

PLANNING COMMITTEE



13 NOVEMBER 2013 - 1.00PM

PRESENT: Councillor A Miscandlon, Chairman; Councillors M I Archer (substitute for Councillor D R Patrick), M G Bucknor (from 1.10pm), D W Connor, M Cornwell, D Hodgson, B M Keane, Mrs K F Mayor, P Murphy, Mrs F S Newell, T E W Quince, D Stebbing and W Sutton.

APOLOGIES: Councillor D R Patrick.

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

P110/13 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 16 OCTOBER 2013

The Chairman advised members that Councillor Mrs Mayor had raised queries regarding the minutes of 16 October 2013 as follows:

- minute P96/13, last sentence, after the decision, being amended to read "Members do not support officers recommendation to **grant** planning permission as they feel that the site would be over intensified"
- minute P97/13, various amendments were tabled and circulated to members, which had no effect on the decision made.

Proposed by Councillor Mrs Mayor, seconded by Councillor Stebbing and **agreed that the amendments raised by Councillor Mrs Mayor be made and that the Chairman confirms and signs the minutes as an accurate record following these amendments being made.**

*** FOR INFORMATION OF THE COUNCIL ***

P111/13 F/YR13/0320/F WISBECH - 39 KIRKGATE STREET EXPANSION OF CHILDCARE FACILITY INVOLVING AN INCREASE IN HOURS OF OPERATION, AN INCREASE IN CHILDREN NUMBERS/AGES RANGES AND A CHANGE OF USE OF STORE ROOM TO FORM ADDITIONAL ACCOMMODATION

Further to minute P67/13.

Members considered one letter of objection and letters of support.

Officers informed members that the agent has requested that an NEF dashboard document is circulated to members, which the applicant would refer to in her presentation to committee.

Members received a presentation, in accordance with the public participation procedure, from Mrs Bailey, the applicant for the proposal. Mrs Bailey informed members that she is co-owner and proprietor of the nursery and she is pleased that two of the issues, screening and the cycle provision, have been resolved.

Mrs Bailey expressed the opinion that a time limited permission is not acceptable as it would affect the availability of funding grants and Cambridgeshire County Council would not fund the nursery with a one year permission. She referred to the analysis data that had been supplied, which, in her view, shows that for the catchment area of Clarkson, a one mile radius, there is a shortfall of 19 spaces for 2013/14 and 28 spaces for 2014/15, and made the point that she is turning families away at the moment.

Mrs Bailey expressed the view that the premises does not have any issues with neighbours, either from parents dropping off their children or parking, but made the point that this would be monitored. She stated that the nursery is highly scored, successful and its needs expansion asking members to allow it room to grow without a time limited permission.

Councillor Stebbing asked Mrs Bailey if the nursery could take on extras without extending the times of operating? Mrs Bailey advised that it could not and it is presently losing families.

Councillor Connor asked Mrs Bailey if 37 Kirkgate Street had objected? Mrs Bailey advised that she had not heard anything from them. Officers advised that one letter of objection has been raised over the revised proposal due to noise, which can be resolved by mitigation measures.

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

- Councillor Archer asked that if the proposal is granted for a temporary period, would the applicant have to submit another application in a year's time? Officers advised that the building would have a permanent consent, but the variation in numbers and hours would require a further application. Councillor Archer sought clarification that the applicant would have to submit another application for continuation? Officers advised this to be correct, parking and noise would be monitored during this one year period to see if any complaints had been made and it could then be considered whether a permanent consent could be granted;
- Councillor Mrs Newell expressed the view that the facility would be penalised in securing funding by having a one year consent and she feels that there is a big shortage in childcare spaces and members should not stand in the way of it obtaining funding;
- Councillor Archer asked if the facility could be given two year consent to enable it to obtain its funding? Officers advised that it is believed the premises would require full consent to obtain its funding;
- Councillor Mrs Mayor made the point that the proposal is seeking a 50% increase in the number of children and an increase in the age range. She has reservations about children of 12 years of age in a setting such as this unless they are siblings of other children at the facility. She understands the position with the funding and that it needs permanent consent to obtain its funding, it cannot be a year by year agreement;
- Councillor Bucknor asked if officers had been presented with evidence that the facility would receive no funding with a one year consent? The Chairman allowed Mrs Bailey to advise that Cambridgeshire County Council has informed them that the permission needs to be permanent for them to obtain £40,000 funding, which would be allocated elsewhere, and she could obtain this in writing;

- Councillor Archer questioned the age ranges of children attending the facility, which is, in his view, a strange mix? Mrs Bailey advised that it would only be a few 12 year olds, which would be after school children who need somewhere to go after school as their parents are working. She made the point that toddlers and 12 year olds would not be together, but in separate rooms;
- Councillor Mrs Mayor made the point that the Council is Open for Business, the proposal should be supported with a permanent permission so it can obtain its funding;
- Councillor Bucknor stated that he is happy to support approval of the proposal, but made the point that the Council should be provided with evidence that the funding would not be forthcoming without a permanent permission. Officers advised that the permission could be delegated to the Head of Planning to grant, subject to this evidence being produced;
- Councillor Archer asked, if permanent permission is given, how are potential disturbance issues raised by neighbours going to be dealt with? Officers advised that this would be the responsibility of Environmental Health and it has stated that there has been no complaints in the past;
- Councillor Cornwell expressed the view that he supports approval subject to evidence being received as there is a demand that needs to be met as soon as it can.

Proposed by Councillor Mrs Mayor, seconded by Councillor Cornwell and decided to

Delegate authority to the Head of Planning, once evidence has been provided on the funding position, to Grant, subject to the conditions reported with the deletion of Condition 2 of the officers' recommendation.

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of his nephew being employed by the applicant's agent, and took no part in the discussion or voting thereon)

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

P112/13 F/YR13/0741/F
GOREFIELD - THE PRIORY, 154 HIGH ROAD
ERECTION OF 2-STOREY SIDE, 2-STOREY FRONT AND FIRST-FLOOR REAR
EXTENSION TO EXISTING DWELLING INVOLVING THE DEMOLITION OF THE
EXISTING DOUBLE GARAGE.

Members informed officers that Gorefield Parish Council has not responded, with the consultation period expiring on 5 November 2013.

Councillor Cornwell referred to 5.1 of the officers' report, which he thinks contains an error as, in his view, it does not make sense. Officers advised that on the second line the word 'sale' should read 'scale'.

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

Granted, subject to the conditions reported.

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of his nephew being employed by the applicant's agent, and took no part in the discussion or voting thereon)

P113/13 **F/YR13/0748/F**
TYDD ST GILES - THE OLD POST OFFICE, CHURCH LANE
ERECTION OF 1 X 4-BED WITH CAR PORT AND 2 X 3-BED 2-STOREY
DWELLINGS INVOLVING THE DEMOLITION OF EXISTING FIRE DAMAGED
DWELLINGS.

