

# PLANNING COMMITTEE



**12 DECEMBER 2012 - 2.30PM**

**PRESENT:** Councillor P Hatton, Chairman; Councillors M I Archer, 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 (from 3.30pm), R E Scrimshaw, D Stebbing and W Sutton.

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)).

**P131/12      MINUTES OF 14 NOVEMBER 2012**

The minutes of the meeting of 14 November 2012 were confirmed and signed.

**\* FOR INFORMATION OF THE COUNCIL \***

**P132/12      F/YR12/0802/FDC  
MARCH - LAND NORTH OF 8 HURST AVENUE, ERECTION OF A DWELLING  
(MR T WATSON, FENLAND DISTRICT COUNCIL)**

The Chairman informed members that this application had been withdrawn.

**P133/12      F/YR12/0837/F  
LEVERINGTON - LAND NORTH OF SALUD, CHURCH END, ERECTION OF A  
TWO-STOREY 3-BED DWELLING  
(MR I ESGATE)**

The Chairman informed members that this application had been withdrawn from the agenda.

**P134/12      F/YR12/0676/O  
GUYHIRN - FERN HOUSE, GULL ROAD, RESIDENTIAL DEVELOPMENT (26  
DWELLINGS) INVOLVING DEMOLITION OF EXISTING DWELLING AND  
OUTBUILDINGS  
(MR D BURGESS)**

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.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards made the point that the neighbouring property to the site has written in support of the proposal and not in objection as stated in the introduction by the planning officer.

Mr Edwards made the point that the proposal is in outline only and the layout is indicative, with statutory consultees being supportive of the proposal, with the roadway hopefully being adopted by

the Local Highway Authority. He stated that he is in liaison over surface water from the site and as part of the Reserved Matters the North Level Internal Drainage Board would be allowed access over the rear of the land in between plots 13 and 14.

Mr Edwards referred to the full support for the proposal from the Parish Council, who said that it is exactly what Guyhirn needs. He expressed the view that it is only the rear section of the site that is outside the Development Area Boundary and Guyhirn has suffered from a lack of homes in the price range of most families, with him having to leave the village in 1996 and it being many years before he was able to return.

Mr Edwards stated that there are only 73 children at the school and more families are required in the village to sustain it. He feels it is also a one-sided village, which does not assist with community cohesion. He expressed the opinion that this proposal is not the only comprehensive development in the village, with there being 8 others.

Mr Edwards expressed the view that public transport serving Guyhirn is "second to none", with the site lying near a bus stop. There is also, in his view, a large amount of employment in the area, a shop on the nearby holiday park and an established footpath system.

Mr Edwards expressed the opinion that the proposal provides 8 affordable units, with Guyhirn requiring these dwellings, which are needed to sustain it and provide a good housing mix. He feels the number of larger dwellings are out of the price range for the majority of the village, with this proposal providing a Section 106 contribution to education and public open space.

Mr Edwards stated that the site is capable to accommodating the number of dwellings proposed and asked members to support the proposal.

Councillor Scrimshaw asked Mr Edwards why no open space or recreation area is being provided on-site? Mr Edwards advised that the Section 106 would provide a contribution towards off-site provision, there may be the possibility of providing it on-site, but it would mean reducing the number of dwellings on site and the land to the rear could also be made available.

Councillor Archer asked Mr Edwards for more information about the viability of the school? Mr Edwards advised that he is Chair of Governors at the school and numbers are constantly decreasing, budgets are getting tighter and will continue to do so.

Councillor Hodgson asked Mr Edwards if the letter of support came from the neighbouring dwelling? Mr Edwards advised that it did, from a Mr and Mrs Brown. He referred to a letter of objection that was sent supposedly on behalf of Mrs Brown without her consent. Officers confirmed that the report should state that there were 14 letters of objection and 7 letters of support.

