

PLANNING COMMITTEE



Fenland District Council

6 MARCH 2013 - 2.30PM

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

APOLOGIES: Councillor D Hodgson.

Officers in attendance: G Nourse (Head of Development), Ms C Flittner (Area Development Manager), Ms R Norman (Senior Development Officer), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

Councillor Murphy attended the meeting as an observer.

P166/12 MINUTES OF 23 JANUARY AND 6 FEBRUARY 2013

The minutes of the meetings of 23 January and 6 February 2013 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

**P167/12 F/YR12/0689/O
MARCH - LAND NORTH OF 35 WHITTLESEY ROAD, ERECTION OF 18
DWELLINGS
(GREENE KING PLC)**

Members considered objections.

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

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

- Councillor Stebbing expressed the view that on the site inspection it was obvious to see the land is at a low level and would be prone to flooding. The sites separation by the A141 makes it unsustainable as people would use vehicles and not walk, and the junction with the roundabout does not require any interference;
- Councillor Archer made the point that just before the entrance to this site is a derestricted speed limit and people would be speeding up at this entrance as they approach this derestricted limit;
- Councillor Miscandlon agreed with Councillor Stebbing, expressing the view that the houses would be family dwellings and it would be dangerous for young children to cross the A141 and he cannot support the proposal;
- Councillor Keane stated that he goes past this route regularly and he feels it would be chaos if a crossing was put across the A141 in the location proposed;

- Councillor Cornwell stated that he could not agree to a pedestrian crossing in the location proposed, the A141 has a horrendous traffic issue and the proposed site does suffer from water pooling and he cannot support the proposal in any way;
- Councillor Quince stated that he could not support the proposal, the roundabout is horrendous making the point that traffic coming out of Hostmoor has to turn left and go round the roundabout to go back up the A141. He feels the area is prone to flooding and can see problems with sewerage as this is the end of line, where there are already problems;
- Councillor Archer expressed the opinion that he thought it was appropriate that officers described the island as a pedestrian refuge, as this is what they would be doing, and, in his view, is totally unsuitable. He feels it has not been deemed what highway works would be acceptable;
- Councillor Sutton referred to the site history which says that on two previous occasions proposals have been granted and are officers of the opinion that the site is undevelopable full stop or is this development just not suitable? Officers advised that under the Local Plan the site was allocated for workplace homes, this policy has now been deleted and the proposal is now contrary to policy, it has flood risk issues and there are more preferable sites that should be developed first;
- Councillor Miscandlon made the point that whilst on site three HGVs came down Whittlesey Road and there is also a large factory and other businesses in the vicinity that have commercial vehicles using this road, which all make the road dangerous and the site unsuitable for families.

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

Refused for the following reasons -

- 1. the proposal has failed to demonstrate that an acceptable safe means of pedestrians crossing the A141 can be provided, which renders the site unsustainable, contrary to Policies CS1, CS16 and CS17 of the emerging Fenland Local Plan Core Strategy February 2013 and Policy E8 of the Fenland District-wide Local Plan 1993**
- 2. the proposed development is located on land situated on the periphery of March, separated from the main urban area by the presence of the A141 bypass road and the development would begin to change the fairly open nature of the countryside in the immediate vicinity, causing harm to the distinctive character of the locality resulting in an estate type development which would be out of character with the generally 'ribbon' development along Whittlesey Road, contrary to Policies CS1 and CS16 of the emerging Fenland Local Plan Core Strategy February 2013 and Policy E8 of the Fenland District-wide Local Plan 1993**
- 3. the site is located in Flood Zone 3 and is considered to have failed to demonstrate the acceptability of locating housing development on this site in sequential terms when compared to other sites around March which have a lower probability of flooding, contrary to Policy CS14 of the emerging Fenland Local Plan Core Strategy February 2013.**

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

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

**P168/12 F/YR12/0725/F
**CHATTERIS - SITE OF FORMER 91 HIGH STREET, ERECTION OF 8 X TWO-
 STOREY 3-BED DWELLINGS WITH GARAGES TO PLOTS 5, 6 AND 8**
(JA INVESTMENTS)**