Further to minute P75/13.

Officers informed members that:

- further to the inclusion of the archaeology condition, the agent has advised the following:
 - there is a current planning permission F/YR13/0021/F for the pair of semi-detached houses and the car port, the red line for this covers 80% of the site in the current application and no archaeological condition was requested for this
 - the entire site "outside" the no dig tree root protection zone has over the years has been disturbed by relatively modern building works with foundations rainwater cisterns and septic tanks etc thus artefacts will have been completely destroyed
 - the replacement of top soil referred to in the contamination remediation will be very limited in area and of shallow depth replacing only that which is typically brick rubble at the moment
 - the foundations for the pair of semis can be installed under the current permission
 - the foundations to the forward most house are specified as piled utilising a no dig method, therefore, not destroying archaeology
- the agent asks that the archaeological required be disregarded
- in addition, the agent has also objected to the inclusion of pre-commencement conditions relating to contamination and access
- following these comments, the Environmental Protection Team, County Highways and County Archaeology have been contacted to request amendments to the wording of the condition. The County Highways Team has agreed to change their pre-commencement condition (Condition 6 of the officers' recommendation) to read 'within 3 months of the date of this permission' and the Environmental Protection Team has agreed to the same wording for the contamination condition (Condition 2 of the officers' recommendation). As such these conditions should now read:
 - Condition 2 - "Within 3 months of the date of this permission the Local Planning Authority will require:
 - a) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority
 - b) The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority

- Reason - To control pollution of land or water in the interests of the environment and public safety"
 - Condition 6 - "The access road shall be constructed with adequate drainage measures to prevent any surface water run-off to the adjoining public highway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. Reason - In the interests of highway safety"
- no further response has been received from the County Archaeology Team in relation to the re-wording or removal of its requested condition.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker made the point that this proposal has been re-submitted as the committee was not familiar with the facts at the September meeting. He referred to the description of the proposal in the summary, which states "The proposal sees the demolition of the existing fire damaged dwelling fronting onto Church Lane, with this dwelling being replaced and 2 additional dwellings to the East of this frontage dwelling" making the point that the dwellings are not additional, but a replacement and those that currently have planning permission, which, in his view, does not add to overcrowding of the site.

Mr Broker referred to the previous refusal of the proposal by committee, due to the development resulting in over intensification of the site which would be detrimental to the surrounding heritage location, making the point that the Conservation Officer approved the scheme, planning officers are recommending the scheme for approval and nobody has objected to it. He showed, using a plan on the presentation screen, the site area for the semi-detached properties on the garden area of the site, with the red line encompassing 80% of an area which already has planning permission and the report clarifying the private amenity areas, which are in accordance with what has already been approved. He stated that the blue line shows where the replacement dwelling would be sited, the grey line shows the footprint of the replacement dwelling, the brown line represents the footprint of the pair of semi-detached houses and car port, which shows that everything can be built within the red line and all that is being asked for is a replacement for the frontage dwelling.

Mr Broker made the point that the house on site is a fire-damaged shell, opposite the old school and next to the church and near to another eyesore which, in his view, is an embarrassment to the Council, asking members if they want to retain another eyesore. He expressed the view that he feels that he has outlined the benefits of the scheme.

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

- Councillor Cornwell referred to the previous refusal on terms of over-intensification and from looking at the figures on page 65 of the report he can see there is a shortfall of 10% in amenity space and as far as he can see very little is gained in practical terms;
- Councillor Hodgson asked if any response had been received from the Parish Council? Officers advised not;
- Councillor Archer asked what has changed officers' minds to recommend approval? Officers advised that consideration has been given to the historical elements, what has previously been approved, with an extant permission being in existence, and whilst there is a slight shortfall in amenity space, it is felt that the proposal would enhance the area, with historically the site having been developed to this extent.

Councillor Archer made the point that today's planning regulations should be applied and what is felt to be suitable amenity space. Officers made the point that consent exists on site for the refurbishment and repair of the dwelling on site, together with two additional dwellings, which is extant permission that could be built;

- Councillor Connor expressed the view that permission exists for two properties at the rear and all the applicant wants to do is knock down an old dilapidated building at the front and if the replacement is done properly he does not have a problem with this proposal;
- Councillor Cornwell expressed confusion that officers' are recommending approval of a proposal that does not comply with Council policy, with a committee decision already having been given previously. He feels that if there was an error in the way that officers gave permission in the first place, the committee should resolve it. Officers advised that the nature of the site and what has historically been on the site has been taken into account, these are strong material considerations along with the extant permission. Councillor Cornwell expressed the view that this was looked at on a site in Chatteris, where it was felt it did not comply and was decided accordingly, with this one not complying and he cannot understand how the Council got in this position;
- Councillor Bucknor asked if the new build is going to be on the same footprint as the current dwelling? Officers advised the majority of the proposed dwelling is on the same footprint, it has moved slightly forward;
- Councillor Archer made the point that the Council has planning policies and it either abides by them or does not and just because there is a slight change there is still a whole permission for the whole site and this is a change, in his view, that does not meet the Council's current policies. Officers made the point that policies are a starting point, there will be sites of this nature which are more challenging and account can be taken of the circumstances of this particular site;
- Councillor Hodgson stated that he agrees with the comments of Councillor Connor, there has been no response from the Parish Council and no objections from residents and he feels the decision is straight forward.

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

Granted, subject to the conditions reported.

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of his nephew being employed by the applicant's agent, and took no part in the discussion or voting thereon)

**P114/13 F/YR13/0382/F
LEVERINGTON - LAND SOUTH OF ROCKSWORTH, ROMAN BANK
ERECTION OF A 2-STOREY 4 BED DWELLING WITH INTEGRAL GARAGE**

Members considered one letter of objection and letters of support.

The committee had regard for the 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 first line of the conclusion within the report has an error as "appropriate" should read "inappropriate".

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards thanked the officers and Chairman for revisiting this application and undertaking a site inspection. He stated that the applicant operates a business on Roman Bank and this proposal would allow him to live close by.

Mr Edwards expressed the view that the proposal has the support of the Parish Council, Local Highway Authority and has received a number of letters of support. He feels it would add to the street scene, lies within Flood Zone 1, with the site having not been used for agriculture purposes for 20 years, being a totally self-contained executive plot within existing boundary treatments and he feels that having visited the site members would be able to see the proposal would enhance the area and contribute to it.

Mr Edwards expressed the opinion that a diverse housing stock is required, with the proposal offering the opportunity for the applicant to live sustainably, making the point that planning should be a creative exercise that enhances the way people live their lives, which he feels this proposal does. He hopes that members would approve the proposal with any conditions they feel necessary.

Councillor Connor asked Mr Edwards to indicate who wrote the letters of support for the proposal? Mr Edwards advised that the letters of support were from various properties in Leverington, opposite the proposal and three doors along, with the objection letter being from Rookwood. Councillor Connor asked Mr Edwards if, in their view, the proposal would enhance the site? Mr Edwards advised in the affirmative.