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

- Councillor Archer questioned why this application was before committee asking if it was a major? Officers advised that the Scheme of Delegation does not make a determination between majors or minors;
- Councillor Sutton referred to a meeting on the Core Strategy where it was stated that there would not be a limit on dwellings in small villages. Officers advised that they have to follow the July 2012 consultation document. Councillor Cornwell expressed his confusion by the Core Strategy as his belief is that both the July and December documents are drafts. Officers advised that the July 2012 document was adopted by the Council as a draft and the

later version has not so officers still need to refer to the July version. Councillor Archer expressed his belief that the Council has not adopted any policy yet only a Core Strategy document that was approved for consultation purposes. Officers advised that the Core Strategy Consultation document has limited weight and officers have to give consideration to it;

- Councillor Archer expressed the view that the only real objection to the proposal is the nature of development and that it is deemed to be all linear along this stretch of road. He referred to a similar situation in Manea in relation to the village school, with Manea doubling in size to keep the school alive and asked if the same principle should not be applied in this instance?;
- Councillor Scrimshaw stated that he would like to see more development in Guyhirn, but he feels that this proposal lacks design, has no open space, is backland development, does not comply with the Core Strategy and does not fit in with the area;
- Councillor Patrick expressed the view that this would be the first of this type of development on this stretch of road, which is high density urban and he cannot support it;
- Councillor Stebbing agreed that officers, in his view, have got the recommendation on this proposal correct and he will not be supporting it.

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

**Refused for the following reason -**

**the proposed development in this location would harm the character of the locality as it is suburban in nature and out of scale with the existing village built form, which is considered to be contrary to Policies H3 and E8 of the Fenland District-wide Local Plan and Policies CS1, CS10 and CS14 of the draft Fenland Core Strategy (July 2012).**

*(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 was discussed but took no part)*

*(Councillor Quince was absent from the meeting for determination of this application)*

**P135/12 F/YR12/0681/F**  
**WISBECH - THE BUNGALOW, PANSWELL LANE, ERECTION OF A TWO-STOREY 4-BED DWELLING AND DETACHED DOUBLE GARAGE INVOLVING DEMOLITION OF EXISTING FIRE DAMAGED DWELLING (MR D PARRIN)**

Further to minute P109/12.

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

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

*(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*

P214

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)

(Councillor Quince was absent from the meeting for determination of this application)

**P136/12**      **F/YR12/0730/O**  
**GUYHIRN - WESTBURY, GULL ROAD, ERECTION OF 3 X TWO-STOREY**  
**DWELLINGS INVOLVING DEMOLITION OF EXISTING DWELLING AND GARAGE**  
**(MRS S BUNN)**

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 received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey referred to the support for the proposal from the Parish Council and that the Core Strategy allows for developments of three dwellings in a small village such as Guyhirn, with this proposal being linear development and, therefore, not changing the character of this area.

Mr Humphrey stated that the existing bungalow has been on the market for two years, with the asking price being reduced by £40,000, and there are cracks internally within the bungalow, with the applicant wanting to capitalise on their assets. He expressed the view that the three plots are 15 metre plots, being merely 8 inches short of 50 feet, with officers saying that this is not acceptable and he referred to a similar application that is being recommended for approval in Parson Drove for four dwellings on a 0.24 hectares site, with this proposal being on a slightly larger site and it being recommended for refusal, questioning how this can be possible.

Mr Humphrey expressed the view that the dwellings, although in outline, are proposed to be chalet types dwellings with dormer windows, which he feels would not be out of character and a transition to the houses that surround the site. He feels the issue is whether three is acceptable and he asked members to be consistent with other applications.

Councillor Miscandlon asked Mr Humphrey, in his reference to the property having cracks on the internal walls, was the dwelling falling down? Mr Humphrey advised it was not, a structural engineer has assessed the dwelling and said it is on-going settlement due to the dwelling not being built as they are now.

