5. **Policies ENV2 and 4 of the East of England Plan, which seeks to protect and enhance the diversity and local distinctiveness of countryside character and ensure development respects/enhances local landscape character.**

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

**P121/12**      **F/YR12/0432/F**  
**WISBECH - LAND NORTH OF THE BLACKFRIARS, ST AUGUSTINES ROAD,**  
**ERECTION OF 12 X THREE-STOREY 3-BED DWELLINGS WITH PARKING**  
**INVOLVING DEMOLITION OF EXISTING BUILDINGS**  
**(MR D LEPLA, TOTAL INVESTMENTS 2006 LLP)**

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 viability assessment has been received and assessed, and it has been confirmed by the Council's Independent Assessors that the scheme is not viable with affordable housing, education and waste Section 106 requirements factored in. Discussions are on-going between FDC officers and the County regarding the County elements of the Section 106 with a view to reaching an agreement, however, FDC officers are supportive of this approach given the constraints of the site and viability issues arising from the development. Accordingly, the recommendation remains as per the agenda, with delegated authority being sought from members to resolve the Section 106 position with a view to issuing consent, within the parameters of the Council's own Independent Viability Assessment, dependant on County advice.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker informed members that the scheme arises following lengthy pre-application with officers on numerous proposals over a nine month period, with a previous application being submitted with expected officer support as it corresponded with the development on the adjoining site and it was refused at the eleventh hour by an officer brought in as a replacement, resulting in much hard work and money being wasted.

Mr Broker expressed the opinion that this application is in full conformity with the views of planning officers, with a viability assessment now being provided, which was not necessary at the time of the first application in terms of affordable housing. He asked that if the proposal is approved that the remaining assessments for the proposal can be achieved without too much delay.

Councillor Patrick asked Mr Broker what happens to the businesses on the site? Mr Broker advised that these businesses are under a short-term lease and at such time as a successful purchaser is found for the site it would be handed over for residential development.

Councillor Scrimshaw expressed the view that 18 parking spaces for 12 x 3-bed houses does not seem enough spaces. Mr Broker advised that parking has been considered during the application in conjunction with officers, the full standard cannot be provided and as the site lies near to the town centre other parking is available. Councillor Scrimshaw stated that St Augustines Road suffers from parking problems already, the Police Architectural Liaison Officer has concerns, and this a large site for only 18 parking spaces to be provided. Mr Broker advised that the overall layout of the site has been designed so that all the parking is in the centre of the site and is overlooked by nearly all the dwellings so that security is at a premium.

Councillor Hatton referred to Mr Broker mentioning that the existing businesses on the site moving once a successful buyer is found and asked if the applicant is not going to develop the site? Mr Broker advised that other developers have looked at the site and it would be put on the market as a residential development site.

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

- Councillor Patrick stated that the site has been commercial land for many years and he would have thought that it was commercially viable with existing businesses on site and it

should be retained as commercial. Officers advised that it could be argued that the proposal removes a non-conforming use from the site given the permission that exists for the Blackfriars site and the characteristics of St Augustines Road;

- Councillor Connor agreed with the comments of Councillor Scrimshaw in that he does not feel that enough parking is being provided on the site given the current parking situation in St Augustines Road and asked what happens in the event of an emergency vehicle wanting to access the area, feeling that more off-street parking should be provided. Officers advised that given the site's close proximity to the town centre it gives residents an opportunity to not have more than one car per dwelling. 18 parking spaces provides one parking space per dwelling plus visitor spaces and in planning terms the site seeks to make efficient use of the land and recognises the town centre location;
- Councillor Hodgson hoped that the businesses would be able to relocate elsewhere and made the point that without the businesses in this location it could mean there would be less cars accessing St Augustines Road. Officers advised that this is another factor that could be considered in the decision-making process;
- Councillor Keane asked if any comments had been received from Middle Level Commissioners as the site is a large area. Officers advised that no updates had been received;
- Councillor Miscandlon referred to the comments of Councillor Hodgson and made the point that whilst the businesses would not be present there is the added Blackfriars development which could add to the parking in this location. Officers advised that the Blackfriars site would have been considered and the Local Highway Authority has not objected on highway grounds;
- Councillor Mrs Mayor expressed concern about the parking issues, but made the point that the Police Architectural Liaison Officer feels that all issues have been addressed, and she feels the plans are acceptable for this area and she would support the proposal.

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

**Grant, subject to**

1. **delegated authority being provided to officers to negotiate an appropriate Section 106 package, relating to the level of affordable housing which can be deemed 'viable' in the context of the overall scheme**
2. **the satisfactory resolution of the negotiations and prior completion of the Section 106 Agreement**
3. **the conditions reported.**

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

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of his nephew being employed by the applicant's agent, and retired from the meeting for the duration of the discussion and voting thereon)

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

(Councillors Bucknor and Patrick stated that they are members of Wisbech Town Council, but take no part in planning matters)

**P122/12**      **F/YR12/0657/F**  
**TYDD ST GILES - LAND NORTH OF WINDY WILLOWS, CHURCH LANE,**  
**ERECTION OF 4 X 3-BED TWO-STOREY DWELLINGS WITH ATTACHED SINGLE**  
**GARAGES**  
**(MR AND MRS D MOORE)**