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 Parish/Ward stated in the report reads Elm/Christchurch and this should read Chatteris
- in relation to issues that arose on the site inspection, the site lies wholly within Chatteris Conservation Area and No.89 High Street is not a Listed Building
- amended plans have been submitted and the report indicates that the comments of the Town Council and Conservation Officer are to be reported. On close scrutiny of the plans it was noted that the only amendment was to show the retention of the pollarded Ash trees on the rear boundary and the Beech and Sycamore trees in the rear garden of Plot 2, therefore, the decision was taken not to re-consult on these minor amendments as the form and character of the scheme had not altered.

Members received a presentation, in accordance with the public participation procedure, from Mr Hall, the applicant's agent. Mr Hall made the point that the Town Council and Local Highway Authority have no objections to the proposal and the Conservation Officer is satisfied with the design of each proposed dwelling.

Mr Hall stated that the previous approval for the site has expired and this proposal is a smaller development with a reduction from a 4-bed to a 3-bed dwelling. He feels the design complements the existing neighbourhood and the construction materials would be of good quality.

Mr Hall expressed the view that the design of the adoptable road has been made in accordance with the Local Highway Authority. He stated that timber framed windows were originally proposed for the site, but expressed the view that he received a letter stating that the Conservation Officer felt that UPVC would be preferable on this site.

Mr Hall expressed the opinion that the proposal has affordable housing, has an adoptable road, a bin store that is out of sight, does not lie within a flood zone, is in a town centre location and would blend in with the existing neighbourhood. He made the point that a number of trees are to remain on the site and the proposal would contain an adoptable road, which, in his view, is an improvement to the previous application for the site.

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

- Councillor Mrs Newell stated that she has the opposite opinion to officers. She made the point that Chatteris Town Council has no objections to this proposal and a previous scheme was granted, which did not take place due to the economic climate. She feels that all this side of Chatteris consists of yards, referring to Dobbs Yard in close proximity to this site which has to bring its bins for collection to the top of the road. She would recommend approval of the proposal;

- Councillor Sutton agreed with Councillor Mrs Newell. He cannot see anything wrong with the proposal, especially as it was approved in 2007 and made the point that there is now a smaller dwelling on the frontage of the proposal and not everyone wants a big amenity space;
- Councillor Archer made the point that officers are having to take into account planning policy which has changed since 2007 and this proposal does not meet current policy. He asked if officers did receive the Town Council comments as referred to in the report? Officers advised that this issue was referred to in the update and as the amended plans did not show anything different except two trees it was felt that the Town Council did not need to be consulted as the character of the development was not altered. Councillor Archer stated that he understands the position of officers, but he agrees with Councillor Mrs Newell;
- Councillor Cornwell expressed the view that the issue for him is the extended gap within the street scene and asked if the road has to be provided to an adoptable standard or could a private type road be acceptable which could then provide a better street scene frontage? Officers advised that negotiations have taken into account the former approval for 8 dwellings, but an adoptable highway is required for the bin lorry to access this site. If the proposal was reduced to 6 dwellings, providing more space on the frontage, the RECAP Guidance could be set to one side and a bin store could be provided on the frontage with a better quality development that does not look too squeezed, with the Local Highway Authority agreeing that this could be undertaken;
- Councillor Cornwell asked if the road to the north, Kempston Court, is of adoptable standard? Officers advised that it was not;
- Councillor Sutton expressed the opinion that there are too many private drives and members should be grabbing adoptable roads with both hands;
- Councillor Mrs Mayor questioned the timescale that this application has taken to come before the committee? Officers advised that they had tried to negotiate a better scheme in line with current policy.