Councillor Archer asked Mr Edwards what buildings are recent additions to this area? Mr Edwards advised that the bungalow next door to this site has been extended to become a chalet bungalow. Councillor Archer asked if the remaining buildings were all historic? Mr Edwards advised that most are traditional cottages, with a converted chalet and another bungalow further down the road.

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

- Councillor Cornwell expressed the opinion that there are existing properties on either side and opposite this site, which makes a small settlement or hamlet, and if policies can be stretched in previous applications he feels that policies can be stretched in this location. He does not feel the proposal detracts, but adds to the area as it helps that settlement to be a small settlement;
- Councillor Murphy stated that he does have a problem with this proposal, with the applicant's business not being close to this site and asked why a property is needed in this location on a bend. He made the point that the Council no longer has an infill policy and this would be a building in the open countryside. He expressed the view that the new dwelling in this area is a replacement dwelling and others are old buildings that have been in existence in this location for years. He believes that officers have the recommendation correct;
- Councillor Connor stated that he tends to agree with Councillor Cornwell and he feels that the proposal would enhance the area;
- Councillor Archer stated that he can remember this proposal when it was last considered by committee, with the highways issue having been resolved and it all rests on what is believed to be sustainable or not sustainable and he feels that this is a small hamlet which at the moment is being sustained;
- Councillor Hodgson stated that he has no objections to this proposal;

- Councillor Archer expressed the opinion that the proposal should be granted as it enhances the area. Officers asked what makes this site acceptable than others? Councillor Archer expressed the view that this would lie within a collection of five houses which is more sustainable than a collection of three houses;
- Councillor Sutton referred to training attended by the previous Chairman of Planning Committee when it was advised that sustainability on one dwelling would be difficult to justify and he feels that this is one dwelling between two other dwellings which, in his view, is sustainable.

Proposed by Councillor Archer, seconded by Councillor Connor and decided to

Grant, subject to the following conditions:

- **start date**
- **details of materials**
- **the existing access to Roman Bank shall be permanently and effectively closed and the highway verge reinstated in accordance with a scheme to be submitted to and agreed with the Local Planning Authority, within 28 days of the bringing into use of the new access**
- **prior to the first occupation of the development, any gate or gates to the vehicular access shall be set back a minimum distance of 5.0m from the near channel line of the highway carriageway. Any gate or gates shall be hung to open inwards**
- **prior to the first occupation, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification**
- **the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme to be submitted to and approved by the Local Planning Authority**
- **prior to the first occupation of the development, sufficient space shall be provided within the site to enable vehicles to park clear of the public highway, and enter, turn and leave the site in forward gear. The area shall be levelled, surfaced and drained and thereafter retained for the specific use**
- **temporary facilities shall be provided clear of the public highway for the parking, loading and unloading of all vehicles visiting the site during the period of construction**
- **prior to the first occupation of the development, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No SE-071-10 Rev D. The splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway carriageway**
- **approved plans**

Members do not support officers' recommendation of refusal of planning permission as they feel that the site is a sustainable location.

**P115/13 F/YR13/0667/O
MANEA - LAND SOUTH AND WEST OF KESWICK, STATION ROAD
ERECTION OF 4 DWELLINGS**

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:

- Middle Level Commissioners has commented that in view of the limited available site area and in the absence of any supporting documentation it is considered that the applicant has not yet provided adequate evidence to prove that a viable scheme for water level/flood risk management that meets current design standards. The applicant, therefore, needs to clarify the method and location of surface water disposal devices
- the Wildlife Trust comment that the application has been brought to the attention of the Wildlife Trust by a concerned member of the public. It is understood that the proposal site includes an area of old orchard. Traditional orchards are a UK priority habitat, therefore, appropriate survey information and/or proposals for avoidance of damage to the orchard habitat should be provided in order to be able to determine the application.

Members received a presentation, in accordance with the public participation procedure, from Mr Faulkner, the applicant's agent. Mr Faulkner informed members that the proposal underwent pre-application advice with the Council on 12 April 2013, which received a response on 21 May with comments relating to the threshold for affordable housing and parking requirements only. He made the point that the application included a bio-diversity report and the application was validated on 5 September after 2-3 requests for clarification on plans, with there being no requests for further information to be submitted and a request for further information was only made on 10 October on an application that had a target date of 31 October. He stated that the comments of the Middle Level were only received on 8 November, which has given them little time to take into consideration, but he does not feel that it is actually objecting.

Mr Faulkner made the point that this is an outline application with all matters reserved and all that is being sought is the general acceptability of development on this site, with officers of the view that it is acceptable. He expressed the view that the site is sustainable being close to the centre of the village and near to a bus stop.

Mr Faulkner expressed the opinion that the overwhelming tone of the consultation is one of support, with the Local Highway Authority having no objections and the Parish Council being firmly in favour. He feels there is some issue over the inability of officers to determine on this site because of the lack of detail, but he has yet to find in policies what detail may or may not be required.

Mr Faulkner stated that he is happy to enter into discussion with officers if necessary to overcome issues.

Councillor Miscandlon referred to the highway comments in the report, with Mr Faulkner stating that it does not object. Mr Faulkner expressed the view that Local Highway Authority are actually saying that a condition be placed on the approval to set out the access.

Councillor Archer referred to Mr Faulkner mentioning that overwhelming support had been demonstrated and he does not believe that local support has been demonstrated apart from the comments of the Parish Council. Mr Faulkner advised that he would have thought the Parish Council would represent local opinion and concluded that support from the Parish Council means there is support within the village.

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

- officers advised that the bio-diversity checklist submitted with the application is a national requirement and is only a tick box list. It is the responsibility of officers to visit the site and see if anything alerts them that a survey is required and further information can be requested on an outline application if it is felt that the site warrants it;

- Councillor Sutton expressed the view that there is little doubt that the site warrants development, but he is disappointed that the application is at committee in its current form and he feels that if the bungalow is demolished it would make it a really nice development. He stated that he did ask on site inspection about public consultation and was informed by officers that it would only go out to public consultation on a larger site;
- Councillor Keane referred to the site inspection and there was no comment on the orchard being retained? Officers advised that on the indicative plan the orchard is not being retained, but further information on the proposal is required;
- Councillor Archer expressed the view that the only public consultation that he is aware of is letters of objection from members of Manea parish and he is surprised that the Parish Council supported the proposal as he feels it is a poor application in its current form, with there being too many unanswered questions;
- Councillor Cornwell expressed disappointment that there has been pre-application discussions, but there still is not a standard of application that the Council would like to see. He does not feel that there is enough information to make a valid decision. Officers advised that a request was made for additional information, but there has been no response from the applicant;
- Councillor Murphy agreed that more discussion is needed and officers and the applicant need to get together. He agreed with Councillor Sutton that the development of the whole area could look nice and be a winner for Manea, but as it is it would be a mish-mash of development;
- Councillor Mrs Newell agreed with Councillor Murphy. She asked why it has taken so long from its submission in April to come to committee in November? Officers advised that April was the pre-application discussions, with the application being validated in September and additional information being asked for in October;
- Councillor Stebbing expressed the view that he thinks there is a general consensus and he thinks members should support officers' recommendation;
- Councillor Quince expressed the opinion that there are a number of questions that need to be answered, the plan is too sketchy and does not show where the orchard is, with a proper detailed plan being required;
- Councillor Hodgson made the point that on the site visit it was evident that there is more than enough space for the proposed dwellings and asked if there is any information on the wildlife that the objections are referring to? Officers advised that this is why bio-diversity information is required to ascertain whether there is anything that needs attention as it is an undisturbed site.

