

PLANNING COMMITTEE



15 JANUARY 2014 - 1.00PM

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

Officers in attendance: G Nourse (Head of Planning), Ms A Callaby (Planning Performance Manager), Ms C Flittner (Area Development Manager), R McKenna (Principal Solicitor - Litigation and Planning), Miss S Smith (Member Services and Governance Officer)

P141/13 MINUTES OF THE MEETING OF 11 DECEMBER 2013

The minutes of the meeting of 11 December 2013 were confirmed and signed, subject to the following amendment:

- with regard to an amendment by Councillor Cornwell on Minute number P135/13, bullet point 5:
 - "He informed Mr Humphrey that with regards to the alternative plan to use the site as a CL site, the only way *he could* is with the authority of an exempted organisation such as the Caravan Club, as they also have requirements you have to pass, and it is doubtful that the position of this site would pass."

*** FOR INFORMATION OF THE COUNCIL ***

P142/13 F/YR13/0829/F MARCH - 5 QUEEN STREET CLOSE - CHANGE OF USE OF GROUND FLOOR CLASSROOMS TO 1 X 2 BED FLAT AND 2 X 1 BED FLATS

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

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

Granted, subject to the conditions reported.

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

(All Members present declared a Non-Pecuniary Interest in this application, by virtue of them knowing the applicant who is a Councillor)

P143/13 **F/YR13/0856/F**
GUYHIRN - GUYHIRN TYRES, OAK TREE FARM, THORNEY ROAD - CHANGE
OF USE OF LAND AND SITING OF PORTACABIN FOR OFFICE USE IN
ASSOCIATION WITH EXISTING BUSINESS (RETROSPECTIVE)

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

Proposed by Councillor Connor, seconded by Councillor Bucknor 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 applicants agent and took no part in the discussion or voting thereon)

P144/13 **F/YR13/0209/O**
WISBECH - LAND EAST OF 37 CRAB MARSH - ERECTION OF 10 COMMERCIAL
UNITS FOR B1, B2 AND B8 USE

Members considered 1 letter of objection.

Officers informed members that:

- one letter of objection has been received from the original objectors to the scheme with the following points:
 - no notice of the amended plan was received;
 - pleased to note that the access arrangements for the site have changed however, remain concerned that Crab Marsh is too narrow to facilitate an access in the proposed location;
 - concerned that this will lead to congestion at peak times and create a safety hazard when HGVs are reversing;
 - continue to object to the access;
- consultation letters were sent out to the objector on 3 December 2013;
- the applicants for the scheme have made contact to say that a Transport Consultant will be speaking;
- the applicants believe that they have addressed the concerns of Drake Towage, they have revised the access arrangements retaining the straight road;
- the applicants are disappointed that there is now contention that Crab Marsh is too narrow and there is no technical analysis regarding this point;
- the applicants assert that peak hour traffic flows are modest and the likelihood of congestion is minimal, with low-loaders reversing being an infrequent movement;
- that the applicants outline that there are wider benefits to the scheme, including its contribution to jobs and prosperity, the green economy and sustainable development.

Members received a presentation, in accordance with the public participation procedure, from Mr Weeks, a supporter of the proposal. Mr Weeks informed the committee that he had decided to speak due to the objection received from Drake Towage and he reinforced what the Planning Officer had said previously.

Mr Weeks stated that he had a meeting with representatives from Drake Towage with Council officers present; at that meeting it was clear that only their only objection was the movement of a low-loader transporting a crane and a straight access was required.

Mr Weeks added that there was no mention of traffic in and out of the site and it was clear that a straight access up and down Crab Marsh was required, whereupon the applicant revised the proposal and consulted with Cambridgeshire County Council Local Highway Authority (LHA) who were very helpful, the key components required being straight through access and a footpath at the side of the access road. He pointed out that there is a small lay-by at the site entrance and vehicles leaving can turn and see what is coming to the left with a clear view. The LHA fully accept the proposals, traffic flows are modest and congestion is not considered an issue and if there is a low-loader moving up and down Drake Towage it will be an obvious movement given the size of vehicle. Mr Weeks confirmed that Drake Towage were present at the meeting and were consulted.

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

- Councillor Cornwell stated that he is confused about this application as to whether it is a private or public road, it is clear that it is a single track road. Councillor Miscandlon commented that he believed this is Fenland District Council (FDC) property and asked the officers to check details. Councillor Cornwell commented that the signage at the entrance seems to indicate that no one can access the site and this needs to be looked at, especially if it is a FDC sign. Officers confirmed that the Valuation and Estates Officer from FDC was involved in discussions regarding the scheme and Drake Towage do not say that they own part of the land;
- for clarification Councillor Bucknor confirmed that he is aware of the land as it is in his Ward and the land is owned by FDC and there are gates on the access;
- Councillor Sutton stated that he agreed that the road needs to remain straight and could see no problem with the application.

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

Granted, subject to the conditions reported.

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

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

P145/13 **F/YR13/0541/F**
**ELM - LAND WEST OF APPLE TREE HOUSE - ERECTION OF 4NO OF 4-BED 2-
STOREY DWELLINGS WITH DOUBLE GARAGES**

Members considered 9 letters of support and 2 letters of objection.