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 Parish Council recommends refusal of this application for the following reasons:
  - there are too many dwellings for the size of the land
  - entry to the properties would cause a serious black spot at a site where the 40mph speed restriction comes into force
  - the exit of horse boxes on to the carriageway (the main road into Tydd St Giles) will be an added danger
- they trust that the Highways Department will be against this application for the reasons above
- Cambridgeshire County Council Archaeology records indicate that the site lies in an area of high archaeological potential. Important archaeological remains survive on the site and that these would be severely damaged or destroyed by the proposed development. The application area is located within an area of medieval archaeology. Directly surrounding the site several medieval archaeological finds have been made (HER No's MCB12829, MCB12830 and MCB13116) and in association with known crop marks directly to the site's north (HER No.MCB12580) suggest that contemporary remains are located within the bounds of the current application area. It considers that the site should be subject to a programme of archaeological investigation and recommend that this work should be commissioned and undertaken at the expense of the developer
- officers response is that the above comments do not have any implications in respect of the original officer recommendation save that the observations of the Parish Council reinforce refusal reason 2 regarding character, form and density.

Members received a presentation, in accordance with the public participation procedure, from Mr Williams, the applicant's agent. Mr Williams claimed that the reason his clients decided to submit an application is as a result of the Planning Department contacting them and asking if they were prepared to have their land included in the development area, to which they said they would. He stated that after some time his clients contacted the Council on several occasions, but got no answer as to what happening and then contacted Steve Barclay MP who took the matter up being assured that the proposal was still very much alive and would be considered at an appropriate time and that his clients would be contacted by late 2011 to early 2012, with them not hearing anything they decided to ask for an application to be submitted.

Mr Williams made the point that the application is for four 3-bedroom chalets on generous plots set behind a mature hedge for screening and incorporating separate entry and exit points, with ample parking. He expressed the view that opposite the site a continuous line of development runs up to the village school.

Mr Williams referred to the officer comment that the layout is considered too dense and stated that his clients would be prepared to reduce the number of dwellings to three. He made the point that the Local Highway Authority are not against the proposal, a Flood Risk Assessment has been accepted, four letters in favour of the proposal have been received and four letters of objection, with one being against the number of dwellings, whilst the rest seemed concerned that when they gained permission for their properties they had to provide a footpath.

Mr Williams expressed the opinion that in last month's meeting members approved dwellings at 65 Newgate Street, Doddington, north of 55A Station Road, Manea and north of 47 March Road, Coates, which were all outside the Development Area Boundary. He referred to a number of dwellings approved in the last 12 months in Tydd St Giles itself and whilst he acknowledged that every application is treated on its merit, he feels that being outside the Development Area Boundary does not mean automatic refusal.

Mr Williams expressed the view that the family sized dwellings in this proposal would contribute to the village community, ensuring the sustainability of the village, with the new National Planning Policy Framework creating a presumption in favour of sustainable development. He expressed the opinion that Tydd St Giles is identified in Fenland's Core Strategy as a settlement marked for limited further development, which he assumes is why planning officers originally contacted his clients.

In response to the comments made by Mr Williams regarding being contacted by the Planning Department, officers advised that they could only think this would be in connection with the Core Strategy consultation.

Councillor Scrimshaw expressed the view that quality development is wanted in Fenland and asked Mr Williams why he has gone for these types of dwelling on this site? Mr Williams advised that bungalows were initially considered, but due to flood risk issues chalet dwellings were chosen.

Councillor Keane asked Mr Williams if the hedge is to be retained or removed? Mr Williams advised that a small section would be removed at each end for an in/out system in line with traffic, but the remaining hedge is to be kept.

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

- Councillor Hodgson expressed the view that he liked the access driveway idea retaining the hedge and asked if it is more acceptable if the development is reduced from four dwellings to three? Officers advised that the issues of sustainability would still remain, however, this application needs to be considered as it is before members today for four dwellings;
- Councillor Cornwell referred to there being no comments from Middle Level Commissioners and asked if this was because it is not responsible for this area? Officers advised that there is a standard template produced which had unfortunately not been updated to reflect the correct drainage board;
- Councillor Mrs Mayor expressed concern over the hedge at the front of the site and who is going to maintain it if the proposal is approved. She does not think it is acceptable in front of these properties. Councillor Hatton made the point that this is outside the Council's jurisdiction;
- Councillor Quince expressed concern over four dwellings and he would like to see three, however, the design of the dwellings are not outstanding and he would like to see different designs for each of the dwellings;

- Councillor Scrimshaw agreed with Councillor Quince, he feels there is no quality of design, it is a departure from the Development Plan, is not supported by officers or the Parish Council, and he would support officers' recommendation of refusal.

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

**Refused for the following reasons -**

1. **the proposed development is located in an unsustainable location in the open countryside where residential development is not normally supported unless justified. Development in this location would also harm the distinctive character of the locality as a result of the introduction of another element of built form in what is generally a loose knit collection of buildings in the open countryside, and would thus begin to change the fairly open and fragmented nature of development in the immediate vicinity. The proposal is, therefore, considered to be contrary to Policies H3, H16 and E8 of the Fenland District-wide Local Plan and Policies CS1, CS10 and CS14 of the draft Fenland Core Strategy (July 2012)**
2. **the design and layout of the proposal is considered to introduce a very dense and suburban building style, into this countryside location. The proposal will also contribute to the introduction of a very incongruous building form and layout into the locality, and it is considered that this is strongly out of character with the immediate surroundings resulting in a development of poor design quality. The proposal is, therefore, considered to be contrary to Policies H3 and E8 of the Fenland District-wide Local Plan and Policy CS14 of the draft Fenland Core Strategy (July 2012).**

