

PLANNING COMMITTEE



3 APRIL 2013 - 2.30PM

PRESENT: Councillor P Hatton (Chairman), Councillor D W Connor (Vice-Chairman), Councillor M I Archer, Councillor M G Bucknor, Councillor M Cornwell, Councillor D Hodgson, Councillor Mrs K F Mayor, Councillor A Miscandlon, Councillor Mrs F S Newell, Councillor D R Patrick, Councillor T E W Quince, Councillor D Stebbing, Councillor W Sutton.

APOLOGIES: Councillor B M Keane

Officers in attendance: G Nourse (Head of Development), Ms A Callaby (Planning Performance Manager), Mrs S Black (Senior Development Officer), R McKenna (Principal Solicitor (Litigation and Planning)), Miss S Smith (Member Support Officer).

Councillor Melton attended the meeting to speak in relation to Application Number F/YR12/0894/F.

Councillors Chambers and Jolley attended the meeting as observers.

P174/12 MINUTES OF 6 MARCH 2013

The minutes of the meeting of 6 March 2013 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P175/12 F/YR12/0753/RM MARCH - LAND NORTH OF 33 GAUL ROAD, FRONTING OXBOW CRESCENT, ERECTION OF 8 X 3-BED AND 5 X 4-BED 2-STOREY DWELLINGS WITH GARAGES AND 2.0M HIGH WALLS AND FENCES INVOLVING THE DEMOLITION OF EXISTING SWIMMING POOL AND OUTBUILDINGS (GAUL DEVELOPMENTS LLP)

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

Officers informed members that:

- Anglian Water has no comments to make on this planning application.

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

Granted.

(Councillor Quince registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of March Town Council at which this application had been discussed but had taken not part)

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

P176/12 **F/YR12/0894/F**
MANEA - LAND SOUTH WEST OF WILLIAMS WAY, ERECTION OF 38
DWELLINGS COMPRISING 2 X 4-BED HOUSES, 16 X 3-BED HOUSES, 16 X 2-
BED HOUSES AND 4 X 2-BED BUNGALOWS AND ERECTION OF 2.1 METRE
HIGH FENCING TOGETHER WITH FORMATION OF ESTATE ROAD
(CRESTEL PARTNERSHIPS LTD)

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

Officers informed members that:

- following consultations, the Parish Council welcome the applicant's revision to the scheme to include some single-storey dwellings and to make available 20% of the houses for shared ownership, it is conscious that the revision provides no reduction in the scale of the development and therefore the Parish Council concluded that its original objection to the application remains valid;
- Anglian Water have responded that it has no comments to make on the application;
- two further letters of objection have been received following consultations which raise concerns about the overall number of dwellings and the impact these will have on the village resources. There is a request for any Section 106 monies to be spent in Manea. Reference is made to the extra traffic that will be a potential hazard to the children's playground which is nearby.

Members received a presentation, in accordance with the public participation procedure, from Ms Hookway, an objector to the proposal. Ms Hookway informed Members that she has been a resident of Chestnut Meadows for 17 years and stated that residents are not happy with proposals and that she agreed with the Parish Council that the development is an intrusion on the small development in Chestnut Meadows. She raised concerns that the main entrance of the development would abut to the entrance of the public open space, increasing traffic raising, issues of child safety. She asked if residents housed in the proposed bungalows would feel safe living in a mix of social housing.

Ms Hookway expressed the opinion that the doctors surgery is full to capacity and without this allocation is already overburdened and that the school has an extension which would be even further stretched. She made the point that she believes there are bats on the site and that this was going to be a country site/public open space. She stated that residents of Chestnut Meadows were not informed of this development and residents had taken part in the 'Stop' campaign to voice their opinion, they were told to write in so that the voices of the people that live in Manea were heard.

Councillor Hodgson asked Ms Hookway if she would be happy if the number of dwellings were reduced. Ms Hookway responded that the people only want 12 houses and that 38 is a considerable increase in houses.

Members received a presentation from Councillor Melton, Leader of Fenland District Council, in support of the application. Councillor Melton stated that there is a housing waiting list of 3,000 in Fenland and that Manea is identified as a growth village in the Core Strategy.

Councillor Melton expressed the opinion that there is a need for housing in Manea and reminded members that a 'fuss' had been made about falling behind on housing targets and it was made clear that sites would be identified by Fenland District Council to build homes for local people. He stated that Manea will benefit from this development, taking people off waiting lists. He commented that it is ambiguous to describe it as countryside and more open space has to be maintained and informed members that Fenland District Council cannot continue to fund maintenance of open space. He agreed that Section 106 money could be ring-fenced within the community and that growth will enable development and spending in local communities will mean improved facilities locally which will be identified in the Core Strategy.