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

Grant, subject to suitable conditions to include:

- **the development permitted shall be begun before the expiration of 3 years from the date of this permission**
- **before the commencement of any work on the site, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:**
 - **a plan and schedule of all trees on the land, their location, species and which are to be retained, felled, lopped or topped**
 - **a plan and schedule for the planting of trees and shrubs, their types and distribution on the site, hard landscaping and the areas to be seeded, turfed or paved**
 - **a programme of the timing of the landscape work having regard to the timing of the commencement of any part of the development hereby permitted**
 - **an indication of the measures to be taken during the course of development operations to protect those trees which it is intended to retain**
- **all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any**

trees or plants which within a period of 5 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 trees that are to be retained shall be protected during the course of construction in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented prior to the storage of materials or commencement of work on the site and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development
- details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, and all such works shall be erected concurrently with the erection of the dwelling(s). Such approved details shall be erected and retained in perpetuity thereafter
- notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:
 - the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E)
 - the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D)
 - alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B)
 - alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1, Class C)
- notwithstanding the materials indicated on the submitted plans all joinery to Plot 1 shall be timber and the rainwater goods shall be cast iron or aluminium. These details shall be agreed in writing prior to the commencement of the development
- prior to the first occupation of the development, visibility splays shall be provided each side of the vehicular access. Minimum dimensions to secure the required splays shall be 2.4m measured along the centre line of the proposed access road from its junction with the High Street, and 43.0m measured along the channel line of the carriageway of High Street from the centre line of the access road. The splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway or if the road is to be offered to the Local Highway Authority for adoption such splays shall be kept free of obstruction to ground level and be available for adoption at the same time as the access road
- prior to the first occupation of the development, pedestrian visibility splays of 1.5m x 1.5m shall be provided each side of each vehicular access that has direct access to the access road measured from and along the back edge of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway
- prior to the first occupation of the development, the junction of the access road with High Street shall be laid out with 6.0m radius kerbs
- 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 brought into use and thereafter retained in perpetuity

- no development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs a), b) and c). This is an interactive process and the results of each stage will help decide if the following stage is necessary
 - a) the contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site
 - b) the site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology
 - c) a site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters
- no development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the Local Planning Authority and receipt of approval of the document/documents from the Local Planning Authority. This applies to paragraphs d), e) and f)
 - d) approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance
 - e) if, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority
 - f) upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site and what has been brought on to site
- in accordance with approved plans.

Members do not support officers recommendation of refusal of planning permission as they feel that the proposal is in keeping with Chatteris High Street, it is a sustainable site and the site has a previous permission which should be taken into consideration.

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

P169/12 **F/YR12/0956/F**
TYDD ST GILES - LAND NORTH AND WEST OF AMBERLEY, HOCKLAND ROAD,
ERECTION OF A TWO-STOREY 4-BED DWELLING WITH DETACHED DOUBLE
GARAGE
(MRS A MAGNUS)

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 a letter has been received from the owner of an adjoining property, Sunnyside, clarifying Paragraph 5.1 on Page 105 of the report stating that Sunnyside is not owned by the applicant.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Johnson of Tydd St Giles Parish Council. Councillor Johnson made the point that this is the third application for this site, with the previous two being refused, and whilst this proposal has reduced to one dwelling the objections remain the same.

Councillor Johnson expressed the view that the Parish Council has seen many objections on backfill developments from residents in Tydd St Giles and he feels that development should not be allowed in backfill sites, especially as there are numerous other plots that have remained unsold in the village. He feels that much distress and upset has been caused to residents in Tydd St Giles by this third application.

Members received a presentation, in accordance with the public participation procedure, from Councillor Tierney, a Cambridgeshire County Councillor. Councillor Tierney expressed a sense of déjà vu by considering a third application for this site, feeling that there were good reasons why the previous two applications were refused. He made the point that the Parish Council objected to the last application as did residents and, in his view, there are numerous planning reasons to refuse this application as Tydd St Giles is classed as a small village and the proposal is still backfill.

Councillor Tierney stated that he does support growth in the right place, but, in his opinion, this is not the right place and asked members to refuse the proposal.

Councillor Archer asked Councillor Tierney if there are other opportunities for Tydd St Giles to grow? Councillor Tierney expressed the opinion that each application should be taken on its own merits and feels the way forward is for infill development not backfill. He feels there might be other sites that could come forward, but does not want to pre-empt this.