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

Refused for the following reasons

- **the application has failed to provide sufficient information relating to access and layout to enable full evaluation of the proposal and, therefore, the Local Planning Authority are unconvinced that the proposal will fully comply with Policy E8 of the Fenland District-wide Local Plan 1993 and Policies CS12 and CS16 of the Fenland Local Plan Core Strategy Submission Version September 2013**

- **the application has failed to demonstrate that there will be no adverse impact on any protected species that may be present on the site due to the lack of a bio-diversity study, therefore, the proposal is contrary to Policy CS12, CS16 and CS19 of the Fenland Local Plan Core Strategy Submission Version September 2013.**

(Councillor Archer stated that he is a member of Manea Parish Council, but takes no part in planning matters)

**P116/13 F/YR13/0716/F
NEWTON - LAND WEST OF 3 SWEDISH HOUSES, CHURCH LANE
ERECTION OF 2 X 2-STOREY 4-BED DWELLINGS WITH DETACHED
GARAGES/STORE, AND A CHANGE OF USE OF LAND TO PADDOCK LAND.**

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

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that the Parish Council support and welcome this application and there have been no letters of objection or support, which, in his view, would seem to point that people are relaxed about this application.

Mr Humphrey expressed the opinion that this proposal needs to be considered with the scheme for Roddons Housing Association for 12 houses, asking how is it that this development is acceptable and this proposal is not? He stated that the proposal is for two houses on 0.6 hectares, with details being copied from the Swedish houses next to the site.

Mr Humphrey expressed the view that the proposal would not result in the village joining the other village and would not have an impact on the open countryside as 12 houses have been approved to the rear of this site. He feels that the village is dispersed with larger dwellings on its edge, so this proposal would keep that form and character, and the site would retain existing features in accordance with Policy CS12, with there being no loss of important open space.

Mr Humphrey again referred to the approval of 12 dwellings for Roddons Housing Association making the point that this is an identical site feeling it is fully compliant with Policy CS12 and infrastructure provisions are addressed. In the spirit of consistency, he feels the proposal can be supported and would round off development in this location.

Mr Humphrey stated that he fails to see how this proposal can be refused and not the Roddons Housing Association scheme, asking what is the point of having policies if agents are not allowed to use and address them?

Councillor Cornwell asked Mr Humphrey if the paddock land is part of the application? Mr Humphrey advised that the paddock land would be sold with each of these plots. Councillor Cornwell asked if the entrance of Colville Road would be used? Mr Humphrey stated this would have to come back to members.

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

- Councillor Hodgson asked if the Roddons Housing Association scheme to the rear was recommended for refusal? Officers advised that it was recommended for approval under a different policy regime as it is an exceptions affordable housing site where a need has been identified;

- Councillor Archer expressed the view that Mr Humphrey knows there is an exceptions policy, but it does not take away the argument that the proposal complies with other policies. Officers stated that members need to question if this proposal is in keeping with the form and character of the area, with there being a distinct difference with this site and the Roddons Housing Association site, and this proposal does extend the highway outside the village.

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

Refused for the following reasons

- **the proposed development, which is located outside the main settlement, will be situated within open countryside and has not been justified as essential for a worker to live close to a rural enterprise, as a result the proposal is contrary to the provisions of the National Planning Policy Framework Paragraph 55, Policies E1, H3 and H16 of the Fenland District-wide Local Plan and Policies CS12 and CS16 of the Fenland Local Plan Core Strategy Submission Version September 2013**
- **the proposal, by virtue of the design and layout, would not enhance the character and appearance of this rural location and is not innovative or outstanding. In addition, the proposal is out of keeping with the existing character and form of the surrounding area and nearby dwellings by virtue of its overall scale and design, as a result the proposal is contrary to Policy E8 of the Fenland District-wide Local Plan, Policies CS12 and CS16 of the Fenland Local Plan Core Strategy Submission Version September 2013 and Paragraph 55 of the National Planning Policy Framework**
- **the site is located within Flood Zone 3 and the applicant has failed to demonstrate that the site is acceptable for housing development in sequential terms when compared to other available sites in the wider area which have a lower probability of flooding, as a result the proposal is contrary to Policy CS14 of the emerging Fenland Local Plan Core Strategy Submission Version September 2013.**

**P117/13 F/YR13/0718/F
WISBECH - LAND NORTH OF 2 THE WATER GARDENS
ERECTION OF A 3-BED 2-STOREY DWELLING**

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:

- no consultation response has been received from North Level IDB and Cambridgeshire Fire and Rescue
- the Environment Agency recommend conditions
- no further comments have been received from local residents.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicants' agent. Mr Edwards expressed the view that the proposal has the support of the Local Highway Authority, Wisbech Town Council and Councillor Oliver as he believes it is consistent with the District's plan. He stated that he carried out an informal application discussion with officers who only said that the garage should be removed from the side, which has reduced the building mass.

Mr Edwards expressed the opinion that the Environment Agency has approved the Flood Risk Assessment submitted with the application. He referred to the concerns with the neighbours to the rear, which have been addressed with removal of window to bedroom 1, and the only overlooking plot is a guest bedroom.

Mr Edwards expressed the view that the proposal is consistent with the area, is a transitional building, the size is consistent with 7 Water Gardens and the proposed dwelling has been designed to enhance the area and not detract. He feels that the proposal has picked up details of the flat roofed dormers, which are evident in the estate. He stated that the applicant would be happy to extend the footpath.

Mr Edwards stated that the back to back distance is 22 metres, with an approximate plot size of 12.5 x 27.5 metres, and the existing rear boundary treatment is to remain. In his view, the proposal is sympathetic to the street scene, with ample space around it, ample parking and lies within the centre of Wisbech within easy reach of schools and amenities.

Councillor Archer asked Mr Edwards what he means by the proposal being a transitional building? Mr Edwards advised that it is a bungalow to a house.