Councillor Sutton asked Councillor Melton whether it was ideal for Roddons to provide this level of housing and why they could not supply more dwellings for the elderly. Councillor Melton responded that it is up to Roddons to supply housing and 38 homes are required for families, being identified as need at the present time. He agreed that single dwellings are also desperately needed in Fenland and housing providers are looking for suitable locations for these.

Members received a presentation from Councillor Archer, Local Ward and Parish Councillor. Councillor Archer stated that he would like to add his support to the comments from local residents and the Parish Council, he is of the opinion that there is an identified need but not on this scale. He stated that the Parish Council has been working with Cambridgeshire ACRE and the housing needs survey shows that there are 16 families waiting for housing, not 38. The Parish Council has worked with the Fenland District Council Housing Team, identifying three sites in Manea that were suitable for a smaller project, this site was not one of the identified sites.

Councillor Archer referred to Policy CS12 which states that 'there should be evidence of strong local support for the scheme', and he is of the opinion that there is no support for this scheme. He informed Members that Manea is not resisting development, there are 100 dwellings pending, with approval, and there is a limit as to how many dwellings can be sustained. The Manea Village Plan survey shows support is strong for no more large scale development and the alterations to the scheme do not alter the nature of the scheme, being largely outside the Development Area Boundary. The Parish Council support a smaller scheme with a different mix of housing.

Councillor Archer asked that the Planning Committee be mindful to reject the application, with the offer for the applicant to work with Manea Parish Council resulting in a scheme that can support and meet housing needs in Manea village.

Members received a presentation, in accordance with the public participation procedure, from Mr Harkness, supporter of the proposal. Mr Harkness confirmed that he was representing Roddons Housing Association as owners and managers of this scheme. He pointed out that Roddons are trying to build 500 new homes, with a number of schemes going through the planning process at the present time. Mr Harkness informed members that Roddons are trying to spread the applications across the district, in the four market towns and the larger villages. Manea is the third largest village and Roddons feel that this application is responding to local need and not overloading the village.

Mr Harkness informed members that all of Roddons schemes need to be agreed by September 2013 at the risk of losing funding if not agreed. Roddons is the only housing association building houses in the district at the moment. He informed members that Roddons do work with Parish Councils and drew attention to the fact that the Parish Council had agreed they would withdraw their objections if changes were made and bungalows were included in the scheme and the Parish Council were still objecting to the scheme with the changes made. Mr Harkness said allowing the scheme would offer more properties to let in Manea.

Councillor Bucknor asked Mr Harkness if he is aware of how many Manea residents could be housed by building these houses. Mr Harkness confirmed that there is a need of 41 and these could be housed on this site.

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

- Councillor Miscandlon made reference to the four bungalows on the site and asked if refuse collection would be assisted for these residents or whether they would be expected to push their refuse bins to the 'hammerhead'. Officers confirmed that there would be shared access outside the premises;
- Councillor Mrs Newell asked why Middle Level Commissioners were saying that they had insufficient information relating to surface water disposal and why this information had not been provided to them. Officers confirmed that surface water on the site would be conditioned and information provided to Middle Level Commissioners if members were mindful to approve the application. Councillor Mrs Newell said she believed that the site is of archaeological interest to the history of Fenland and that the land had been given to Manea. Officers confirmed that Condition 8 addresses archaeological issues and confirmed that the land had originally been public open space, in 1991 a Deed of Variation was attached to the original Section 106, whereby the public open space was moved to the existing area that it occupies, following the correct process;
- Councillor Patrick expressed the opinion that there was an absolute need for social housing, with 4,000 on the waiting list this was an opportunity to be 'grabbed with open arms';
- Councillor Cornwell asked that as children are likely to be housed within this scheme, is it correct that there is no contribution in the Section 106 for education. Officers responded that as the site is an affordable housing scheme there is no requirement for a contribution in accordance with the SPG;
- Councillor Connor commented that he believes the site could be developed and feels that Roddons have missed the opportunity for providing 1-2 bedroom bungalows for older people to downsize and he is disappointed that they have not considered shared ownership to allow people to get onto the housing ladder. Officers confirmed that shared ownership is included in the scheme;
- Councillor Bucknor asked if the current application has permission for 19 dwellings. Officers confirmed that approval for the current application was approved for 19 dwellings in 2009, however this has now lapsed;
- Councillor Sutton stated that he did not feel that Roddons had considered the real issues and that there are not enough single bedroom properties for people to downsize, he would not like to see the application refused but requested that Roddons work with the Parish Council to consider housing needs as he feels that the 'homework' has not been done;
- Councillor Bucknor commented that one bedroom flats are required but also larger properties if they can be filled.

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

Granted, subject to the conditions reported.