Members received a presentation, in accordance with the public participation procedure, from Mr Mathias, an objector to the proposal. Mr Mathias informed members that he was speaking on behalf of residents of Tydd St Giles who object to this proposal and this is the third time he has attended the meeting to address the committee for development on backfill land at Amberley, referring to the voting intentions of these previous refusals.

Mr Mathias stated that he fully supports applications that conform to the Council's planning policies and re-use redundant land, however, he feels that this proposal does not comply with the Core Strategy or the Council's planning policies, which is highlighted in the officers' report eight times. He expressed the view that the site is not garden land to Amberley, it is backfill development, outside the Development Area Boundary and would affect the amenities of Amberley and

Sunnyside setting a precedent. He made the point that Sunnyside is a 400 year old cottage and its sitting room would be overlooked.

Mr Mathias expressed the opinion that the car parking arrangements for the proposal would be unacceptable and would be a danger to others due to the access. He feels that as this proposal is indicated on the plans as Plot 1 there would be further applications on Bladderwick Field and made the point that there are approximately 20 other unused applications in Tydd St Giles and feels that no other proposals should be considered until these are completed.

Mr Mathias stated that after the second failed application for this site, he wrote to the applicants asking for a meeting with an offer to buy Bladderwick Field from them, but he has not received an acknowledgement or reply. He applauded the consistency of officers in recommending refusal and asked members to accept officers recommendation.

Members received a presentation, in accordance with the public participation procedure, from Mr Barker, on behalf of the applicant for the proposal. Mr Barker informed members that he is used to feelings running high in Tydd St Giles as he was the case officer for the Golf Course application and he had never received more objections to an application, however, this has now settled down despite its initial objections.

Mr Barker expressed the view that this is a different application to the previous ones as it is on a different piece of land. He feels that the 1993 Local Plan did not protect the linear development of the village and feels that the old centre of the village is in this location.

Mr Barker made the point that the Core Strategy is not adopted, but should be given weight and, in his opinion, this proposal meets all the criteria of Policy CS12. He showed on a plan the houses and gardens of existing and approved proposals, which he feels shows that this site is not in the open countryside but part of the village and immediately adjacent to the built footprint of the village and in keeping with the shape of the village. He feels that it meets the IPPLS requirements and consolidates the village.

Mr Barker expressed the opinion that if you looked at this site from any vantage point in Lincolnshire it would not stand out and would blend in with the surroundings, and is exactly the type of development that should be allowed in the villages. He feels that there are similar sites all over Fenland and that the slow moving traffic of one vehicle using the access to the site would cause no harm to the amenities of surrounding properties.

Councillor Miscandlon asked if this application is granted what access would exist to Bladderwick Field? Mr Barker advised that it would be unchanged, the access to the proposal would be a shared access.

Councillor Archer asked Mr Barker if he had any comments to make on the objector's accusations that this is Plot 1 and there would be future development? Mr Barker advised that members are here to consider one application and he cannot predict what might happen in the future.

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

- Councillor Stebbing stated that he thinks officers have got the recommendation correct on this proposal;
- Councillor Sutton referred to the last speaker's mention of IPPLS and asked for confirmation that this no longer exists? Officers advised that the sentiments of IPPLS are now contained in the Core Strategy;

- Councillor Sutton stated that he supports growth in the villages, but he thinks on this occasion officers have it correct;
- Councillor Archer made the point that when a bigger overview of the footprint of the village is taken, as shown by the last speaker, it does not look like the proposal is breaking the linear pattern of the village, but he does feel that it would set a precedent.

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

Refused for the following reason -

the proposed development is located outside the Development Area Boundary for Tydd St Giles where residential development is not normally supported unless justified and development in this location would introduce a 'tandem' form of development which would harm the distinctive character of the locality and detract from the existing settlement pattern of the village which consists of mainly frontage development around an undeveloped square of agricultural land, contrary to Policies H3, H16 and E8 of the Fenland District-wide Local Plan and Policies CS12 and CS16 of the emerging Fenland Local Plan Core Strategy February 2013.