Officers informed members that:

- a consultation response had been received from National Grid who have no objection to the proposal, the National Grid apparatus that has been identified as being in the vicinity of the proposed works is a Low or Medium pressure (below 2 bar) gas pipes and associated equipment. As a result it is highly likely that there are gas services and associated apparatus in the vicinity;
- Ownership of the adjoining land - following a site visit, Members of the Planning Committee raised questions regarding the ownership of adjoining land. Following that request the application provided the following information:
 - 'We do not own or farm any land bordering the site. On the east side is a private garden. South side is the road. North is land that is let to a tenant that may be in the ownership of CCC, not certain but fairly sure. The same applies to the buildings on the west side, again fairly sure that they belong to CCC';
- all land is Grade 1;
- Policy CS12 in the Core Strategy is only partly satisfied, a footway link cannot be provided to the rest of the village and these are the concerns of the LHA;
- the hedge will be retained to enhance the rural feel.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey the applicant's agent. Mr Humphrey asked members to consider the application in context with the overhead plan which he had prepared to show where the site sits in the existing built form of the village. He pointed out that the four plots are at the west at the end of the village, with Elm being designated as a limited growth village in the Core Strategy.

Mr Humphrey stated that the applicant has not farmed the land for the last 13 years, it is not of a size or in a location suitable for farming. He commented that the pre-application in September had been for 12 houses, this has been a creative exercise to provide places for people to live their lives, requesting that members consider this in context in favour of sustainable development, it is not garden grabbing and complies with the Council's Core Strategy and is adjacent to the existing development boundary opposite the continuing frontage. He stated that there have been 9 letters of support, the properties will be self contained with hedging and advised that it would be better to keep the hedge than a footpath on the edge of the road.

Mr Humphrey pointed out that the LHA have no objections with the pedestrian linkage of this site and beyond this site is a school playing field of 100 acres and a footpath to keep off the road. Mr Humphrey commented that has this application been 12 months earlier this site would have been approved, it does accord with the Core Strategy, four quality homes are being offered and this site is closer to the church and the pub that 50% of the village of Elm and on balance this proposal should be accepted.

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

- Councillor Bucknor asked officers where the 9 letters of support had been received from. Officers confirmed that the letter had been received from residents of Elm and Wisbech;
- Councillor Patrick comments that he lives off Begdale Road where it is difficult to pass and should be refused for reasons of highway safety;
- Councillor Hodgson pointed out that the location plan shows houses further down the road on the left hand side. Officers responded that development is sporadic and these houses were in situ before the Development Area Boundary;

- Councillor Mrs Mayor asked officers where the playing field was. Officers pointed out its location on the plan;
- Councillor Bucknor commented that members were being asked to believe that the field had not been used for 13 years and asked if activity logs had been kept. Mr Humphrey confirmed that the applicant does not have a log but an affidavit from Councillors in the vicinity could be provided if required.

It was proposed by Councillor Hodgson and seconded by Councillor Mrs Newell to Grant the application which was not supported by members.

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

Refused for the following reasons:

- **In terms of the sustainability of the location the proposed site is poor, particularly in terms of its connectivity with the existing public footpath network and the village centre and other local community facilities and services. By virtue of this it is considered that the proposal would potentially result in highway safety issues for the future occupants of the dwellings and the others who use the highway. Therefore, it is considered that the proposal is contrary to Policy H3 of the Fenland District Wide Local Plan, and Policies CS12 and CS15 of the emerging Local Plan - Core Strategy (September 2013) which set out the overall requirements for sustainable growth.**

**P146/13 F/YR13/0694/O
MARCH - LAND REAR OF 36 HIGH STREET - ERECTION OF 8NO 2 BED 2
STOREY DWELLINGS WITH BIN AND CYCLE STORES**

Members considered 4 emails/letter of objection/concern.

Members received a presentation, in accordance with the public participation procedure, from Mr Grounds, an objector to the proposal. Mr Grounds asked members to remember that after the war London transport advertised on London buses, stating that this was advice only and this is the same for planning guidance as not one size fits all and should not grant free reign to work the system. He pointed out that this proposal would be acceptable in a city centre, a rundown area or a university town, this is a totally different matter and it cannot be assumed that such a need exists in a predominantly rural location. The area relies on a limited transport system and this type of house needs 3 or more spaces per unit and this town is no exception.

Mr Grounds pointed out that he is a Chartered Surveyor and town centre development should take account of what is required and stated that houses built within a conservation area with limited side or rear access is a result of unadulterated green and is unnecessary. He made reference to a former Councillor referring to 'too many sardines in a can' and pointed out that there is a narrow right of way, a hazardous access. He pointed out that a water pipe had burst in this area this morning and it had caused chaos. There are food deliveries 3 times a week, waste and refuse collection on a Friday, street cleaning on a Saturday, the adjacent office has two parking spaces, there are 30 motor car spaces for the Griffin on the adjacent site, 10 bedrooms use this, leaving 15 spaces for business and there are not many spaces available at weekends. Any attempt to access the parking area when others are leaving causes reversing onto the highway, planning officers are not to blame but the interpretation of one policy fits all does not justify this application.