Councillor Mrs Newell asked Mr Humphrey if a contamination survey had been carried out on the site? Mr Humphrey advised that he did not think one had, but a condition would be asked for this on any permission as it is previously developed land. Officers advised from a note on file that the Scientific Officer has spoken to the consultant and agreed with the measures for the site.

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

- Councillor Scrimshaw asked for confirmation that the site area figures that Mr Humphrey quoted are correct? Officers advised in the affirmative;
- Councillor Archer made the point that Councillor Quince pointed out on the site visit that there is an external crack, which did seem substantial, so it is not merely internal cracks.

It was proposed by Councillor Archer, seconded by Councillor Mrs Newell that the application be granted, subject to suitable conditions, which was not supported on a majority vote by members.

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

**Refused for the following reason -**

**the proposed development, which is located outside the Development Area Boundary of Guyhirn, is out of keeping with the existing form, scale and character of the surrounding area, by virtue of the number of proposed dwellings on the site. The proposal will result in the over-development of the site and will be detrimental to the residential amenity of adjoining dwellings due to the proximity of the dwelling to the site boundaries, contrary to the provisions of the National Planning Policy Framework Paragraphs 11 and 17, Policies CS10 and CS14 of the draft Core Strategy and Policies E1, H3 and H16 of the Fenland District-wide Local Plan.**

*(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 was discussed but took no part)*

*(Councillor Quince was absent from the meeting for determination of this application)*

**P137/12      F/YR12/0801/FDC  
DODDINGTON - LAND EAST OF 15 ANCASTER WAY, ERECTION OF A  
DWELLING  
(MR T WATSON, FENLAND DISTRICT COUNCIL)**

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:

- since the submission of the application an Anglian Water sewer pipe has been found to run along the eastern site boundary and as a result the indicative plan has been amended to allow for future maintenance of the pipe. This has resulted in a slight repositioning of the dwelling and a reduction in footprint along with the provision of a single garage rather than a double garage. As the proposal has been submitted in outline form, it is considered that this alteration to the indicative layout is acceptable and will need to be recognised at the time the Reserved Matters are submitted. There is no evidence to suggest that there are any other sewer pipes running through the site
- amended plans were produced to allow for the maintenance of a sewer pipe running along the eastern site boundary and as a result of re-consultation two letters were received from residents of Ancaster Way, with the points of concern raised being as follows:
  - the main issue of parking for existing residents has not been dealt with as the bungalows in Ancaster Way do not have driveways that can be parked on and are for access to the properties only. If all residents had to park on the road it would become blocked and prevent access for emergency vehicles
  - there is a possibility that there is more than one sewer running through the site
  - residents have established a prescriptive right to park on the land and willing to swear a declaration to that effect
  - residents have requested to lease or purchase the land but this has not been given favourable consideration by the Council

- the issue of establishing rights over the land is not a planning consideration that can be given weight in the consideration of the application, however, the resident is free to pursue the matter privately
- the issues raised relating to the potential congestion caused by the proposal to develop the land and reduce the parking spaces available to residents has been explored in the officers' report. There are 14 properties fronting Ancaster Way and letters have been received from residents occupying three of these properties raising concerns. It was noted from site visits that on-street parking was not excessive and there were no cars parked on the application site, therefore, the recommendation remains to grant planning permission for a single dwelling and garage on the site.

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

- Councillor Archer referred to the objections and from his recollection he feels that every property has a driveway and parking. He asked for any information on residents approaching Fenland to buy the land? Officers advised that they did not have this information as it is outside the jurisdiction of planning;
- Councillor Sutton stated that he supports the officers' recommendation, but he would like to see vehicles access the drive in and out using forward gear and he feels there is plenty of room on site for this to happen. Officers advised that this could be investigated at Reserved Matters stage, however, there is the matter of reasonableness and it would impact on the siting of the bungalow and its amenity which is not felt to be reasonable;
- Councillor Connor expressed the opinion that if the residents can give the market value of the land they should be given the chance to purchase it. Officers advised that they would feed back this comment to the applicant, but it is outside the jurisdiction of planning.