(Councillor Patrick left the room for the discussion and voting thereon of this application)

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

**P170/12 F/YR13/0011/F
WISBECH - LAND SOUTH-WEST OF 241 NORTH BRINK, ERECTION OF A TWO-STOREY 4-BED DWELLING
(MR AND MRS WAKEFIELD)**

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 withdrawn its objection, subject to conditions being attached to any permission given relating to development in accordance with the submitted Flood Risk Assessment and the submission of a foul water drainage scheme.

Members received a presentation, in accordance with the public participation procedure, from Mrs Wakefield, one of the applicants for the proposal. Mrs Wakefield informed members that her mother is deaf and requires extra help with tasks and daily care following the sudden death of her father and living on her own is dangerous. She stated that she is only sibling living in the UK able to care for her mother and she also home educates her two children so she has little spare time.

Mrs Wakefield expressed the view that the design of the proposal would allow for a stair lift to be incorporated as her existing dwelling cannot accommodate one. She outlined the exceptional circumstances for members to support this application, she realises the site is outside the Development Area Boundary, but feels there are justifiable reasons for allowing it, with the family being able to live next to their landholding explaining what this land is used for.

Mrs Wakefield stated that the site is currently garden land and none of the hedge that currently exists would be removed. She made the point that no neighbours have objected and the Environment Agency has removed its objection.

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Councillor Quince referred to planning permission being granted in 2004 and asked Mrs Wakefield why this dwelling was not built? Mrs Wakefield advised that this was built and is the current property at 241 North Brink.

Officers made the point that the justification submitted for this proposal was medical evidence that related to the applicant's father, not her mother. Mrs Wakefield made the point that they did not consider there was a need to justify the proposal on the basis of her mother whilst her father was still alive. Officers made the point that part of the support for the application is this medical submission and members can either refuse the application or defer it for the applicant to submit support for the proposal from her mother's point of view.

Councillor Archer asked Mrs Wakefield if it is the intention for her mother to live with her and that they would sell their current home? Mrs Wakefield advised in the affirmative.

Councillor Cornwell asked Mrs Wakefield if there is evidence of an agricultural justification? Mrs Wakefield advised that her current property is a replacement dwelling and they do own agricultural land, but it is their family circumstances that have changed.

Councillor Stebbing requested clarification from Mrs Wakefield that permission is required for this proposal so that she can move from her existing property to the new one? Mrs Wakefield confirmed this to be correct.

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

Deferred to enable the applicant to submit further information on justification for the proposal.

(Councillor Patrick left the room for the discussion and voting thereon of this application)

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

**P171/12 F/YR13/0024/F
WISBECH - 21 VERDUN ROAD, ERECTION OF TWO-STOREY SIDE AND
SINGLE-STOREY REAR EXTENSION TO EXISTING DWELLING INVOLVING
DEMOLITION OF EXISTING EXTENSION AND DETACHED GARAGE
(MR D ALLEN)**

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 Brand, on behalf of an objector to the proposal. Mr Brand informed members that he is speaking on behalf of the owner of 24 Verdun Road, which is adjacent to this property, and faces sideways to the proposal, with its garden space being at the front.

Mr Brand expressed the view that the extension would block light to No.24 and would have an overbearing visual impact as the two-storey element would be straight in front of this house overshadowing the principal windows to this house, patio and garden. He referred to the dimensions of the proposed extension, making the point that it is a large extension, with a similar

proposal for a new dwelling in the same position being refused by the Council and dismissed on appeal on the grounds of an overbearing visual impact and overshadowing.

Mr Brand read out the Planning Inspector's comments which said that the previous proposal for this site would "result in some overshadowing of that adjoining property's kitchen and dining room windows, and it would cast a significant shadow on No. 24's main garden and patio area, materially reducing the enjoyment of the property. Furthermore, given its proximity and likely bulk, I consider that the proposal would have an overbearing visual impact from within No 24 and its garden area" and, in his view, this proposal is an almost identical sized building, but being merely 3 metres further away. He expressed the opinion that officers say the application is different as it is a smaller size, but he feels the bulk and size of the proposal is exactly the same.