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

- Councillor Stebbing expressed the view that he cannot agree that this proposal is not shoehorned in and this design in this location is not acceptable as there is not enough room for it;
- Councillor Quince agreed with Councillor Stebbing as, in his view, the proposal is cramped and would spoil the area;
- Councillor Sutton asked if this area is deemed undevelopable? Officers advised that it is difficult to say, but they would look at the nature of the locality, which is large detached plots, and this proposal would not be in character with the area;
- Councillor Archer referred to previous applications, which have referred to lack of amenity space and asked if this proposal fails this criteria? Officers advised that the amenity space to serve the dwelling is sufficient, but it is its scale and siting next to the adjoining dwelling that is an issue, with officers needing to be comfortable that it would fit in with the adjoining dwelling and in terms of respecting the form and character of the area it would be undevelopable.

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

Refused for the following reasons

- **the proposed development would result in a cramped form of development that is out of keeping with the form and character of this area, as a result the proposal would cause harm to the visual and residential amenities of the area contrary to Policy E8 of the Fenland District-wide Local Plan 1993, Policy CS16 of the emerging Fenland Local Plan Core Strategy Submission Version September 2013 and the requirement for 'good design' within Paragraph 55 of the National Planning Policy Framework**

- the site is located within Flood Zone 3 and the proposal is considered to have failed to demonstrate the acceptability of locating housing development on this site in sequential terms when compared to other sites in the district which have a lower probability of flooding and it has not been demonstrated that the proposal meets an identified need, as a result the proposal is considered to be contrary to Policy CS14 Part B of the emerging Fenland Local Plan Core Strategy Submission Version September 2013 and the National Planning Policy Framework.

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

Members took a 15 minute refreshment break following determination of this application.

P118/13 **F/YR13/0733/F**
WHITTLESEY - 300 EASTREA ROAD
VARIATION OF CONDITION 6 (RELATING TO OPERATING HOURS) OF
PLANNING PERMISSION F/YR11/0574/F (CHANGE OF USE OF SITE TO
HAULAGE YARD AND PART CHANGE OF USE OF EXISTING WAREHOUSE TO
FORM OFFICE AND ACCOMMODATION FOR LORRY DRIVERS, INVOLVING THE
FORMATION OF MEZZANINE LEVEL) TO ALLOW 1 – 3 HGVS TO ENTER/LEAVE
THE SITE OUT OF PERMITTED HOURS.

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

P119/13 **F/YR13/0734/F**
RINGS END - NEWSHAM FARM, MARCH ROAD
ERECTION OF 2 X 22.6 METRE HIGH (HUB HEIGHT) WIND TURBINES WITH
ASSOCIATED WORKS.

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

P120/13 **F/YR13/0742/F**
WISBECH - DUNROAMIN, LORDS LANE
ERECTION OF 2-STOREY 4-BED DWELLING INVOLVING DEMOLITION OF
EXISTING DWELLING

Members considered letters of support.

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

Officers informed members that:

- no consultation response has been received from North Level IDB
- the Council's Contaminated Land Officer has recommended an unsuspected land contamination condition
- following the site visit, members of the committee raised questions regarding the % increase in the gross floor area of the proposed dwelling from the existing dwelling. Based on the gross floor area there would be an increase of approximately 200%
- any reference within the report and refusal reason to the February 2013 version of the emerging Fenland Local Plan Core Strategy shall be superseded by the September 2013 (Submission Version).

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that officers' rightly point out that this application is a replacement one, by the current owner who has lived in the current bungalow for 70 years. He stated this is not a 'get rich quick scheme', but the elderly owner wants to live in the new dwelling with her daughter and husband, who is in a wheelchair.

Mr Humphrey made the point that the first application was a delegated refusal and this proposal is supported by the Town Council and has received nine letters of support, including from family members who wrote in to explain why this dwelling was needed. He stated that other applications have been approved in the vicinity for personal circumstances and business reasons, and both are larger than this proposal.

Mr Humphrey expressed the view that this proposal is what is required, with the daughter and husband in a wheelchair living in the main house and there being an annexe for the mother and disabled people need to be able to get in and out of their car in a garage. He referred to Policy CS2, facilitating the health and wellbeing of Fenland residents, and stated that the family want to be self-contained, taking care of their next of kin, with the only element, in his view, that does not comply being size and he feels discretion can be used.

Mr Humphrey made the point that officers have no objection to the proposal in principle or its design, it is only the size that is an issue and he urged members to take the personal circumstances of the applicant into consideration. He asked that they not be made to go down the route of a smaller house and then apply for an extension as, in his view, the piecemeal development route could be taken.

Mr Humphrey asked members to support a genuine case and Policy CS2, which he does not feel has been taken into enough consideration on this application.

Councillor Hodgson asked Mr Humphrey if the other approvals he mentioned close by have been started yet and how close are they to this proposal? Mr Humphrey advised that these approvals have not commenced, one is exactly opposite and the other is 200 metres to the east and it could be classed as a small hamlet. Officers advised that the Triple Acre site has commenced.

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

- Councillor Archer stated that he can remember a similar application coming forward in Manea with the health, wellbeing and personal circumstances of the applicant being considered as material matters, with officers only saying their objection to the proposal is due to the scale of the building which is linked, in his view, to the wellbeing of the applicant;
- Councillor Bucknor agreed, but stated he would not be happy in supporting an application where proof of an applicant's personal circumstances is not provided as the committee should not be agreeing to something on hearsay. Officers advised that letters have been received from family members indicating the issues, however, generally personal circumstances are not planning considerations, although anything could be material depending upon the amount of weight given to it. Councillor Bucknor made the point that the committee is being asked to approve an application on the hearsay of the applicant that health issues exist, the committee are not professionals and there should be stronger evidence to support the health claims. Officers advised that some applicants do submit this evidence, but it is normally confidential and there is difficulty in supplying it to committee. This proposal is a land use decision and not based on personal circumstances as the permission cannot be tied to any particular person in perpetuity.

Councillor Bucknor reiterated that it would be more acceptable for committee to agree if officers confirmed to them that they had evidence that supported the application, which would make dealing with these issues a lot easier. Officers advised that justification would also be needed as to why this dwelling is required in this particular location;

- Councillor Stebbing made the point that the committee did determine an application on North Brink on medical grounds where evidence was produced, but also dealt with a proposal on Barton Road, Wisbech St Mary where specific medical evidence was not requested and it was approved. He feels that this proposal can be supported;
- Councillor Archer referred to recent training where matters such as this were highlighted as being material considerations, with the agent explaining why the garage is integral to the application which has been suggested by officers as being removed to bring down the scale. He personally supports the proposal;
- Councillor Cornwell supports all that has been said and feels that a policy gap has been identified. He stated that if this was a business application in the middle of the countryside a business plan would have been requested and in principle he feels this is the same, although it is a personal circumstances justification. He feels these issues will not diminish as Fenland gets a more ageing population and there is more pressure to keep people out of care. The Chairman stated that he thinks that officers have duly noted the message being conveyed that there is general agreement that evidence should be produced by applicants to support applications of this nature;
- Councillor Sutton expressed the view that to be consistent with the North Brink proposal, although this proposal is possibly too large to be considered as a replacement, he feels given the circumstances and others that have been approved it can be supported;
- Councillor Mrs Mayor stated that she is fully supportive of the proposal for family to look after family.