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

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

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

*(Councillor Quince was absent from the meeting for determination of this application)*

**P138/12**      **F/YR12/0819/O**  
**WISBECH - EBENEZER METHODIST CHURCH, KIRKGATE STREET, ERECTION**  
**OF THREE DWELLINGS INVOLVING DEMOLITION OF EXISTING CHURCH**  
**(REV D ELY, FENS METHODIST CIRCUIT)**

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.

Members received a presentation, in accordance with the public participation procedure, from Reverend Ely, the applicant for the proposal. Reverend Ely informed members that he is Superintendent Minister of the Fens Methodist Service and this is a redundant building and whilst he understands that Wisbech Town Council has recommended refusal as it feels that three dwellings is over-development of the site, due to charity law they have to make best use of the

land and obtain this in the best way to help the community, with attempts having been made to find a community use for the building, but no-one was willing to take it on.

Reverend Ely expressed the view that the agent has overcome the highway concerns and it is felt that three 2-bed dwellings are more beneficial in terms of affordable housing and for people to buy and use them. He made the point that the proposal is only in outline and indicative so Wisbech Town Council's concern that the proposal is out of keeping would be determined at the Reserved Matters stage.

Reverend Ely referred to the officers' recommendation of approval, subject to conditions, and hoped members would also be able to recommend approval.

Councillor Connor asked Reverend Ely about the tablets on the wall of the church and hoped that they could be incorporated into the proposal and not lost. Reverend Ely advised that these tablets refer to people who paid money to build the church and he also hopes that these tablets can be re-used, perhaps featuring in a boundary wall, and he gave his undertaking that this would happen.

Councillor Hodgson stated that he has no objections to the proposal, but does have concern about what happens to the building as it is now and was it used as a community building before it closed down? Reverend Ely advised that the building was used by church people, but was not extensively used otherwise. He stated that attempts have been made to find another community use for the building, but charity law states that if another use cannot be found for it the best value for the land has to be obtained and he feels that the proposal would help those people starting out on the property ladder.

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

**Granted, subject to the conditions reported, plus an informative regarding the re-use of the stone inscription tablets within the proposal.**

(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)

(Councillor Quince was absent from the meeting for determination of this application)

**P139/12      F/YR12/0832/F  
PARSON DROVE - LAND EAST OF THE COTTAGE, 259 MAIN ROAD, ERECTION  
OF 4 X TWO-STOREY 4-BED DWELLINGS WITH GARAGES  
(MR A R WARREN)**

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:

- the report states that the application is before the Planning Committee as it constitutes a departure from the Development Plan. This is the case, however, it was also called to the committee at the request of Councillor Booth to enable members to consider the application in relation to the emerging Core Strategy and, in particular, to consider whether this type of application meets the criteria outlined under Policy CS10
- North Level Internal Drainage Board approves the construction of a culvert in a length of drain
- one further letter from an existing contributor has been received raising concerns with regard to their boundary on the drawings
- the comments received from North Level have been noted and given that the nature and standard of works fall under their own legislation, it is not necessary for this to be controlled under this planning application. The comments received from the neighbouring resident have been noted and given that the applicant site does not encroach onto the neighbouring land ownership it is not necessary or relevant to request that the drawings are changed.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker informed members that the pre-application procedure has been followed, with minor changes negotiated to the scheme and the proposal has been recommended for approval.

Mr Broker stated that he notes the Parish Council's views, but made the point that four dwellings is the number of dwellings considered acceptable for Parson Drove in the Core Strategy. He expressed the view that the proposal gives the best view of the land, the side windows to Plot 4 are unique giving a detailed elevation on the front and end, with the proposal trying to achieve a group of houses that rounds off this area and provides a pleasant view from Church End heading west.