Councillor Archer asked Mr Brand if he had any evidence to show where shadows fall to support his claim that the proposal would cause overshadowing and a loss of light? Mr Brand stated that the proposed extension being 8.5 and 10.5 metres away from No.24, even with Summer sun, would cause overshadowing, but he does not have any evidence to support this.

Members received a presentation, in accordance with the public participation procedure, from Mr Seaton, the applicant's agent. Mr Seaton informed members that following refusal of the previous application, the applicant now wants to construct an extension and the previous refusal has been taken into account in this proposal to minimise the impact on the neighbours.

Mr Seaton expressed the opinion that the neighbour objects on the grounds that it would adversely impact them, but officers consider there is no adverse impact, with the extension being 4 metres from the boundary and a further 7 metres to the neighbouring property, being in fact 10-12 metres further away and the size of a 4 car garage. He stated that the proposal removes two side windows to No.21 so overlooking is not an issue and a hip roof is proposed to fit in with the existing property.

Mr Seaton acknowledged that No.24 does face the proposal, but made the point that it does have windows on the front and rear. He asked members to approve the application in line with the officers recommendation who consider the proposal to be acceptable.

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

- Councillor Patrick stated that he does have concern over the size of the extension, which, in his view, almost looks bigger than the house itself;
- Councillor Archer stated that he has no particular problems with this proposal and asked officers what is an allowed size of an extension? Officers advised that each site is taken on its own merits, with the key for an extension is for it to be subservient and not over-dominate the original dwelling. Councillor Archer asked officers if they think the extension over-dominates the site? Officers advised that they do not;
- Councillor Archer referred to the neighbours concern regarding views and questioned whether this property's principal view would not be over the park? He also asked what has changed for officers to recommend approval of this application compared to the previous application? Officers advised that the distance between the objector's property and extension, plus the removal of the upstairs windows, overcome the concerns. The two-storey extension sits in line with the rear elevation and on balance it was considered acceptable in terms of design and siting;

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- Councillor Miscandlon asked if the Planning Inspector's report was solely on the development of a detached property on the site? Officers advised that it was in relation to a end terrace dwelling attached to No.21;
- Councillor Sutton expressed the view that he support the recommendation of officers on this proposal;
- Councillor Quince agreed with Councillor Sutton, in his view the proposal is removing an existing garage, which would be virtually the same height as the extension;
- Councillor Cornwell asked for confirmation that the extension to the rear of No.21 is single-storey and not two-storey? Officers confirmed this to be the case. Councillor Cornwell made the point that if there is a overshadowing problem, no evidence has been produced of what this is and most housing on estates would have smaller distances between them than this proposal and its neighbouring property;
- Councillor Mrs Newell referred to the letters received from residents stating that the infill policy advises that there is a minimum distance between dwellings, asking officers if this is correct? Officers advised that they presume this has been taken from a guidance leaflet which is no longer current.

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

Granted, subject to the conditions reported.

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

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

P172/12 **F/YR13/0063/F**
WISBECH - LAND SOUTH-WEST OF DUNROAMIN, LORDS LANE, ERECTION OF
A TWO-STOREY 4-BED DWELLING WITH ATTACHED DOUBLE GARAGE
(MR M R LARGE, L M FARMS)

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 objected to the proposal as the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the development. This objection has been forwarded to the Agent for them to address and the Agent has confirmed that they are working towards overcoming the Environment Agency's objection, but are awaiting further contact from them. The Agent states that they would be prepared to follow any conditions/recommendations made by the Environment Agency.

Members received presentations, in accordance with the public participation procedure, from Ms Large, on behalf of the applicant, and Mr Broker, the applicant's agent. Ms Large informed members that she is the applicant's 22 year old daughter and is studying agricultural and countryside management. She is currently working with H L Hutchinsons, with the ultimate aim to take over the farm and the proposal is required to enable her family to live on land which they farm

and consolidate management of the facility.