Proposed by Councillor Mrs Mayor, seconded by Councillor Stebbing and decided to

Grant, subject to the following conditions:

- **the development hereby permitted shall begin before the expiration of 3 years from the date of this permission**
- **if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy**
- **the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment for proposed replacement dwelling at Lords Lane, Wisbech by Geoff Beel Consultancy, ref GCB/Humphrey, dated June 2013 and the following mitigation measures detailed within the FRA:**
 - **Flood resilient and resistant construction will be utilised throughout the development, to 300mm above predicted flood level, at 2.515mAOD**
 - **safe refuge is available on the first floor of the development**
 - **identification and provision of safe route(s) into and out of the site to an appropriate safe haven, as detailed in Section 9.5**

- the owners of the properties will sign on to the Environment Agency's Floodline Warnings Direct Service
 - finished floor levels will be set no lower than 2.015mAOD, 300mm above existing ground levels
 - no sleeping accommodation will be located on the ground floor
- the mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority
 - prior to commencement of the development hereby approved full details of the external finishes shall be submitted to and approved in writing by the Local Planning Authority and the development shall be executed in accordance with the approved scheme and retained in perpetuity thereafter
 - approved plans

Members do not support officers' recommendation of refusal of planning permission as they feel the proposal complies with Policy CS2 of the Fenland Local Plan Core Strategy Submission Version September 2013.

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

P121/13 **F/YR13/0744/F**
MARCH - LAND SOUTH OF 2 – 2A DARTHILL ROAD
ERECTION OF 2 X 3-STOREY 2-BED DWELLINGS INCORPORATING EXISTING
GARDEN AS SHARED AMENITY SPACE INVOLVING THE DEMOLITION OF
EXISTING OUTBUILDINGS

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 from Councillor Mrs French in support of the application. Councillor Mrs French stated that this site lies in a town centre location where no car parking is required, however, two spaces are being provided and she made the point that there is no off-road parking in Darthill Road.

Councillor Mrs French expressed the view that the site lies in a sustainable location and whilst the site is not ideal, the proposal would be better than the existing situation. She referred to noise from Weatherspoons, which she feels should have been addressed at the time the application for this business was submitted and she does not feel that the area suffers with any noise issues.

Councillor Mrs French made the point that there are no objections from the Local Highway Authority and, in her view, the properties in Princes Walk are too far away to have any problem. She does not understand where issues of crime and disorder are coming from.

Councillor Mrs French asked that if members are in doubt about the proposal that they defer it for amended plans to be submitted.

Councillor Archer pointed out to Councillor Mrs French that from looking at the plans some properties on Darthill Road do have off-street parking. Councillor Mrs French made the point that this proposal does not require off-street parking.

Councillor Hodgson asked if there is a car park opposite the site? Councillor Mrs French confirmed that there is and that there are two parking spaces on site.

Councillor Cornwell made the point that this proposal does not meet the Council's car parking standards and it is only a temporary car park opposite the site which cannot be guaranteed as being in existence forever. Councillor Mrs French advised that policies state that parking standards can be overcome in town centre locations. Officers advised that the Core Strategy states in exceptional circumstances.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agent. Mr Brand referred to the report which states that the site lies close to the town centre and public transport links making it a highly sustainable location. He feels design is subjective as the report states, but does not feel the report covers how the proposal fails to comply with Policy CS16 parts D, E, F, H and I.

Mr Brand referred to members' visit of the site where they were just looking at the site, but on his initial appraisal of the site he visited Princes Walk and past town centre re-development sites of the Wheel Centre and Jim Hocking Court, which are three-storey developments. He expressed the opinion that the National Planning Policy Framework and Policy CS1 of the Core Strategy have a presumption in favour of sustainable development.

Mr Brand informed members that, with the aid of his handout that had been circulated to members, he would demonstrate how the proposal's design and layout meets Policy CS16. He stated that alterations were made to the scheme following two pre-applications and a meeting with officers, with the dwellings moved back to allow the retention of the original two car parking spaces requested by officers.

Mr Brand stated that the building has been handed so the new entrances are away from the secondary lounge and bedroom windows of the ground floor flat, with the overall height being reduced from being identical to 4 Darthill Road as much as possible and the originally proposed two-storey bay window being altered to a first-floor bay window, a variation to the more common types of bay windows found in the vicinity. He stated that separate wheelie bin storage areas are provided to the rear of the existing flats and proposed town houses not at the back of the footway as the report states, with a collective bin collection point positioned behind the footway to avoid obstruction of a major access route to the town centre.

Mr Brand expressed the opinion that there would be no loss of light to the flats as the nearest side windows are secondary windows and the other side windows to kitchens/bathrooms are 3 metres away, being the same as 4, 6 and 8 Darthill Road. He feels the photographs in his handout show the new building would not directly look into the back of the bungalow at 1 Princes Walk, there is 26m/85 ft between these buildings and this property has not objected to the proposal.

In reference to being a cramped form of development, Mr Brand expressed the view that this proposal is similar in size to 4, 6 and 8 Darthill Road and referred to a photograph in his handout of a property in Whitmore Street, Whittlesey, which he regards to be a cramped form of development. He stated that he could find no Police Architectural Liaison Officer consultation on file to substantiate the claim that the entrance passageway creates potential for crime and disorder.

Mr Brand expressed the view that this site is a highly sustainable town centre site with good transport links found in Broad Street and he believes no provision is necessary for car parking in this location, but the proposal does provide what officers requested. He referred to flats at 11A and 11B Robingoodfellows Lane whose car parking is only 5 metres deep directly outside the entrance doors and windows.

Mr Brand expressed the opinion that the existing flats and new houses only occupy 45% of the application site, leaving 55% amenity space and the existing rear outbuilding behind the flats would be demolished to create an adequate communal area for the four rented properties equivalent to 27% of the application site area. He stated that the other 28% of private amenity area mainly to the front of the building provides parking spaces, footpaths, front garden and bin collection area.

Mr Brand believes he has demonstrated that this proposal meets fully the criteria of the policy and asked members to support the application.