Mr Broker expressed the opinion that any further development in this area would have to be 18 metres in distance from the drain due to the access requirements for the North Level Internal Drainage Board. He stated that if the proposal is approved it would provide four building plots, with there being, in his view, no other plots available in the main road for this development.

Mr Broker requested approval of the application.

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

- Councillor Scrimshaw stated that this is one of the most difficult decisions he has made since being on Planning Committee as ward councillor for this area as, in his view, there is a definite distinction between Church End and the main part of the village, which can be seen by the two churches, and he regards this gap as one that should exist, however, on balance and having given the proposal much thought he feels that he can support it;
- Councillor Hodgson referred to the objector mention of wildlife on the site and asked if there is anything specific on the site as he did not think it was an important wildlife area? Officers advised that this is answered within the officers' report and there would be ample open land left to the rear of the site;
- Councillor Cornwell referred to the comments within the report stating that no harm would be caused to the character and openness of the countryside, but he questioned this, feeling surely harm would be caused if you are infilling one of two fields? He understands that the Church End part of Parson Drove is divorced from the main part of Parson Drove by these two fields and by allowing development Parson Drove would be joined up, therefore, in his



view, you cannot get away from harming the character;

- Councillor Archer asked what criteria is being used to consider over-development? Officers advised that each site would be determined on its own merits, with this development having a greater synergy with the neighbouring properties. In the case of the development on Gull Road, Guyhirn the width of the plots did continue a rhythm, which the development proposed in that instance would interrupt;
- Councillor Patrick expressed the view that he feels from the plans that it looks a nice development, but he does have concerns about linking up these two areas of Parson Drove;
- Councillor Miscandlon referred to the Local Highway Authority's request regarding a condition for gates to the entrance of the premises, but he cannot see any mention of gates in the conditions;
- Councillor Mrs Mayor questioned if Parson Drove is one village or two?;
- Councillor Archer questioned officers' stating that one positive aspect of the proposal is joining up two parts of the village? Officers advised that historically Parson Drove is two settlement areas within one village boundary and it is for members to assess whether there is an issue with the linking of the two, with officers' feeling that it is a proposal that can be supported;
- Councillor Stebbing expressed the view that there is only one Parson Drove, so it is only one village. Officers advised that it is a balance in terms of character of the area;
- Councillor Cornwell expressed the opinion that there are two settlements, referring to the parish of Elm which has many settlements within it. He made the point that there is still a gap of one field if this proposal is approved, which still maintains a gap between two settlements.

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

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

(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 Scrimshaw registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Parson Drove Parish Council at which this application was discussed but took no part)

**P140/12**

**F/YR12/0887/F**

**THOMOLAS DROVE - LAND SOUTH-WEST OF BRAMBLE CORNER, PLASH DROVE, ERECTION OF A TWO-STOREY 4-BED DWELLING WITH DETACHED DOUBLE GARAGE INVOLVING DEMOLITION OF EXISTING GREENHOUSE AND SHELTER**

**(MR AND MRS T FOWLER)**

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 Council's Scientific Officer has responded requesting that the unsuspected contamination condition is attached if permission is given
- Wisbech St Mary Parish Council supports the development and recommend approval
- the Environment Agency state that the development will only meet the requirements of the National Planning Policy Framework if a condition relating to the submitted Flood Risk Assessment is attached to any permission given
- following the initial Highway objection, an amended plan was submitted showing the garage repositioned further into the site to allow for more parking and turning space. Highways have been reconsulted on the amended plan and comment as follows:
  - unfortunately the front boundary is still shown as extending to the carriageway edge of Splash Drove which is not correct
  - the gravel surfacing of the parking/turning area must not extend to the carriageway edge
  - the relocation of the garage satisfactorily addresses the parking/turning area issue raised previously
- the Highways comments have been forwarded to the agent to allow them to address the issues raised.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicants' agent. Mr Edwards informed members that the applicants live in Bramble Corner, which is the chalet bungalow adjacent to the site, and this site is used as a vegetable garden and before this as scrubland for this property.