(Councillor Archer declared a Non-Pecuniary Interest in this application, by virtue of him speaking in opposition to the application, and retired from the room for the duration of the discussion and voting thereon)

P177/12 **F/YR12/0901/F**
WIMBLINGTON - LAND SOUTH OF 42 MARCH ROAD, ERECTION OF 1 X 2-STOREY 4-BED DWELLING WITH DETACHED DOUBLE GARAGE/HOME OFFICE AND 2 X 2-STOREY 4-BED DWELLINGS WITH ATTACHED DOUBLE GARAGES (MR N LOWE, PETER HUMPHREY ASSOCIATES LTD)

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

Officers informed members that:

- No updates had been received regarding this application.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that the site is between continuous built up frontages, with large properties at the top of Bridge Lane, leaving a small gap for 3 large houses, typical in character of the area. Mr Humphrey asked members to consider consistency, the argument that this gap is a field is unfound and this is scrub land. He considers that this is not in an unsustainable location, it is on a bus route and adjacent to the Development Area Boundary.

Mr Humphrey pointed out that this is in a quality area with quality houses and on a C Class road, visibility has been checked and over 100 metres clear visibility can be gained. He agreed that a Local Highway Authority engineer could be engaged to carry out a speed survey if required. He suggested that the front of the plots could be landscaped if set beyond the visibility line. Mr Humphrey requested that members approve the application as it is in character and meets CS12 criteria.

Councillor Archer asked Mr Humphrey if he would be prepared to accept deferral or conditions. Mr Humphrey agreed that he would accept either if the concerns members have over visibility could be overcome and stated that he would be prepared to engage a Local Highway Authority engineer if requested and acknowledged that there is a shortfall on visibility for the site.

Officers pointed out that the report highlights negotiations with the applicant, amended plans have been provided to the Local Highways Authority and further views have been given by them. Officers have been proactive to overcome any objections and believe that a speed survey is essential to inform any decision to support the application as the highway situation needs to be clearly evidenced in light of the highway recommendation.

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

- Councillor Miscandlon asked officers if it is correct that the owner of the development site, who lives in the adjacent property, would be prepared to sacrifice some of the garden front of that property to improve the visibility splays and what would happen if there was a new tenant in the future. Officers stated that the visibility splay would be conditioned and would have to remain. If there were to be any problems regarding this in the future any conveyance would need to draw attention to any issues and if requirements were not satisfied it would constitute a breach of condition.

The Legal Officer confirmed that if a neighbour were to make changes that obscured visibility this could not be controlled unless there were a Section 106 in place, which could allay members fears;

- Councillor Mrs Newell stated that she has no problems with the site and did not agree with the Local Highways Authority and that the two new properties at the top of Bridge Lane would obstruct the view from Bridge Lane and cause more of a problem;
- Councillor Cornwell stated that when the site inspection had taken place the approach on the bend to the site was dangerous and he would like to see the result of a traffic survey undertaken as it is a fast road and asked if the applicant would be willing to deferral of the application until the Local Highways Authority data was available;
- Councillor Archer pointed out that concerns could be conditioned and was mindful to approve the application with conditions or defer pending the results of a Local Highways Authority survey;
- Councillor Connor expressed the view that he agreed with Councillor Mrs Newell and Councillor Archer and would support the application;
- Officers pointed out that landscaping would require repositioning of the dwelling and it would be difficult to condition a survey and would not want to set a precedent for the future. Officers advised that if members were mindful to approve the application a deferral would be the most appropriate course of action;
- Councillor Hodgson commented that the application would cause traffic problems;
- Councillor Sutton expressed the opinion that he feels that officers have it correct, this is a dangerous road, with 'S' bends and the application should be considered on its own merits as presented;
- Councillor Stebbing suggested that the application be deferred pending the results of a Local Highways Authority survey;
- Councillor Bucknor commented that he was mindful to defer the application, pending a satisfactory speed test and then for the application to be reconsidered.

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

Deferred to enable the Applicant/Local Highways Authority to conduct a speed survey and a redesign for planting to be submitted to overcome concerns.

Members do not support officers' recommendation of refusal of planning permission as they would like to see the results of a speed survey prior to making a final decision.

(Councillors Archer registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

**P178/12 F/YR12/0986/F
DODDINGTON - LAND WEST OF 60A BENWICK ROAD, ERECTION OF 3 X 2-
 STOREY 4-BED DWELLINGS WITH INTEGRAL DOUBLE GARAGES AND
 FORMATION OF 2 ACCESSES INVOLVING THE DEMOLITION OF EXISTING
 AGRICULTURAL STORAGE BUILDING
(KEITH HURST DESIGN)**

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:

- there were no updates to report.

Members received a presentation from Councillor Ms Hufton, on behalf of Doddington Parish Council. Ms Hufton stated that she strongly objects to the application, it is outside the village development area, is a sprawl of development and sets a precedent. Ms Hufton stated that when the application was passed for bungalows it would fit into the streetscene, now it is for houses not bungalows and will alter the streetscene and increase the footprint and will detract from the rural landscape.