Mr Broker referred to one of Fenland's priorities being 'Open for Business', with this proposal being submitted by a hands on business man with over 20 years in agriculture and, with many small farms closing, he is expanding and spending £2.4 million on land, buildings and machinery. He expressed the opinion that the proposal is required for security reasons and the applicant dreads entering his farms to see what he would find damaged or missing.

Mr Broker referred to a building being refused on Cross Road, which has resulted in this application, and the applicant would construct further buildings and purchase further land when it becomes available. In his view, Lords Lane is not in the open countryside, which he feels can be seen clearly from a plan showing areas of non-agricultural uses and including six new houses since 1993.

Mr Broker referred to officers saying that there is no sufficient justification for the proposal, but he is of the opinion that statistics are no substitute for hard work, with members having already heard from Ms Large about her aspirations, she is also hands on in the farm and is the future. He feels the applicant is "bucking the trend", with him preparing applications for two solar farms, which show further the stability and sustainability of his farm.

Mr Broker asked members to show support for this application and the policy of 'Open for Business'.

Councillor Archer asked Mr Broker where the family resides at present? Mr Broker advised that they reside at the top end of Barton Road in Wisbech, about 2.5 miles away.

Councillor Patrick asked Mr Broker where the thefts are taking place? Mr Broker showed on the plans where the applicant owns two depots and he suffers from constant break ins at his grain stores and at his buildings on Cross Drove, numbers can be supplied if required. Councillor Patrick stated that he was trying to establish how close the proposed home would be to the buildings suffering from thefts. Mr Broker stated that members would be able to see from the plan that there are two buildings on the site of the proposal.

Councillor Mrs Newell asked Mr Broker why no special circumstances have been put forward in this case? Mr Broker advised that the situation is as put forward and members can be more flexible with a decision than officers.

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

- Councillor Patrick asked that if the proposal was approved could it be made an agricultural tied building? Officers advised that it would have to be, but it is about demonstrating a need as contained in the National Planning Policy Framework and officers are not convinced that a need has been properly demonstrated;
- Councillor Cornwell asked if there is a problem with justifying the proposal would the applicant wish members to defer the application for him to develop a case?;
- Councillor Archer expressed the view that the applicant has demonstrated today there is a justification for approval and he is disappointed that the report does not highlight this situation;

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- Councillor Mrs Mayor stated that she has lived on a farm and has every sympathy with what is happening here. She believes the applicant should be given the opportunity to have a home here, with an agricultural tie on it;
- Councillor Miscandlon referred to the objection from the Environment Agency questioning whether it would be preferable to defer the proposal for this objection to be overcome?;
- officers made the point that they would normally expect a business plan to be submitted as to why the proposal should be in this location and this has not been submitted;
- Councillor Hatton made the point that just further along from this site, towards Barton Road, there is another big dwelling that was granted a few years ago, questioning whether this has an agricultural restriction?

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

Deferred to enable the applicant to submit a business plan in support of his application.

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

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

**P173/12 F/YR12/0969/PLANOB
WHITTLESEY - LAND WEST OF RAMSEY ROAD, MODIFICATION OF PLANNING
OBLIGATION ATTACHED TO PLANNING PERMISSION F/YR07/1116/F**

Members considered the applicant's request for a Deed of Variation to the existing Section 106 Agreement attached to planning permission F/YR07/1116/F. Members were informed that:

- the site has commenced development and the affordable housing has been constructed, delivered and transferred to the registered provider, Roddons Housing Association, in accordance with the Section 106 Agreement;
- the applicant has applied to amend the original obligation to vary the terms relating to the payment of the Education and Public Open Space contribution;
- the request is being made by the developer to allow the development to generate the capital needed to complete the site;
- the Town Council has been consulted on the proposed variation and has no objection;
- the County Council, acting as the Education Authority, has been consulted and has agreed that the proposed phasing is acceptable;
- officers consider that the phased triggers pose no risk to the Council and the request does not detract from the original Planning Obligation, it merely seeks to amend the timing of payments.