Councillors Hodgson and Mrs Mayor requested it be recorded that they abstained from voting on this application)

**P123/12      F/YR12/0677/F  
MARCH - LAND WEST OF 150 UPWELL ROAD, ERECTION OF 4 X TWO-STOREY  
DWELLINGS WITH DOUBLE GARAGES INVOLVING FORMATION OF  
VEHICULAR ACCESSES COMPRISING OF 2 X 4-BED DWELLINGS AND 2 X 5-  
BED DWELLINGS  
(MR B HARRADINE)**

Members considered one 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 Middle Level Commissioners note that the application states that surface water could be to sustainable drainage system, existing watercourse or soakaways. This makes it difficult to provide a comprehensive response and the Local Planning Authority needs to consider the proposal as there could be different impacts on the local flood risk/water level management system. In view of the lack of clarity concerning surface water disposal, it is considered that the applicant has not yet provided adequate evidence to prove that a viable scheme for appropriate flood risk management could be constructed and maintained for the lifetime of the development.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agent. Mr Brand expressed his confusion at the officers' recommendation to refuse this application as on 1 November he was asked to amend the layout drawing to remove the six Lime trees and show the footpath that Cambridgeshire County Council requested asking why

he was asked to amend the plans when these were going to be reasons for refusal? He stated that he would rather have defended the original layout as shown in the report.

Mr Brand expressed the opinion that last month officers' recommended approval of similar edge of settlement schemes at Station Road, Manea, Roman Bank, Leverington, Newgate Street, Doddington and March Road, Coates, which had densities of between 6 and 8 dwellings per hectare, with this proposal being 8 dwellings per hectare. He made the point that three of last month's applications include three-storey dwellings with a maximum ridge height of 10m and this proposal is for two-storey dwellings with only Plot 2 being 10m high.

Mr Brand expressed the view that each plot has been individually designed to suit the applicant and his three children, who would each build their properties next year if approved, providing vital local employment for builders, tradesmen and suppliers. In his opinion, personal requirements have determined the size of each dwelling and should not be a reason for refusing the application.

Mr Brand referred to the Council Leader's Vision in 2010 for Fenland development asking for high quality premium homes expecting them to be found on the outskirts of settlements and, in his view, this proposal meets this criteria only extending the existing Development Area Boundary to the north side of Upwell Road up to the applicant's existing home, but not beyond the Development Area Boundary on the southern side as shown on his handout. He made the point that when he submitted the application he saw no necessity for a footpath as an adequate footpath exists on the opposite side of the road, which already serves the applicant's property and could easily cater for the four new dwellings, together with Cavalry and Neale-Wade schools plus the bus stop being accessible.

Mr Brand expressed the opinion what real purpose would the site serve as the draft Core Strategy does not allocate this area of March as a strategic or broad location for growth by major estate developments? He made the point that March Town Council recommend approval of the original site layout, there are no objections from the neighbours opposite, only from one on Upwell Road to the west of Silt Road.

Mr Brand referred to his handout that shows that the required visibility splays can be achieved, although one tree trunk comes within each splay, and that due to the verge and dyke 5.5m deep splays can be achieved giving greater visibility, with the photographs showing clearly that visibility in each direction is greater than the 43m standard required. He referred to the Cambridgeshire Design Guide for Streets and Public Realms, which states "forward visibility should be reasonably unobstructed, however this should not preclude trees and other objects that do not create a significant obstruction" and, in his view, the visibility splays from all four proposed accesses are better than the existing properties on Upwell Road.

Mr Brand expressed the opinion that by amending the plans to include the footpath he thought they would only be facing refusal solely on the grounds of house design. He made the point that the Local Highway Authority accepted no footpath at 8 Primrose Hill, Doddington as an adequate footpath existed on the opposite side of the road and he would ask for consistency for this edge of settlement site.

Councillor Scrimshaw asked Mr Brand if he had considered making the entrance to the site onto Silt Road? Mr Brand advised that it had been considered, but it had not been pursued as Silt Road is a 60mph road and a single track road and to have an access on to it would involve widening the road and footpath, with the access point having to be set back 220m due to the speed limit.

Councillor Scrimshaw asked Mr Brand if the field is in the ownership of the applicant? Mr Brand advised in the affirmative.

Councillor Cornwell asked Mr Brand if consideration had been given to extending the 30mph limit into the boundary of the site and Silt Road? Mr Brand advised that the County Council have not been asked whether this is feasible.

Councillor Quince made the point that there are a mixture of houses and bungalows in Upwell Road and asked Mr Brand whether bungalows had been considered on this site? Mr Brand advised that bungalows have not been considered as he was instructed by his client to design the proposal as it is.

Councillor Connor asked if the Lime trees are to be removed? Mr Brand advised on the current plans they are to be removed, with the original plans being to retain them.