Ms Hufton stated that Doddington Parish Council feels that the proposal for bungalows was preferable to the houses. The application does bring new vitality to the village and the Parish Council feels that it has a responsibility to residents to ensure that rural nature is maintained. The original plans are acceptable but the new plans in the application are not supported.

Councillor Miscandlon asked Mrs Hufton if the properties either side of the proposed application have dormer windows. Ms Hufton confirmed that the bungalows either side are normal and do not have dormer windows. Officers confirmed that these two properties are historic, replacement dwellings.

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

- Councillor Cornwell asked if there are any footpaths in the area if these are family homes. Officers confirmed that there are no footpaths;
- Councillor Patrick asked if the height of the building remained the same could the dormer windows be installed without consent at a later date. Officers confirmed that dormer windows would require consent if facing the road;
- Councillor Murphy commented that if the height of the buildings remain the same, each application should be considered on its own merits and recommended approval of the application;
- Councillor Archer expressed the opinion that he was sympathetic with the views of the Parish Council and would listen to the views of other members before making a decision;
- Councillor Quince commented that he would recommend approval.

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

Grant, subject to the conditions reported.

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

P179/12 **F/YR13/0043/F**
TYDD ST GILES - LAND EAST OF FIELD HOUSE, HOCKLAND ROAD, ERECTION
OF A 2-STOREY 4-BED DWELLING
(MR D UPTON, PETER HUMPHREY ASSOCIATES)

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

Officers informed members that:

- comments have been received from Tydd St Giles Parish Council supporting officers recommendations to refuse the application;
- drawings have been amended showing an increase in the turning area available as an attempt to overcome refusal reason 2. There was insufficient time to formally update the file with the amended drawings and to consult the Local Highways Authority. If members are mindful to grant planning permission this can be done subject to agreement from the Local Highways Authority and revisions and consultation carried out post committee.

Members received a presentation, in accordance with the public participation procedure, from Mr Mathias, an objector to the proposal. Mr Mathias stated that he was speaking on behalf of the residents who object to this planning application, stating that the Parish Council also object, but not to other applications if they are in line with the Council's planning policies and commended the Planning Officers reasons for refusal. He stated that there are a significant number of applications that have not yet been developed in Tydd St Giles that do not include overlooking of neighbours.

Mr Mathias stated that it is essential that no precedent is set by applicants or agents and the village is not exploited.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey commented that the Tydd St Giles Action Group do not want any building. Mr Humphrey pointed out that permission has been granted for a 5-bed house and this application is for a 4-bed property on a site that is approved, the owner lives in an adjacent property and bought the paddock looking to improve the permission. The applicant is looking to reduce the height and build away from the TPO, it is in a sustainable location and the frontage is in line with the Development Area Boundary.

Mr Humphrey stated that the building is between two existing buildings as it should be and photographs of backland development were not admissible as a precedent has already been set. The applicant has worked hard to address concerns regarding the turning head and has worked with the Local Highways Authority. Mr Humphrey expressed the opinion that existing trees screen surrounding properties, the focal point is a glazed front gable and it is an attractive barn style development.

Mr Humphrey asked members to consider the application on its own merits, making reference to Amberley, with this application being built in an acceptable location on a site that has already been approved.

Councillor Hatton stated that the Tydd St Giles Action Group is not an Action Group, but individual groups of residents in streets. Mr Humphrey disagreed and said that he could prove their existence by a number of emails he had received and could provide them to Councillor Hatton if required.

Councillor Archer asked Mr Mathias if he could clarify if he is a representative of objectors or residents. Mr Mathias responded that it is the residents of the Tydd St Giles Action Group who object.

Councillor Miscandlon asked if the large paddock is in the ownership of the current applicant. Mr Humphrey confirmed that it is;

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

- Councillor Archer referred to the site plan and asked officers if it is the small extension that causes the objection. Officers responded that it is the overall bulk and mass that continues, positioned on the site the way it is aligned give it a dominant impact, form, character and positioning are all issues. In the current proposal there is no stepping down as per the previous scheme. Councillor Archer agreed that overlooking is not increased, overlooking is reduced but not the overall prominence;
- Councillor Bucknor asked about the relationship between the original footprint and the current proposal. Councillor Hatton responded that the scale between the two were not the same;
- Councillor Patrick suggested that the application be deferred to allow consideration of the long overwrap at the back of the property. Officers advised that the application should be determined on the basis of submission.

It was proposed by Councillor Archer, seconded by Councillor Mrs Newell that the application be Granted, against officers recommendations. The reason being that the new application improves appearance and quality. This proposal did not receive any votes of support by members, and, therefore, the proposition fell.