Mr Edwards expressed the view that there is a drain to the rear which acts as a natural boundary and he believes this is a natural infill site finishing off this part of the village. He feels that this proposal is ideal for a family who want to live a rural lifestyle and he made the point that Thomolas Drove has a village pub a few minutes walk away from the site, which is where the bus stop is located, and a community field less than a minute away which has community events throughout the year.

Mr Edwards stated that the proposal is supported by the Parish Council and has been submitted on the back of an approval, under delegated powers, opposite the site for a 5-bed property on a smaller plot, referring also to other approvals in the vicinity. He expressed the opinion that these other developments were approved within the last 2-3 months without the need for a footpath and asked what has now changed?

Mr Edwards expressed the view that the proposal is sympathetic to the surroundings and enhances the street scene, which has the support of the Parish Council and other statutory consultees.

Councillor Bucknor asked Mr Edwards why the dwelling was designed so near to the road? Mr Edwards advised that it has been designed in this manner to give more garden space to the rear and if you follow the road around all the properties in this vicinity are close to the road.

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

- Councillor Archer referred to the agent mentioning that the proposal had the support of the Parish Council, but it states no response in the report. The Chairman advised that this information was provided in the update to committee;
- Councillor Sutton referred to the site visit where design and sustainability were questioned and asked how does an executive design make a proposal more sustainable than this one?

The Chairman made the point that this proposal is almost identical to one that is already in existence next door;

- Councillor Archer expressed the opinion that the issue of exceptional design, being raised by officers, is subjective and how is the committee able to make small communities sustainable based on subjective decisions?;
- Councillor Connor agreed with Councillor Archer, he feels villages should not be forgotten and be given every chance possible;
- Councillor Mrs Newell asked about a similar proposal being approved under delegated powers for a dwelling opposite? Officers advised that the other side of Plash Drove is within the Development Area Boundary so it would fall within a delegated approval. In terms of sustainability, this particular development is not in a sustainable location due to limited services and should the Council be creating development where residents do not have access to a good range of services;
- Councillor Bucknor expressed the view that this proposal does end the village in a sensible way, with the area needing more houses and he would support it;
- Councillor Cornwell expressed concern about design, with the buildings immediately opposite being of barn type conversions and this is more of an executive house, which could be slightly out of keeping with the area;
- Councillor Archer expressed the opinion that some of the services that officers deem make a community sustainable come with growth in a village;
- Councillor Miscandlon referred to officers' comments that properties on the other side of Plash Drove as being in the Development Area Boundary and he feels that Bramble Corner is also within the Development Area Boundary so, therefore, its vegetable garden should also be in the Development Area Boundary. Officers advised that a small triangular section of this site is within the Development Area Boundary, but the majority of the site is not;
- Councillor Patrick expressed the view that Thomolas Drove is a sporadic development anyway and he feels it does fit in with the street scene;
- Councillor Quince expressed the opinion that this is a decent property on a decent sized plot and he would recommend approval;
- Councillor Hatton referred to a training course he attended undertaken by the Planning Advisory Group and he was told that in terms of sustainability it would be very hard to justify that one building in a built up area was unsustainable.

Proposed by Councillor Quince, seconded by Councillor Bucknor and decided to:

#### **Grant, subject to**

- **an amended plan being received addressing highway issues outlined by Local Highway Authority, e.g. correctly drawn red line not including the highway**
- **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) hard surfacing, other hard landscape features and materials
  - b) existing trees, hedges or other soft features to be retained
  - c) planting plans, including specifications of species, sizes, planting centres number and percentage mix
  - d) 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
- 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 an 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
- the development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. The eventual occupiers will sign on to the Environment Agency's Floodline Warnings Direct Service
2. Flood resilient and resistant construction will be utilised within the development
3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as outlined in section 7.6 and safe refuge will be provided in the first floor of the dwelling
4. No sleeping accommodation will be located on the ground floor of the dwelling
5. Finished floor levels are set no lower than 1.60 m. above Ordnance Datum (AOD)

the mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Reason - To reduce the risk of flooding to the proposed development and future occupants

- any further highways conditions required following further amended plans/responses from highways
- approved plans.