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

- Councillor Mrs Newell expressed the view that there seems to be some conflicting information given to the applicant, which she is concerned about. Officers advised that the request for a footpath was in the Highway comments on the proposal and to facilitate the required visibility the trees would need to be removed, which has also been raised by them as a concern. It is recognised that in a footpath coming forward it does mean the loss of the trees and in planning terms the loss of trees is a consideration, but officers have been consistent regarding the scale and bulk of the dwellings;
- Councillor Mrs Newell referred to the Localism Bill giving weight to local people and the Town Council recommends approval. The Principal Solicitor advised that it is for members to decide how much weight they give to the recommendation of the Town Council;
- Councillor Miscandlon referred to the fact that Highways are saying that the Lime trees have to be removed to provide visibility splays, but further up Upwell Road Lime trees are in existence and these dwellings access onto Upwell Road with these trees being present. Officers advised that each application and its constraints are considered on its own merits and officers would look to the advice of Highways as the experts, with the geometry and siting of the access also having a bearing;
- Councillor Cornwell expressed the opinion that there are two issues, the first being the design of the properties which he feels is personal interpretation and, in his opinion, he likes large attractive houses on the entrance to the town, which gives the right impression and enhances the environmental aspect of the town. Secondly, the trees and access and he feels that the trees have been in existence for many years and are an attractive entrance to a bland area of the town, they might be County Council trees, but they are part of the March environment and he believes there may be an alternative answer to the access problem;
- Councillor Patrick expressed the view that removal of the Lime trees would be a travesty, detracting from the street scene and he feels the property sizes are overpowering;
- Councillor Mrs Mayor made the point that the Lime trees according to the plan are to be replaced but further back and if new trees are planted she cannot see an issue. She would recommend approval against the officers' recommendation;
- Councillor Scrimshaw stated that he is in favour of development on the site, he does not have a problem with four big houses being in agreement with Councillor Cornwell's comments regarding the entrance to the town. His main problem is the destruction of the Lime trees and whether enough investigation has been undertaken into an alternative access;

- Councillor Quince made the point that the Lime trees in this location are closer to the road than the ones on the opposite side of Upwell Road, which gives those properties better visibility.

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

**Granted, subject to suitable conditions to include**

- **the development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004**
- **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. Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development**
- **If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. Reason - In the interest of visual amenity**
- **all vegetation clearance at the site shall only take place outside the bird breeding season of March to August inclusive. Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of Planning Policy Statement 9 Biodiversity and Geological Conservation**
- **prior to the occupation of the first dwelling hereby approved, the public footpath shown on drawing No. CAD 288/1 Rev A date stamped 1 November 2012 shall be constructed to Cambridgeshire County Council specification to a width of no less than 1.5 metres and thereafter retained and maintained in perpetuity. Reason – In the interests of highway safety**
- **prior to occupation of each dwelling, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the CCC construction specification. Reason – In the interests of highway safety**
- **prior to commencement of development the vehicular crossing of the ditch/watercourse along the frontage of the site shall be constructed in accordance with a scheme to be submitted to and agreed in writing by the LPA in consultation with the drainage authority. Reason – In the interests of highway safety**
- **any gate or gates to any of the vehicular accesses shall be set back a minimum of 5.0 m from the near edge of the channel line of the carriageway of Upwell Road and shall be hung to open inwards. Reason – In the interests of highway safety**
- **prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:**
  - **enter, turn and leave the site in forward gear;**

- park clear of the public highway;  
shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity. Reason - In the interests of satisfactory development and highway safety
- prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) 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. Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway
- the accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway in accordance with a scheme to be submitted to and approved by the LPA. Reason – In the interests of highway safety
- if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy. Reason - To control pollution of land and controlled waters in the interests of the environment and public safety
- prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity. Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal enhances the character of the area.

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of the son of the applicant providing contracting work to him, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Cornwell registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he 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)

(Councillor Cornwell stated that he is a member of March Town Council, but takes no part in planning matters)

**P124/12**      **F/YR12/0684/F**  
**PARSON DROVE - LAND EAST OF 242 MAIN ROAD, ERECTION OF 12 X TWO-STOREY AFFORDABLE DWELLINGS COMPRISING OF 8 X 2-BED AND 4 X 3-BED DWELLINGS WITH GARDEN SHED, ASSOCIATED PARKING AND OPEN SPACE**  
**(FOSTER PROPERTY 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:

- North Level Internal Drainage Board has responded objecting to the development in its current form as it contravenes byelaw No.10 on the eastern boundary with Baxters Eau Drain. It also recommends that the surface water be discharged into the Board's Drain rather than via soakaway
- the agent has submitted a revised layout plan following this objection which shows the pair of semi-detached dwellings on Plots 11 and 12 moved further away from the drain to the east of the site in order to comply with the IDB byelaws. The IDB has responded withdrawing its objection following receipt of this plan
- a reconsultation will need to be carried out with the Parish Council to notify them of this amendment, therefore, it is proposed that the application be approved subject to no objections from the Parish Council following the reconsultation and subject to a Section 106 agreement.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Booth as Chairman of Parson Drove Parish Council. Councillor Booth informed members that this project has been on-going for a number of years, prior to him joining the Parish Council, and the reason that the Parish Council supports this project is because it proposes affordable houses for people with local connection as it was being found difficult to remain in the village.

Councillor Booth made the point that work has been undertaken with the District Council and Roddons on bringing this site forward and reaching an acceptable proposal, and whilst engagement has been undertaken with the public, not everyone is going to be in agreement. He stated that the open area towards the rear of the site preserves the open character of this area, with the design and character of the dwellings being in a cottage style to keep them in character with the rural setting and a communal parking area proposed.

Councillor Booth referred to the concerns raised in the report and expressed the view that highway safety has been addressed by the Highways Officer, with the access close to the surgery and it is hoped to introduce a 30mph speed limit in this area, with there also being capacity at the school. He expressed the opinion that an affordable housing site has been in the Parish Plan and the Parish Council has been approached by people saying that there is not enough housing in the village for people with a local connection.