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

Refused for the following reasons -

- **The proposal would result in a tandem form of development in an area which is strictly characterised by road frontage development. The scheme would therefore be at odds with the character of the area and could set a dangerous precedent for other backland development to the detriment of the defining characteristics of the locality. The application is therefore contrary to CS16 of the Fenland Local Plan, emerging Core Strategy (proposed submission February 2013), E8 of the Fenland District Wide Local Plan and section 07 of the National Planning Policy Framework.**
- **By virtue of the lack of provision for on site turning the proposal fails to address highway safety, contrary to E8 of the Fenland District Wide Local Plan and CS15 of the Fenland Local Plan, emerging Core Strategy (proposed submission February 2013).**

- Due to the location of the site, the position and orientation of the building, the neighbouring occupiers of the property to the north east would suffer from an overbearing impact and reduced amenities contrary to E8 of the Fenland District Wide Local Plan and CS16 of the Fenland Local Plan, emerging Core Strategy (proposed submission February 2013)
- The conflicting elements of design, lack of focal point and position of the building in relation to the public viewpoint at Hockland Road is such that the proposal would fail to address the street scene or respond to its setting. The proposal would appear as an incongruous feature to the detriment of the character of the area. The application is therefore contrary to E8 of the Fenland District Wide Local Plan, CS16 of the Fenland Local Plan, emerging Core Strategy (proposed submission February 2013) and section 07 of the National Planning Policy Framework.

P180/12 **F/YR13/0052/F**
PONDERSBRIDGE - LAND SOUTH EAST OF PONDERSBRIDGE FARM,
OILMILLS ROAD, ERECTION OF A 30.0 METRE (HUB HEIGHT) 250KW WIND
TURBINE WITH ASSOCIATED TEMPORARY INFRASTRUCTURE
(MISS M STACEY, HALLMARK POWER LTD)

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

Officers informed members that:

- twelve further letters of support signed by local residents have been submitted by the applicant, bringing the total number of letters to thirty nine;
- further information regarding delivery of the Wind Turbine has been submitted, verifying that the largest components will be delivered by a 45ft articulated vehicle and a crane will be used to install the turbine;
- no response has been received from the Local Highways Authority, it is therefore recommended that the application be granted subject to the Local Highways Authority being satisfied with the details submitted;
- information submitted to members confirms that the power generated from the proposed turbine will be used for the existing farm business to reduce the farm's electricity bill and give the farm a lower carbon footprint. This will enable the farm to progress as a business and employ local people. It is proposed that the wording of condition 7 be amended to remove the words "for supply to the grid".

Members received a presentation, in accordance with the public participation procedure, from Mr Whittome, the applicant for the proposal. Mr Whittome informed members that there are three areas that need to be considered, contribution to the farm, the high level of support and visual impact. Mr Whittome stated that potatoes and wheat are stored on the farm for 11 months of the year prior to being sold, the wind turbine will reduce the farms electricity bill. Mr Whittome confirmed that he employs five local people and the farm has been in existence for over 70 years. He feels that it is important to consult with the people of the village and has personally visited 39 properties, there were no issues raised and local residents were happy to sign letters of support. Mr Whittome said that he hopes to continue farming and is confident that he can do this with the help and support of local people.

Mr Whittome informed members that it is a 'Farmscale' not large scale turbine that is planned. He referred to an independent 84 page assessment that reports on the visual aspects of the wind turbine, being negligible was the conclusion. He referred to another application for a similar size wind turbine where the decision to refuse was overturned on appeal and asked that members take into consideration the low sensitivity, to look at the application in the context of other wind turbine developments and renewable energy proposals. He requested that members support planning officers recommendations and support local business, the environment, green energy and the people of Pondersbridge.

Councillor Connor asked Mr Whittome why the wind turbine was being positioned 500 metres away from the nearest farm and if he could clarify the viability of this scheme. Mr Whittome confirmed that the location had been chosen to secure maximum separation from the village of Pondersbridge.

Councillor Hatton asked Mr Whittome which farm the wind turbine is going to serve. Mr Whittome pointed out the location of the farm on the site plan.

Councillor Hodgson asked Mr Whittome why the wind turbine was smaller than the ones nearby. Mr Whittome explained that if the wind turbine was larger it would create a visual intrusion to the village, the one chosen is of a scale that can be used effectively by the farm.

Councillor Mrs Mayor asked Mr Whittome if he could identify the fields in his ownership in relation to access to the wind turbine. Mr Whittome clarified that he has an existing track to a sugarbeet field, this is suitable for a crane site and provides good access for maintenance when the wind turbine is built.

Councillor Archer commented that Mr Whittome has a lot of local support. Mr Whittome confirmed that he feels that it is important to consult widely.