Members do not support officers' recommendation of refusal of planning permission as they feel that it is not in an unsustainable location and it fits in with the character of the area.

(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 was discussed, but took no part. The applicant is also a fellow Wisbech St Mary Parish Councillor)

**P141/12      CHATTERIS - THE SHRUBBERY**  
**TPO CU/2/465/6**

Members considered revocation of a Tree Preservation Order (TPO) at The Shrubbery, Chatteris given that the trees are no longer in existence. Members were informed that:

- following a review of the site in response to an enquiry, it became apparent that the historic TPO was no longer relevant as the trees previously identified were no longer in evidence;
- the TPO file indicates that the original TPO, made in 1966, covered an Ash tree on the southern boundary and a group of 'several horse chestnuts', Bird Cherry, Pollarded Limes, Sycamore, Yew, Ash and Box at the entrance to the estate;
- other correspondence on file indicates that over the passage of time various works and felling have occurred, which has resulted in the majority of the protected trees being lost and although the records are not precise in terms of detail and species it would appear that a significant number of the trees have been accounted for.

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

- Councillor Mrs Newell agreed that a TPO cannot exist on trees that are not in existence, but made the point that the trees were present and have been removed illegally. She feels that there were lovely trees at The Shrubbery, which have been removed one by one, and those responsible have got away with it. Officers advised that owners are entitled to remove TPO trees if they are dead or diseased and there is a catalogued programme of works to the

trees, however, it cannot be proved exclusively that these trees were removed due to being unsafe, dead or diseased. Actions taken historically cannot be revisited and officers will ensure that there is more appropriate record keeping in the future to protect relevant TPOs;

- Councillor Miscandlon referred to the records which indicates that an Ash tree on site that was felled had a requirement for replacement. Officers advised that it is difficult due to the passage of time to prove what has or has not happened, but the replacement may also had to have been removed?;
- Councillor Archer agreed with the comments of Councillor Mrs Newell, feeling that it is outrageous what has been allowed to happen, but the situation is as it is. He made the point that it serves no purpose placing TPOs on new trees and allowing the same situation to happen;
- Councillor Mrs Mayor stated that in Whittlesey the Town Council took onus of its TPO'd trees and it was provided with lists, maps and details of the trees, which is ideal to enable the Town Council to get the situation in order in the town.

Proposed by Councillor Patrick, seconded by Councillor Mrs Mayor and **decided that TPO CU/2/465/6 be formally revoked.**

**P142/12      WIMBLINGTON - BRIDGE LANE**  
**TPO NW/2/65/3**

Members considered revocation of Tree Preservation Order (TPO) NW/2/65/3 at Bridge Lane, Wimblington given that the trees are no longer in existence. Members were informed that:

- following a review of the site in response to an enquiry, it became apparent that the historic TPO was no longer relevant as the groups of trees previously identified were no longer in evidence;
- the TPO file indicates that the original TPO, made in 1955, covered 8 Elm trees in total in two groups, one on the western boundary and one on the southern;
- other correspondence indicates that over the passage of time various works and felling has occurred, which has resulted in the majority of the protected trees being lost. Of the 8 trees identified there is documentary evidence in respect of the removal of 4 of these;
- in addition, it is also noted that the reported deterioration in the remainder of the trees corresponded with an outbreak of Dutch Elm Disease in the late 1960s.

Councillor Patrick stated that, whilst he supports the officers' recommendation, the Council needs to be more aware in future of what is happening with regard to TPOs.

Proposed by Councillor Patrick, seconded by Councillor Connor and **decided that TPO NW/2/65/3 be formally revoked.**