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

- Councillor Bucknor acknowledged that the site lies in a town centre location and may well be an appropriate building, but he is concerned about the width of the passageway, which is only 1 metre, which does not seem very wide and he thought it would be difficult to take anything down this passageway. He made the point that people want to live where they want to live and the limited car parking does not concern him, but the proposal does seem very narrow;
- Councillor Archer agreed with most of the officer comments, he thinks it is a most inappropriate place for a pair of town houses. There could be noise issues being next to Wetherspoons and it is asking for a problem by having an alleyway next to a nightclub. Officers advised that there is concern that it is a very narrow passageway, with two doors opening onto a side wall;
- Councillor Murphy expressed the view that this proposal is inappropriate, the 1 metre wide passageway would not allow anything to be taken down it and whilst he agrees that something could be built on the site he feels it should only be one dwelling not two. He made the point that Wetherspoons should not be asked to undertake another noise assessment because someone wants to build another property next to it. He agrees with officers' recommendation;
- Councillor Cornwell expressed the opinion that the location, design and street scene is inappropriate;
- Councillor Connor expressed the view that the site would be acceptable with the right type of development, this is not it and the agent should reconsider the scheme;
- Councillor Hodgson asked as the doors are only in the left hand side gap would there be a problem with losing a gap on one side and increasing the space on the other? Officers advised that there are windows in these gaps and it would be hemming them in if the gaps were decreased. Officers believe that a proposal that resembles a semi-detached dwelling joined onto the existing dwelling may be acceptable;
- Councillor Mrs Mayor stated that she knows this street and whilst the area does need tidying up she cannot agree with this proposal. She feels a semi-detached dwelling with a front door makes more sense;
- Councillor Quince expressed the opinion that the building is far too tight for this site and questioned whether the existing property belongs to the same people to enable it to be extended. He stated as the proposal is it does not get his support.

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

Refused for the following reasons

- the proposal will result in a form of development that fails to assimilate into the street scene by virtue of the scale and cramped form of development. The proposal fails to provide adequate private amenity space and the parking spaces will have a potential for noise and disturbance to the occupiers of the dwellings due to their location immediately to the front of the ground floor lounge windows, as a result the proposal is considered to be contrary to Policy E8 of the Fenland District-wide Local Plan 1993 and Policy CS16 of the Fenland Local Plan Core Strategy Submission Version September 2013
- the proposal fails to demonstrate that the future occupiers of the dwelling will be immune from possible noise disturbance due to the location of the commercial extraction equipment on the neighbouring building, therefore, the proposal is contrary to Policy E20 of the Fenland District-wide Local Plan 1993 and Policy CS16 of the Fenland Local Plan Core Strategy Submission Version September 2013
- the development has a potential for significant overlooking from the rear bedroom windows to neighbouring properties and is, therefore, contrary to Policy E8 of the Fenland District-wide Local Plan 1993 and Policy CS16 of the Fenland Local Plan Core Strategy Submission Version September 2013.

(Councillors Cornwell, Keane and Quince stated that they are members of March Town Council, but take no part in planning matters)

P122/13 **F/YR13/0755/F**
WIMBLINGTON - LAND SOUTH WEST OF 32 EASTWOOD END
ERECTION OF A 6-BED 3-STOREY DWELLING INVOLVING DEMOLITION OF
OUTBUILDINGS

Members considered letters of support.

Officers informed members that:

- Environmental Health has no objection to the proposed development, however, given that the proposal involves the demolition of an existing outbuilding a condition relating to unsuspected land contamination is required
- one further letter has been received providing a character reference for the applicant
- the agent has confirmed that the applicant and previous site users have enjoyed access over the byway to the site continuously since 1962 and this application will not change this historic right. This has not been conveyed or confirmed by the Countryside Access Team.

Members received a presentation from Councillor Mrs Newell. Councillor Mrs Newell informed members that she does not have a problem with the dwelling, but with the fact that the development goes over a right of way, which would cause serious problems. She expressed the opinion that the Rights of Way Officer at the County Council has not been consulted and she feels they should have been as this is a right of way that goes through to Manea Road and is used by people walking their dogs and riding horses.

Councillor Mrs Newell referred to the comments of the Parish Council that says it has no objection as long as the access is via the tarmac driveway to No.32 and made the point that this is a private residence which would not allow this.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicants' agent. Mr Edwards informed members that this application is a resubmission of an earlier refused application where a number of members questioned site levels and additional cross sections have been added through the site which shows the proposal in terms of the neighbouring property. He stated that the 3D visual shows the extension to No.32 and that the site is not in the open countryside as it plugs a gap in this part of Eastwood End between Plot 3 and No.32.

Mr Edwards stated that the land levels are to remain apart from the lifting of the driveway level and whilst the site does lie within all three flood zones, it is predominantly within Flood Zone 1. He referred to the support for the proposal from residents and the Parish Council and made the point that the applicant has been born and bred in Eastwood End and still has family that live in this area.

Mr Edwards referred to policies, which the Design and Access Statement submitted with the application addresses. He expressed the view that Eastwood End has its own Development Area Boundary and this proposal does not lead to the loss of high grade agricultural land, is brownfield in nature, has no visual impact, ample amenity space and is not adverse to the character of the area.

Mr Edwards stated that the proposal utilises the main sewer and the full landscaping scheme can be conditioned. He feels the proposal is of a scale and size that is the same as neighbouring properties, following existing building lines and utilises the existing access to the site. In his view, this site is a natural infill and would complete this part of the village on this side.

Councillor Hodgson asked Mr Edwards if the bridleway is being kept clear? Mr Edwards advised that there would be two parking spaces in the garage, together with land at the front and side for turning so it would be kept clear.

Councillor Quince asked Mr Edwards about the sewerage connection and how does he propose to connect as he believes there is a 2 metre drop? Mr Edwards advised that the level would be increased, Anglian Water have surveyed the site and deemed it acceptable, otherwise a pump would be placed within the site.

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

- Councillor Archer questioned what has changed from the previous refusal as he thinks this proposal is identical. Officers advised this to be case;
- Councillor Connor agreed with Councillor Archer;
- Councillor Sutton stated that he supported this proposal last time and he does not see any reason why he should not this time. He feels it is not much different to the application approved in Leverington at this meeting. Members asked about levels previously and this question has now been answered;
- Councillor Archer expressed the view that he would support refusal in terms of consistency as he cannot see that anything has changed from the proposal that was previously refused.

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

Refused for the following reasons

- the proposed development, which is located outside the main settlement of Wimblington, will be situated within open countryside which forms the rural character of this area, and has not been supported by sufficient justification for the introduction of a dwelling within an unsustainable location, as a result the proposal is contrary to the provisions of the National Planning Policy Framework Paragraph 55, Policies E1, E2, H3 and H16 of the Fenland District-wide Local Plan 1993 and Policies CS12 and CS16 of the emerging Fenland Local Plan Core Strategy Submission Version September 2013
- the proposal will result in new development in the open countryside which will have an adverse impact on the character of the area by virtue of encroachment into the countryside thereby changing the character of the area to its detriment, as a result the proposal is considered to be contrary to Policies E1, E2 and E8 of the Fenland District-wide Local Plan 1993 and Policies CS12 and CS16 of the emerging Fenland Local Plan Core Strategy Submission Version September 2013.