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

- Councillor Archer requested clarification on whether Roddons were the owners of the site? Officers confirmed that it was not, it has only taken over the social housing on the site;
- Councillor Sutton expressed the view that given the state of the building industry members should be supporting this to get the development moving;
- Councillor Cornwell expressed concern about risk, he knows what the market is like at the moment, but the company accepted the principle initially and he is concerned that members may be agreeing to change well after the event;
- Councillor Mrs Newell asked who would monitor that the requirements of the Agreement would be complied with? Officers advised that they would do this;
- Councillor Hatton made the point that in this economic climate, developers are unable to go to the bank and borrow money;
- Councillor Mrs Mayor expressed her belief that the only houses that are being lived in on the site are the social housing ones;
- Councillor Archer asked if this would allow every development to have variable terms, thereby creating a precedent? The Principal Solicitor advised that he does not believe a precedent would be set and he has no problems with members accepting the terms proposed;
- Councillor Mrs Mayor asked if there is any possibility of the developer coming back and asking for further concessions? The Principal Solicitor advised that they could do, but they would have to submit a further application and would have to make a business case at that time;
- Councillor Connor stated that he was of the same view as Councillors Hatton and Sutton, it is a difficult economic climate, banks will not lend money to building firms and he feels the developer should be given the benefit of the doubt. If he comes back again to vary the terms, members can say that they have already had their chance;
- Councillor Cornwell expressed the view that the company has already begun developing in another part of Whittlesey, which he feels is increasing the risk further and he does not agree to this risk being taken;
- Councillor Patrick expressed the opinion that if this variation is not allowed the District would end up with a site that is not developed and he feels members have to take a chance;
- Councillor Archer made the point that Section 106 Agreements are put in place for a reason and it enable authorities to plan their future developments and if all other agreements come back for variation, how can the County Council plan? Officers advised that the variation has been put together with the County Council's agreement as far as they are aware;
- Councillor Bucknor asked if this would be a precedent as he feels that the committee has taken similar action? Officers advised not, although acknowledging that similar action has been taken. If the Agreement was started again, it would be a different type of Section 106, and this is a chance to make things right;

- Councillor Quince asked if there is any way that these payments can be guaranteed? Officers advised that they are guaranteed, but at a later stage. The Principal Solicitor made the point that the development is just below the trigger point now, therefore, the developer could walk away and leave the rest of the site undeveloped, but if it is approved there is the provision for them to pay the contributions within a certain time period;
- Councillor Cornwell expressed his belief that there is still a risk, which is public money and should not be played about with;
- Councillor Miscandlon asked if there is no risk to the Council, what is the risk if the company goes into liquidation and does the Council have the power to charge against the site? Officers advised that the Government encourages Councils to renegotiate agreements made prior to 2008 when the development has stalled.

Proposed by Councillor Connor, seconded by Councillor Patrick and **decided that the Deed of Variation be accepted for the following:**

1. **Remove reference in Schedule 2 of the agreement requiring the Education Contribution to be paid prior to the occupation of 50% of the development**
2. **Remove reference in Schedule 5 of the agreement requiring the Public Open Space Contribution to be paid prior to the occupation of 50% of the development**
3. **Replace (1) with - the Education Contribution shall be paid in 12 equal instalments prior to the occupation of each of the twelve remaining dwellings or within 24 months of the date of the Deed of Variation, whichever is the sooner**
4. **Replace (2) with - the Public Open Space Contribution shall be paid equally in three instalments:**
 1. **the first instalment shall be paid prior to the occupation of the 13th dwelling or within 6 months of the Deed of Variation, whichever is sooner**
 2. **the second instalment shall be paid prior to the occupation of the 17th dwelling or within 12 months of the Deed of Variation, whichever is sooner**
 3. **the third instalment shall be paid prior to the occupation of the 20th dwelling or within 18 months of the Deed of Variation, whichever is sooner.**

(Councillor Miscandlon 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 Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

(Councillors Mrs Mayor and Stebbing stated that they are members of Whittlesey Town Council, but take no part in planning matters)