Councillor Booth stated that this is not the first site that has been investigated, but it is the best site that has come forward, with others being either backland or further outside the village envelope and down rural roads. He feels that this site should be taken forward, there is a clear shortage of affordable housing in this rural location, which includes the local connection element.

Councillor Sutton asked Councillor Booth if he knows, through the Housing Needs Assessment, how many people that live in the village now that would like to remain or come into the village? Councillor Booth advised that from the last information he received it was approximately 16 people in Parson Drove and a similar number within Murrow, but as the scheme progresses it would prompt more people to register.

Members received a presentation, from Councillor Scrimshaw, who supports the proposal for an exception site for affordable dwellings in a prominent Fenland village. Councillor Scrimshaw referred to the question of there being a need for this site, with the answer being definitely yes to providing affordable homes for local people, with there being presently 35 people in the Parson Drove and Murrow area on the housing register and the vast majority who wish to live in this quality village with its many amenities. He made the point that there are a further 31 on the housing register in Wisbech St Mary and it is the experience of other rural exception site developers that as the properties are built more local people make enquiries and join the register.

Councillor Scrimshaw expressed the opinion that it has been a long search by Parson Drove Parish Council, guided by officers at Fenland District Council, to find a suitable site for this housing, and he believes that this site ticks all the relevant boxes. He referred to his known concern about design of properties in rural areas and, in his view, this proposal fits in with the environment and street scene, provides open space and views over farmland to the rear, is adjacent to the defined settlement boundary of Parson Drove, has a footpath opposite with adequate lighting and provides 24 designated parking spaces with five for visitors so there is sufficient parking within the site.

Councillor Scrimshaw referred to there being only four letters of objections, which he is led to believe is very small for an affordable housing site. In addressing these objections, he stated that the draft Core Strategy identifies Parson Drove as a limited growth village and highlights that small village extensions may be appropriate of up to 12 dwellings when 9 affordable units are included within the proposal and this site proposed 12 affordable dwellings.

Councillor Scrimshaw stated that he is a Local Education Authority Governor at Payne School and, in his opinion, the school would welcome additional children to safeguard its future and make full use of additional classroom facilities recently reclaimed for educational use. He believes that the Doctor's Surgery welcomes this site providing housing for local people, which would ensure elderly people in the village remain in contact with their families and adds to community cohesion.

Councillor Scrimshaw hoped that members would embrace this principle of an exception site for affordable housing by granting the application.

Councillor Sutton asked where the footpath was going to be located, just to the Doctor's Surgery or further? Officers advised that the footpath appears to be within the site boundary area, but no further than this.

Proposed by Councillor Stebbing, seconded by Councillor Connor and decided to:

**Grant, subject to**

1. **re-consultation with and no objections from the Parish Council on the amended plan**
2. **prior completion of a Section 106 Agreement**
3. **the conditions reported.**

(Councillor Scrimshaw registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters, that he was pre-determined on this application, and following his presentation to the committee retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Mrs Mayor declared a Non-Pecuniary Interest in this application, by virtue of being a member of the North Level Internal Drainage Board)

(Members took a 10 minute break following determination of this application)

**P125/12**      **F/YR12/0799/F**  
**TYDD ST GILES - LAND SOUTH OF POTENTIAL HOUSE, KIRKGATE, ERECTION OF THREE DWELLINGS COMPRISING OF 1 X TWO-STOREY 4-BED WITH INTEGRAL GARAGE, 1 X THREE-STOREY 7-BED AND 1 X 4-BED TWO-STOREY EACH WITH DETACHED TRIPLE GARAGE WITH OFFICE OVER AND FORMATION OF A NEW VEHICULAR ACCESS (MR AND MRS N HOWLING)**

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 response has been received from the Council's Scientific Officer who requests the contaminated land condition be included if permission is given
- the agent has submitted a layout plan which it advises by labelling the drawing with a new note concerning the introduction of footpath amenity via adjacent and nearby approved sites and to resolve the matters regarding diminished visibility, showing some of the extra planting removed around the driveways to aid access and egress by vehicles with additional improved visibility
- the proposed development, however, is still considered to be contrary to Policy and, therefore, unacceptable in principle. The drawing was received too late to allow time to consult the Local Highway Authority on the amendment and as such it is not clear if the proposed plan addresses its concerns, therefore, should members be minded to approve the proposal full reconsultation with Highways would need to be carried out.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey acknowledged the site lies outside the Development Area Boundary, but made the point that the committee has supported nine other such sites and approved 35 two-storey and 51 single-storey holiday homes, and he does not believe there is any difference between a normal home and a holiday home.

Mr Humphrey expressed the view that members need to take into account the bigger picture on Kirkgate, with there being a cluster of houses to the east that go up to the river and this area was divorced from the village until the Golf Course development was approved, with there also being permission for housing next to the Golf Course. He stated that out of the nine developments approved, seven have been sold, which he feels shows the demand for quality houses, with people wanting to move to a quality area with quality housing.

Mr Humphrey expressed his disappointment that the footpath has been cited as a reason for refusal when a Section 106 exists to create a footpath. He expressed the view that it is a rural community, the proposal is not in isolation or in the open countryside due to the amount of properties that surround it, referring to the Core Strategy where development can be supported, with this proposal placing houses with other houses.

Mr Humphrey read from the Executive Housing Policy, which he feels supports this proposal. He asked for consistency in decision making as, in his view, there are a number of sites like this in Fenland and it should be considered as an exception site recognising the benefits to the area.