Councillor Bucknor asked Mr Whittome how long it would take him to cover his investment. Mr Whittome responded that it would take around 8 years to cover his initial investment, the life expectancy of the wind turbine being 20 years and that the wind turbine comes with 5 years of guarantees.

Councillor Miscandlon asked if the wind turbine is for farm use as it will be connected to the grid. Mr Whittome confirmed that there will be some surplus power which will be sold back to the grid, it will be a dual power system, when the power is not used by the farm it will be redirected to the grid.

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

- Councillor Archer raised concerns and requested clarification regarding the planning inspectorates report stating low sensitivity as it appears contrary to other reports. Officers asked where this information had come from and responded that they would look at the information if provided to them by Councillor Archer;
- Councillor Stebbing said he had concerns, he appreciates this is a small wind turbine however wind turbines have a tendency to creep across the Fens and commented that the residents of Turves may have different views as they are surrounded by them;
- Councillor Quince expressed the view that the wind turbine is a reasonable size, he had seen the landscape around the area and supported the application.

Proposed by Councillor Archer, seconded by Councillor Patrick and decided to:

Grant, subject to the conditions reported.

(Councillors Archer, Bucknor, Connor, Cornwell, Hatton, Hodgson, Mrs Mayor, Miscandlon, Patrick, Quince, Stebbing and Sutton registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

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

P181/12 F/YR13/0088/F
WHITTLESEY - THE OATSHEAF INN, 70 WEST END, VARIATION OF CONDITION
8 OF PLANNING PERMISSION F/YR12/0552/F (ERECTION OF 2 X 2-STOREY 3-
BED AND 2 X 3-STOREY 3-BED DWELLINGS AND 2.0 METRE HIGH CLOSE
BOARDED FENCING INVOLVING DEMOLITION OF EXISTING PUBLIC HOUSE)
IN RELATION TO THE AMENDMENT IN THE DESIGN OF THE DWELLINGS
(MR J DICKIE)

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

Officers informed members that:

- further consultation has taken place with properties to the immediate rear of the site, following submission of amended plans which show obscure glazing fitted to the lower parts of the rear dormer windows;
- two letters of objections have been received, which raise the following concerns:
 - the building is not in keeping with others on the A605 Whittlesey Road, being a much taller building;
 - will the obscure glazing in the rear dormer be permanent;
 - all of the first floor bedroom can still see into a residents bedroom;
 - another scheme on Briggate Crescent had frosted glass fitted in first floor rear windows, the situation with this site is much worse;
 - there is an objection to having dormers in front and rear of both centre houses as there are no other second floor dormer windows in the area and this is not in keeping with the surroundings;
 - why would you support anything more than roof lights;
 - obscure glazing can be changed at a later date;
 - if windows were opened there is clear visibility into a residents garden and living space to be gained from a higher level;
 - the height of the proposed development is much higher than the Oatsheaf Public House and this is bad enough without having windows that overlook from a height;
 - has the overall height of the new plans increased.
- Additional Condition - 7. The maximum height to the main ridge on the building, excluding the parapet gable, shall not exceed 8.8 metres - Reason being for the avoidance of doubt. Amended Condition - 8. Approved Plans - to be renumbered due to the additional condition.

Members received a presentation, in accordance with the public participation procedure, from Mr Nicholson, an objector to the proposal. Mr Nicholson stated that the overlaid roofline is considerably bigger than the original application. Officers confirmed that the maximum height would be no more than 8.8 metres to clarify. Mr Nicholson circulated a photograph to members to explain what he perceived would be seen from his bedroom window from second and third storey windows and asked why only two-thirds of windows would be obscured glass stating that the committee would not like to be overlooked like this. He confirmed that he did want the Oatsheaf site to be built on but had serious concerns regarding a neighbours boundary fence and trees in her garden which could not be cut down as this would increase overlooking. He asked members to consider whether they would object to being overlooked were they to be in the same position.

Councillor Archer asked Mr Nicholson if he was objecting to the principle of the building or the proposed changes. Mr Nicholson confirmed that he was objecting to his lack of privacy from 2/3 storey windows not having obscure windows.