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by virtue of her daughter residing next door to the application site, and retired from the meeting following her presentation for the duration of the discussion and voting thereon)

**P123/13 TPO 04/2013, 1 LIME, 1 WILLOW, 1 BIRCH, 1 LARCH, 1 MAGNOLIA
GRANDIFLORA ON LAND WEST OF 29 NORFOLK STREET, WIMBLINGTON**

Further to minute P109/13.

The committee had regard to its inspection of the site as agreed at its last meeting.

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

- Councillor Archer stated that he agrees with the officers' recommendation, but would question whether Willow trees are worthy of preservation as whilst beautiful trees they are short lived. Councillor Mrs Mayor made the point that a TPO was placed on two Willow trees in Commons Road, Whittlesey. Officers advised that these trees are worthy, age is irrelevant and referred members to the Tree Officer's comments in the report;
- Councillor Sutton referred to the last meeting where members had two expert reports, one from the Council's own officer and one from the applicant, and he thinks that the applicant's expert was very fair and thorough recommending that two of the trees warranted a TPO. He thinks the applicant's expert should be supported and not the Council's as he is concerned about placing TPO's on trees that are not worthy;
- Councillor Connor made the point that the Council employs a Tree Officer and the committee ought to support his recommendations and having looked at this site a second time he feels that the TPO should be placed on all these trees. Officers reminded members that a TPO does not prevent further work coming forward on these trees;
- Councillor Cornwell expressed the view that the Council should not be interfering with people's gardens and supports a TPO on the tree to the front of the property, with the rest he views as interfering;
- Councillor Sutton made the point that Willow trees do suffer from a disease and feels that this might be reconsidered in future;

- Councillor Murphy expressed the opinion that the Council employs a Tree Officer and the committee should abide by what he says. He made the point that the property is up for sale and at the moment anyone could take all the trees down before a TPO is placed on them, which he thinks is wrong;
- Councillor Sutton felt there was little point in a committee if it went along the line of taking notice of what officers say all the time and the committee has gone against officers recommendation in some of the applications at this meeting. He feels that the applicant's expert provided a fair report and it should be supported;
- Councillor Murphy made the point that if you ask an Arboricultural Officer to undertake a report for you, you are getting what you pay for;
- Councillor Archer acknowledged that the committee should not always follow officers' advice, but he feels trees and Listed Buildings are different and the Council's expert advice should be taken as they give an opinion in the public interest and not the applicant's interest. Councillor Sutton stated that what he is trying to say is that the applicant's expert could have said that no trees are worthy of retention, but he did not he said that two were worthy;
- Councillor Mrs Newell made the point that the Council's Tree Officer is an expert, this committee is not, and it should be taking notice of him.

Proposed by Councillor Connor, seconded by Councillor Archer and **decided that the Tree Preservation Order in respect of 1 Lime, 1 Willow, 1 Birch, 1 Larch and 1 Magnolia Grandiflora on land west of 29 Norfolk Street, Wimblington.**

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

P124/13 CONSTANTINE HOUSE, 1 NENE QUAY, WISBECH

Members considered the current situation at Constantine House, 1 Nene Quay, Wisbech and whether a notice under Section 215 of the Town and Country Planning Act 1990 should be authorised. Members were informed:

- 1 Nene Quay has been identified as both a Building of Local Interest and a Building of Risk. A fire engulfed the property in March 2010, with the Council carrying out works to make the property safe pursuant to its statutory Building Act obligations;
- 1 Nene Quay occupies a prominent location at the entrance to the retail centre of the town, which has a detrimental impact on the locality due to its dilapidated and fire damaged condition;
- every assistance has been offered/afforded to the owner in respect of the necessary planning process, with the owner agreeing to keep the Council advised on progress/anticipated timelines for reinstatement works, which have not been forthcoming. Detailed reports were taken to Cabinet in July and August 2013, which recommended that Planning Committee should proceed to consider serving a Section 215 Notice;
- letters have been sent to the owners advising them of the Council's intention to formally consider action under Section 215 should they not take steps to resolve the amenity issues at the property. In response, the owner has identified a start date of 1 March 2014, subject to necessary planning permissions, with completion currently planned for 30 September 2014;

- notwithstanding the positive nature of this contact, officers are mindful of the need to protect the position of the Council and ensure that works do indeed commence without further delay to secure the amenity of the area, therefore, the committee is requested to confirm its authority to continue with the Notice;
- of the enforcement powers available to the Council;
- a schedule of works has been prepared, based on a Civil and Structural Engineer consultant's report, which will form part of the Section 215 Notice and which members received a copy of.

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

- Councillor Bucknor asked how long the owner would have to appeal against this Notice? Officers advised 28 days. Councillor Bucknor asked what happens after this 28 days? The Principal Solicitor advised that if the Notice is served within the next few days and the owner does not appeal he has to start work on the commencement date of January 2014. If the owner does not comply with the Notice there are options available to the Council. Councillor Bucknor asked what happens if the owner does not appeal and does not start work on the commencement date? The Principal Solicitor advised that a timeframe would be provided to complete aspects of the project, which would be broken down into individual steps and it would not be reasonable to prosecute until the entire timescale has passed;
- Councillor Keane asked if the owner did not undertake the works and the Council did, what are the chances of the Council obtaining its money back? Officers advised that is an issue further down the line, it would not be an issue for this committee, but a charge can be placed upon a property;
- Councillor Archer asked if the Council is expecting some written acknowledgement from the owner that he agrees to the Notice? The Principal Solicitor advised that the Notice has to be served in a particular manner, the owner has been advised that this report was being considered by committee today, he has chosen not to attend and starting work on the building would be seen as agreement;
- Councillor Connor stated that officers should be congratulated for bringing this forward and he hopes that it achieves some resolution;
- Councillor Quince asked, with a start date in January, would the owner not require building regulations approval on this property? The Principal Solicitor advised that he believes a building control application has been submitted. The owner would be given assistance from all necessary teams within the Council to bring works forward on this building, with the notice setting out the steps that need to be taken to bring the building back into use;
- Councillor Sutton made the point that this action is not before time and he hopes there are some more in the pipeline to approve in the future;
- Councillor Cornwell asked if this is the first time the Council has used a Section 215 Notice, therefore, not being a learning curve and the Council being fully prepared? The Principal Solicitor advised that these powers have been used in relation to a premises in Whittlesey. He stated that this is a difficult building to bring back into use, but this is what a Section 215 is designed for. Councillor Cornwell expressed the view that as long as the Council has allocated enough resources. The Principal Solicitor stated that this action puts the onus back on the owner. Councillor Cornwell made the point that it needs to be monitored to ensure it is controlled;

- Councillor Hodgson stated that buildings such as this are a big issue for Fenland and this issue has been going on too long and needs pressing forward as quickly as possible.

Proposed by Councillor Archer, seconded by Councillor Hodgson and decided that

1. **the scope and content of the Section 215 Notice be approved**
2. **authority be given to the serving of a Section 215 Notice of the Town and Country Planning Act 1990 on the owners and any interested parties.**

4.35pm

Chairman