Councillor Miscandlon referred to the entry to the site and its visibility splay and asked Mr Humphrey who would be responsible for the hedge in that area? Mr Humphrey advised that the three properties would be responsible for the driveway and hedging.

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

- Councillor Hatton agreed with the comments of Mr Humphrey, he feels that this area is becoming the only place where you can build executive houses and the committee has approved 8 or 9 dwellings in this location. He does not support officers' recommendation;
- Councillor Cornwell agreed, he feels that if you look at this site you cannot see where it is in isolation when the other side of the road there is development;
- Councillor Patrick agreed, feeling it should be approved;
- Councillor Mrs Newell referred to there being no comments from the Parish Council in the report and asked if there had since been a response? Officers advised that nothing has been received;
- Councillor Scrimshaw agreed with all that members have said, he referred to one of the reasons for refusal being Paragraph 55 of the National Planning Policy Framework, but he feels it complies with this. In his view, if the dwellings are of exceptional design the proposal is acceptable;
- officers advised that if members wish to approve this proposal a plan would need to be secured taking into account the Highway comments. The point was made that the proposal is for three units, but they lay in an open area within the built form and whilst there are properties opposite it creates a further reinforcement of that area of Kirkgate.

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

#### **Granted, subject to**

- **an amended plan addressing the highway issues outlined by Local Highway Access, e.g. access width, access construction, parking and turning facilities, temporary construction facilities, provision of drainage; in addition a footway to be provided to the frontage of the site**
- **suitable conditions to include:**
  - **the development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004**
  - **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, including boundary treatment to protect water feature**
    - **b) car parking layout**
    - **c) vehicle and pedestrian access and circulation areas**
    - **d) hard surfacing, other hard landscape features and materials**
    - **e) existing trees, hedges or other soft features to be retained**
    - **f) planting plans, including specifications of species, sizes, planting centres number and percentage mix**

- g) management and maintenance details

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted

- 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. Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development
- if within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. Reason - In the interest of visual amenity
- prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:
  - a) enter, turn and leave the site in forward gear;
  - b) park clear of the public highway;
 shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity. Reason - In the interests of satisfactory development and highway safety
- prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
  - 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority
  - IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:
  - 2.A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and

extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

- (i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
- (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
- (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.
- Following written LPA approval of the Site Investigation the LPA will require:
  - 3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.
  - 4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority. Reason - To control pollution of land or water in the interests of the environment and public safety
- Highway conditions as appropriate
- plus a condition that child proof fencing is placed around the water feature at the front of the site.

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal enhances and fits in with the area, with there being substantial settlements to the east and west.

**P126/12      F/YR12/0707/F  
DODDINGTON - CATHEDRAL VIEW, TURF FEN LANE, ERECTION OF A TWO-STOREY 3-BED DWELLING WITH SOLAR PHOTOVOLTAIC PANELS, SOLAR THERMAL PANELS AND DETACHED CAR PORT  
(MR AND MRS D EVERITT)**

The committee had regard to its inspection of the site (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 Mr Brand, the applicant's agent. Mr Brand acknowledged that this is not a normal application where justification on the grounds of agriculture, horticulture or forestry would grant this automatic approval, with the only special justification being the welfare and security of the horses and livestock.

Mr Brand expressed the opinion that the site is fully sustainable and not isolated in the open countryside, whilst acknowledging that Turf Fen Lane is not a full two lane width road and has not been a priority for Cambridgeshire County Council maintenance. He referred to his handout, which shows further to the south of the application site Wheelhead Farm Industrial Park, where businesses have a Turf Fen Lane address and sat-nav guided lorries head down this road for the Farm, and, in his view, Wheelhead Farm is part of Doddington's settlement and any development

along Turf Fen Lane is sustainable.

Mr Brand showed on his handout the 1993 Development Area Boundary upon which he had drawn a green circle radiating from the centre of the village, which he regards as the Clock Tower at the junction of Benwick Road and High Street, and where he had indicated in red all the previous approvals outside the Development Area Boundary that fall either just inside or outside the green circle. He expressed the opinion that the extent of the village settlement boundaries are indicated by the village nameboards on the map, with his clients site falling within the green circle whereas the extent of the village and several of the approved sites do not, which he feels gives another reason why this application site is sustainable.

Mr Brand stated that his clients approached him following Mr Joyce being granted approval on Benwick Road, which is outside the green circle, and they specifically wanted a traditional rural design for their new home, which they wish to build next year, and the design has drawn inspiration from three properties around Doddington to represent a converted cart hovel with stables and hay loft above, with the second floor included to meet the Environment Agency requirements for Flood Zone 3. He made the point that the Parish Council supported the application by 7 votes to 1, with several commenting that it was nice to see a design sympathetic to the edge of a village location rather than a large executive house and that the hedging and trees would help it blend in.

Mr Brand expressed the view in relation to the nature and state of the road that members should bear in mind that his clients visit their animals at least three times daily and the suggestion that the proposal would create greater traffic flows is unfounded, with these flows being reduced as living on site with their animals would mean a more sustainable lifestyle for his clients who presently commute from Wood Street in the north of the village. He stated that security has been an issue on the site with two break-ins and trespassing on the land, with the burglars luckily only releasing the horses into the yard and not onto the public highway.

Mr Brand expressed the opinion that the proposal complies with the National Planning Policy Framework and is not an isolated home in the countryside due to the reasons he has provided and Wheelhead Farm Industrial Park's Turf Fen Lane address. He reminded members of their decision to grant permission last month at Mouth Lane, Guyhirn which was 1.2km outside the Development Area Boundary, with this proposal being only 0.2km outside.