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

- Councillor Bucknor made the point that the main objection was to dormer windows and the second storey;
- Councillor Cornwell said he was disappointed that the proposed building was a three storey instead of two and he believed that officers had made the wrong decision under delegated powers to allow this size development and asked how do we recover the situation. He expressed the view that people are affected and feel strongly and that the minimum standard should be for complete obscure glass. Officers responded that the 1.7metres of obscured glass and windows closed shut is an accepted standard and addresses the overlooking issue and this could be retained in perpetuity. Officers advised that there were two options to members, to defer or approve as submitted, it is not appropriate to make changes to the application without the applicant present;
- Councillor Bucknor expressed the view that the windows are higher than 1.7 metres on the approved drawing and made the point that the objection is that the whole window should be obscured;
- Councillor Archer stated that he agrees with Councillor Cornwell, he likes the building as it mirrors the one opposite, there is no change to the streetscene and asked if the obscuring of windows could be conditioned. Officers confirmed that the condition could be put forward to obscure the whole window and it is for the applicant to appeal the condition;
- Councillor Mrs Mayor made reference to the building across the road which had been built as one dwelling and then changed to several dwellings and expressed the opinion that this application should be refused as the first application should not have been approved;
- Councillor Stebbing expressed the view that changes to the rear elevation effected changes to the rear windows;
- Councillor Sutton asked if the internal layout was the same as the original approved application. Officers confirmed that the dwellings gain more accommodation at second floor level;

- Councillor Miscandlon asked for clarification as to whether members were considering three storey or two storey houses as there was some conflict in the report. Officers confirmed that a typing error had caused the confusion and the Proposal at the top of the report is correct;
- Councillor Sutton expressed the view that full obscurity on the second floor should be considered and conditioned;
- Councillor Murphy commented that the visual aspect and layout are wrong;
- Councillor Archer made the point that the agent was not in attendance so there could be no compromise regarding the scheme and pointed out that obscured glazing is already in the scheme;
- the Legal Officer advised members that if they were mindful to refuse the application for renegotiation and an appeal were lodged there could be cost implications should members not be able to give sufficient and adequate reasons to justify their decision. The Legal Officer also advised that members could defer the application to allow time for comments to be fed back to the applicant for agreement as this could reduce the risk of appeal;
- Councillors Mrs Mayor made the suggestion that the application be deferred and renegotiations take place with the agent.

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

Grant, subject to the conditions reported and additional Conditions:

1. **The maximum height to the main ridge on the building, excluding the parapet gable, shall not exceed 8.8 metres;**
2. **obscured glazing on third storey windows;**
3. **Approved Plans (Renumbered)**

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

**P182/12 F/YR13/0110/F
WHITTLESEY - DRAKES FARM, KINGS DELPH DROVE, ERECTION OF A 2-
STOREY 3-BED DWELLING
(MR D UPTON, PETER HUMPHREY ASSOCIATES)**

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 consultation response had been received from Middle Level Commissioners relating to the requirement for the provision of design methods, details of ground conditions, design calculations and details of proposed devices. These comments have been noted, however the required information can be secured by their own legislation, the comments have no bearing on the original assessment of this application.

The Chairman informed members that a written statement had been provided by Councillor Swan and circulated in support of this application.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that this is clearly a business and the house is integral to the business. There is a mobile home on the site, the applicant requires someone on permanent site and will work with officers to get the temporary building off site as part of the planning permission.

Mr Humphrey pointed out that a Certificate of Lawfulness was granted eight years ago and the business approved by Fenland District Council in 2004 and 2007. The applicant is looking to improve the business and living accommodation to support his business. Mr Humphrey referred to Policy CS3 and the fact that the site is exposed and there is no other suitable residence in the area. He confirmed that the business has been running for nine years, employs ten people and the application has the approval of the Town Council with conditions to attach the dwelling to the business. Mr Humphrey asked members to support the application under the Council's Open for Business corporate priority.

Councillor Cornwell asked Mr Humphrey if the applicant has provided evidence for the essential requirements of the business in a report. Mr Humphrey confirmed that a letter has been provided from the applicant's accountant and he believes that other questions asked have been answered by officers themselves within their report. Mr Humphrey confirmed that an independent report had not been provided as the applicant could not get an outdoor or landscape gardeners report. Officers pointed out that there are specialists who provide reports in relation to agriculture and horticulture and expressed the view that an independent business appraisal would be considered sufficient to cover the longer term prospects of the business and provide justification and scope for the longevity of the business. Mr Humphrey agreed that an independent report could be provided.

Councillor Sutton expressed the opinion that an agricultural business would provide a supporting report and suggested that this application be deferred to allow time for the applicant to provide a business appraisal report.

Councillor Bucknor asked Mr Humphrey if the applicant would be able to provide a report. Mr Humphrey confirmed that the report could be provided if members were mindful to defer the application.