Councillor Patrick asked Mr Brand if Wheelhead Farm is not accessed from the main road? Mr Brand advised that there is an access from the bypass, but it still has an original access from Turf Fen Lane, which lorries access all the time.

Councillor Miscandlon referred to the plan, which shows a leg coming from the property and asked Mr Brand if the applicants own this? Mr Brand advised that the applicants have a right of way over it.

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

- Councillor Hodgson asked officers to confirm that there have been other dwellings approved leading up to this site and close to it? Officers advised in the affirmative indicating where these properties were on the plan;
- Councillor Cornwell asked, taking this into account, there is a gap between this development and the proposed site so it is not continuous development? Officers advised that this is correct. Councillor Cornwell made the point that a green circle around a village does not indicate that everything is alright within that village and if there is a gap between sites it is

not continuous development;

- Councillor Connor made the point that he visited Doddington Parish Council and it approved this proposal, with it being rare for the Parish Council to approve any development in the village, asking why the committee should go against its recommendation?;
- Councillor Scrimshaw supported officers' recommendation, he feels the proposal is outside the settlement area, in open countryside and Wheelhead Farm is an industrial farm with no dwelling on site;
- Councillor Sutton corrected Councillor Scrimshaw in that there is a dwelling on Wheelhead Farm. He cannot remember when Doddington Parish Council supported an application and feels that some weight should be placed on this;
- Councillor Quince asked how many horses are housed on site and does the applicant have any more land in that area? The Chairman permitted Mr Brand to advise that there are two horses on site and this is the only land that the applicants own;
- Councillor Patrick stated that he would support the comments of Councillor Scrimshaw on this proposal;
- Councillor Cornwell expressed the opinion that it is irrelevant that there is a property at Wheelhead Farm, it is a farm which exists in an isolated location. In relation to the comments from the Parish Council, he made the point that they do not get the detail on an application which the Planning Committee does and members are entitled to make a decision that considers their comments, but should make up their own minds;
- Councillor Mrs Newell stated that she has never known Doddington Parish Council to be supportive of any application and this should be taken into account, especially with the Localism Act;
- Councillor Mrs Mayor expressed the view that if the applicants can be given accommodation on site they would not be going backwards and forwards having already suffered from a break in on site;
- Councillor Hatton stated that he has sympathy with the applicants as he owns horses, he feels it should be classed as agriculture and he would support the application.

It was proposed by Councillor Scrimshaw, seconded by Councillor Patrick to refuse the application, which was not supported on a majority vote by members.

Proposed by Councillor Mrs Mayor, seconded by Councillor Hodgson and decided that the application be:

**Granted, subject to suitable conditions to include:**

- **the development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004**
- **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. Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development

- if within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. Reason - In the interest of visual amenity
- prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:
  - enter, turn and leave the site in forward gear;
  - park clear of the public highway;
 shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity. Reason - In the interests of satisfactory development and highway safety
- if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy. Reason - To control pollution of land and controlled waters in the interests of the environment and public safety.

Members do not support officers' recommendation of refusal of planning permission as they do not feel it is an unsustainable location, the proposal will fit in with the area and other development has been approved in this area.

**P127/12**      **F/YR12/0765/F**  
**FOUR GOTES - CARLISLE FARM, SUTTON ROAD, ERECTION OF A TWO-STOREY SIDE EXTENSION TO EXISTING DWELLING INVOLVING DEMOLITION OF UTILITY ROOM**  
**(MR AND MRS W HATTON)**

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

**Granted, subject to the conditions reported.**

*(Councillor Hatton declared a Non-Pecuniary Interest in this application, by virtue of the applicant being his son, and retired from the meeting for the duration of the discussion and voting thereon. Councillor Connor took the Chair for this item)*

**P128/12      F/YR12/0787/FDC  
WISBECH - LAND EAST OF 15 CHERRY ROAD, ERECTION OF TWO  
DWELLINGS INVOLVING DEMOLITION OF EXISTING GARAGES  
(MR T WATSON, FENLAND DISTRICT COUNCIL)**

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 Environment Agency has responded and advise that they consider the Flood Risk Assessment to be acceptable for the proposed development. It advises that flood resilient construction must be incorporated within the development and require the unsuspected contamination condition
- the Town Council has responded advising that it recommends approval as members have no objections or observations in respect of this application.

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

- Councillor Mrs Newell asked if these properties would be handed over to Roddons? Officers advised that they are not aware of who would develop the site;
- Councillor Mrs Mayor expressed the view that the plan does not give the opportunity for vehicles to manoeuvre on the site and they would have to reverse onto Cherry Road. Officers advised that vehicles would reverse onto Cherry Road, but this arrangement has been accepted by Highways;
- Councillor Sutton expressed the opinion that just because everyone reverses onto Cherry Road is not a reason for this development to do this;
- Councillor Hodgson agreed that it is a good idea to remove the garages, but asked if the new access way to the existing access at the rear of the site is a potential for anti-social behaviour? Officers advised that this can be considered as a crime and design matter and there could be windows from the proposal overlooking this area to address this issue;
- Councillor Miscandlon referred to the layout and design of the proposal and asked why the car parking for the development cannot be at the rear so everyone can use the same access road and all drive out in forward gear?;
- Councillor Cornwell stated that presumably as part of the full application the properties could be turned sideways and meet the requirements posed by Councillor Miscandlon for a shared access. Officers advised that this could be highlighted in any consent granted as no access details were committed at this stage;
- Councillor Hatton asked that the full application be referred back to committee so that members could approve the design;
- Councillor Bucknor stated that this site lies in his ward, there is lots of anti-social behaviour around these garages and he would support officers' recommendation as it is outline, but he would like the detailed application to come back to committee.

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

**Granted, subject to the agent being advised that direct access for vehicles from the development onto Cherry Road has not being agreed.**

Members requested that the Reserved Matters application be submitted to committee for determination.

(All members present declared a Non-Pecuniary Interest in this application, by virtue of the applicant being Fenland District Council)

(Councillors Bucknor and Patrick stated that they are members of Wisbech Town Council, but take no part in planning matters)

**P129/12      F/YR12/0757/PLANOB  
WISBECH ST MARY - CHURCH ROAD, WISBECH ST MARY**

Members considered the applicant's request for a deed of variation to the existing Section 106 Agreement attached to planning permission F/YR02/0805/O and F/YR05/1405/RM. Members were informed that:

- the site has commenced development, with the affordable housing having been constructed, delivered and transferred to the Registered Provider (The Cambridge Housing Society) in accordance with the Section 106 Agreement;
- the applicant has applied to vary the original Planning Obligation to include a clause, known as a mortgagee in possession clause, which enables the Registered Provider to borrow against the affordable housing units and is a standard clause that is used in many planning obligations nationwide;
- allowing the inclusion of such a clause poses no risk to the Council as it does not detract from the original Planning Obligation and is purely a commercial requirement to provide the Registered Provider with future flexibility.

Proposed by Councillor Cornwell, seconded by Councillor Stebbing and **decided that the Deed of Variation to include within the Planning Obligation a mortgagee in possession clause be agreed.**

(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)

**P130/12      TPO 11/2012  
MARCH - 89 UPWELL ROAD**

Members considered the current situation in respect of confirmation of a Tree Preservation Order (TPO) at 89 Upwell Road, March. Members were informed that:

- following a review of the site in response to an application of notification of demolition of a dwelling and outbuildings it became apparent that the Ash tree was worthy of preservation and authority was sought to issue a TPO;
- one letter has been received from the owners of 99 Upwell Road, which gives the following reasons for objecting to the confirmation of the TPO:
  - the tree is at present uplifting around 3m sq of driveway slabs. It is also putting

pressure on fence and with the strong winds it could easily cause even more damage, especially with cars parked on the driveway

- main services such as water supply, sewerage, drainage and gas all run along the side of the property where the Ash is located
- when they moved into their property in 2010 a land survey outlined:
  - some large trees within the vicinity of the house including an Ash tree overhanging the fence (located on neighbouring property). Trees can cause damage to buildings and services in areas of shrinkable soils. No consequent problems were noted at the time of inspection but periodic pruning of trees adjacent to the house area recommended and your ability to carry out this work will be affected by the co-operation or otherwise, of the neighbouring owner who may need to be put on notice if trees are left untended
- due to there being nobody at the property, nobody has looked after the tree, and it has increased in size and has done increasingly more damage to our property;
- the placement of a TPO does not prevent work to the tree or even its future removal, but gives the Local Planning Authority control over 'inappropriate' works;
- whilst it is recognised that the Ash tree is lifting an area of block paving at 99 Upwell Road, the neighbours could still apply to have the crown cut back from their drive, which has been discussed with the neighbours;
- it is considered that the Ash tree has long-term potential and contributes to the landscape and character of the area if properly managed and maintained.

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

- Councillor Mrs Mayor asked if the Arboricultural Officer looked at the tree prior to the current disease problem as why put a TPO on a tree that is diseased? Officers advised that the tree was inspected and found to be healthy, a TPO would not be placed on an unhealthy tree and a TPO would not preclude the tree's removal if it is found to be diseased or damaged;
- Councillor Patrick expressed the view that the tree is in need of some form of maintenance and asked if the Council can force this to be undertaken? Officers advised that works can only be forced if there is a significant risk under the Miscellaneous Provisions Act in terms of public safety;
- Councillor Cornwell expressed the opinion that as the committee has given approval for tree removal further down Upwell Road he does not believe that a TPO is required on this tree;
- Councillor Sutton expressed the view that the damage to the neighbouring property's driveway is much worse than the photos show. He is not in favour of removing trees, but feels that a tree is disposable compared to a property;
- Councillor Bucknor asked if work could be undertaken to the tree so that it can be preserved but taking into account the damage to the neighbouring property? Officers advised there are two issues, the amenity value of the tree and a civil issue between two neighbours on the impact the tree may or may not have. Tests would be applied to ascertain the value of the tree, mitigation could be undertaken to prevent the adverse impact of the tree if the owner would enter into discussions with the Council, with a TPO not stopping works, but merely stopping its immediate removal;

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- Councillor Quince stated that he would like to see a TPO on the tree as at least the Council would have some control over it;
- Councillor Miscandlon expressed the view that it would be advantageous for the Arboricultural Officer to go back and assess the tree to see if it does have die-back disease. Councillor Hatton made the point that this could still happen if a TPO was placed on the tree;
- Councillor Connor expressed the opinion that a TPO should be placed on the tree to protect its immediate future.

Proposed by Councillor Connor, seconded by Councillor Quince and **decided that the Tree Preservation Order in respect of the Ash tree at 89 Upwell Road, March be confirmed, subject to a further visit from the Arboricultural Officer to assess the tree for die-back disease.**

5.35pm

Chairman