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

- Councillor Mrs Mayor commented that she has local knowledge of the applicant in Whittlesey and he has a viable business, lives on the site in uncomfortable conditions and she cannot see the problem with providing a workplace home for the purpose of business and security and would recommend the application as a workplace home;
- Councillor Archer expressed the same view as Councillor Mrs Mayor and agreed that the applicant should be given permission to live on site through established procedure as longevity has already been proven and this is not a reason to refuse the application;
- Councillor Bucknor expressed that it would be safer to defer the application so that details could be confirmed with the appropriate report;
- Councillor Stebbing expressed the view that the alternative was to condition the application, it is way out in the open and the property would be unsaleable without the business and the dwelling needs to be tied to the business as it is not an asset to anyone else, the business is flourishing and the condition should be for the provision of a business plan;

- Councillor Cornwell stated that as a Planning Committee it is standard procedure to request a report/business plan, it is not wholly isolated, there are other properties and it would have a market value of some kind and requested that members follow the procedure that is set out;
- Councillor Murphy requested that members follow the proper procedure and test the evidence to consider if the business is viable and to request a report from the applicant;
- Councillor Sutton requested that the application be deferred for further information from the applicant to provide evidence of the business.

Proposed by Councillor Sutton, seconded by Councillor Cornwell and decided with the use of the Chairman's casting vote that the application be:

Deferred to enable the applicant to provide further information and evidence of the viability of the business in a report.

Members do not support officers' recommendation of refusal of planning permission for the reason stated above.

(Councillors Archer, Mrs Mayor, Miscandlon and Stebbing registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

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

**P183/12 F/YR13/0117/F
WISBECH - LAND NORTH EAST OF 10-11 CORDON STREET, FRONTING
WESTON ROAD, ERECTION OF 2-STOREY 2-BED DWELLING WITH
ASSOCIATED PARKING
(MR G EDWARDS, SWANN EDWARDS ARCHITECTURE)**

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:

- Wisbech Town Council responded that they recommend approval of this application as members have no objections or observations in respect of this application;
- one further letter of objection has been received in relation to the width of Weston Road and lack of parking in the existing area. The letter refers to poor access for construction vehicles, loss of light, views of the school and a poor outlook for the school and expresses the view that the school could use the land instead of building on it.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards stated that the development will greatly improve Weston Road, with two parking places provided on site it would cause no adverse effect. He made the point that the area is close to independent shops and takeaways and is currently overgrown and makes use of garden land of number 10 Cordon Street. He expressed the view that the development should be encouraged, it is in Flood Zone 1.

Mr Edwards made the point that he has tried to address neighbours concerns, the accommodation allows the opportunity to work from home and the size is consistent with other two storey developments nearby. Mr Edwards stated that the development is close to town and employment areas, is small but adequate with amenity space around it on a bespoke plot.

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

- Councillor Bucknor commented on the close proximity of the new building to other properties in Weston Road and asked if there were any rules and planning law regarding window to window distance to prevent overlooking. Officers confirmed that window to window distance is 10 metres;
- Councillor Mrs Newell asked what is the distance of the access. Officers confirmed that the access road width is two metres providing access for cars;
- Councillor Murphy commented that there are nine houses with limited parking and limited room for them to manoeuvre;
- Councillor Archer made reference to the site visit, having parked on Cordon Street, commented that the development sits very nicely on the site and makes good use of a redundant spot;
- Councillor Stebbing expressed the view that the plot is adequate, he has concerns with residents parking making it difficult to access the parking bay of the proposed property.

Proposed by Councillor Archer, seconded by Councillor Bucknor 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. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004**
- **Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter. Reason – To safeguard the visual amenities of the area**
- **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**

- **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) **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**
- **Notwithstanding the provisions of the Town & 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:**
 - i) **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);**
 - ii) **the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);** iii) **alterations including the installation of replacement or additional windows or doors, including dormer windows and roof windows (as detailed in Schedule 2, Part 1, Classes A and B);**
 - iv) **alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C); Reason - in order to control future development and to prevent the site becoming overdeveloped**
- **Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover, measures for protection in accordance with that Standard shall be implemented and shall be maintained to the LPA's reasonable satisfaction until the completion of the development for Building Regulations purposes. Reason - To ensure that retained trees are adequately protected**
- **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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA 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**
- **Approved Plans.**

Members do not support officers' recommendation of refusal of planning permission as they feel that the proposal creates a sustainable dwelling in a town centre location.

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

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

(Members took a 5 minute break following determination of this application)

P184/12 TPO14/2012
BENWICK - 3 HIGH STREET, TREE PRESERVATION ORDER

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 confirmation is being sought to confirm a Tree Preservation Order (TPO), showing the position on the plan, the tree is already protected but plotted incorrectly and officers are seeking to correct this on TPO14/2012.

Members received a presentation, in accordance with the public participation procedure, from Mr Richards, supporter of the proposal. Mr Richards confirmed that he owns the property where the trees are situated and that any objections regarding branches dropping into a neighbouring garden are untrue. He stated that the tree in question has been maintained in accordance with the Tree Officer and the tree in question has had leaf problems this year which are aesthetic only. Mr Richards agreed that the TPO should remain.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor and **decided that the Tree Preservation Order in respect of 4 Horse Chestnut trees at 3 High Street, Benwick be confirmed.**

6.22pm

Chairman