Councillor Hodgson asked Mr Grounds if this application were refused how does he see this area being used. Mr Grounds responded that one bungalow tastefully built and tastefully designed would suit this location.

Members received a presentation, in accordance with the public participation procedure, from Councillor Mrs French, District Councillor. Councillor Mrs French stated that March Town Council recommended refusal of this proposal deeming it to be inappropriate overdevelopment of the site. She pointed out that planning permission had been granted in 2010 and in the three years since this development could have been built.

Councillor Mrs French commented that in 2011 when NPPF came into force it allowed local authorities to stop this type of development and if this were to be allowed it would disrupt the town with the delivery of materials clogging up the town. A dray already visits the town twice a week and snarls the town up and if this development were permitted it may cause the same situation as Bevills Place in relation to a local licensed premises, this also being behind a licensed premise. Councillor Mrs French asked members to refuse this application and take into account the listed building.

Members received a presentation, in accordance with the public participation procedure, from Mr Elener, the applicant's agent. Mr Elener informed members that he was attending the meeting to any questions based on a possible deferral decision. Mr Elener stated that there will be no impact on the vehicle flow, the Design 1994 Regulations covers construction, including times to enter and leave a site, deliveries can be coordinated to avoid peak periods and the contractor will consult with other users of the site. Mr Elener stated that this is a renewal of the application and the deeds were received after the permission expired and commented that the NPPF did not really change the legislation.

Councillor Cornwell asked Mr Elener if the lorries used by the construction are any bigger than brewers drays. Mr Elener confirmed that he would ensure that they are no bigger than brewers drays and not articulated lorries. The delivery of blocks and bricks would be delivered at the early stage of the development. Councillor Cornwell asked if the only access for any vehicle would be directly off High Street. Mr Elener confirmed this.

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

- Councillor Mrs Mayor stated that she had difficulty in understanding the no car policy and asked how this could be carried out when the development is built. Mr Elener responded that residents will only have pedestrian rights over the access. Officers responded that planning powers do not extend to restricting car ownership, in principle terms there is no parking provision on this site on sale of property and this is a car free development as presented. Officers referred to Mr Grounds comments regarding properties requiring three parking spaces, commenting that not everyone in March needs a car, there is access to a train station and it is about providing a mix of housing opportunities. There is no highway issue as it is car free and earlier consent needs to be given material weight. Car parking issues cannot be addressed through planning as it is a car free development. Councillor Mrs Mayor stated that this needs a policy to stop parking on adjacent car park. Officers confirmed that the cars parking on the adjacent site would need to be pursued as a civil matter;
- Councillor Sutton stated that this development is not a problem, there are 3,500 people on the waiting list, some may not want social housing and there is a big car park close by if residents have cars;

- Councillor Mrs Newell asked if the decision in 2010 to grant the application was delegated. Officers confirmed that it was a committee decision recommended for approval by March Town Council. Councillor Mrs Newell commented that she did not remember going on site, the site could only be accessed via the market and to say that 8 houses won't need a car was unacceptable, it is a rural town, if you have a job outside town a car would be required, the development is unacceptable and she did not recommend approval;
- Councillor Quince stated that the main problem is access to the site and the narrowest of roads and he agreed with Councillor Mrs Newell that most people with a house these days have a car and did not support the application;
- Councillor Cornwell referred to another application in March which was refused due to site access being 1.5 metres wide as access was a problem. He stated that this proposal has 1.5 metre alleyway and asked what the difference is between the two, this is over-intensification of the site: the access is through the worst part of the town and could cause more problems and also made reference to amenity space. He commented that officers had reported on access but not on amenity space provision. Councillor Cornwell stated that with his new Cabinet role in mind he was worried about wellbeing of residents in the wider sense and could not consider supporting this development;
- Councillor Sutton commented that he believed that the application referred to by Councillor Cornwell was the development behind the Hippodrome and he believes that this has ample room and he supported officers recommendations;
- Councillor Patrick commented if there was a serious fire how would the emergency services gain access.

It was proposed by Councillor Sutton, with no seconder to Grant the application which was not supported by members.

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

Refused for the following reasons:

- **over development of the site;**
- **over intensification of the use of the existing access by service vehicles.**

Members do not support officer's recommendations to Grant planning permission as they feel that the site would be overdeveloped and there would be limited access for service vehicles.

Councillor Sutton requested that it be recorded that he had voted against the Refusal of this application.

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

Members took a 10 minute refreshment break following determination of this application.

P147/13 **F/YR13/0750/RM**
WISBECH - 47 RAMNOTH ROAD - ERECTION OF A 1 X 2-BED AND 1 X 3-BED
SINGLE-STOREY DWELLINGS AND 1 X 3-BED 2-STOREY DWELLINGS
INVOLVING THE DEMOLITION OF EXISTING DWELLING

Members considered 2 letters of concern.

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

Officers informed members that:

- No comments had been received from Middle Level Commissions at this point in time;
- an additional Condition be added to withdraw permitted development rights for extensions and garden buildings;
- members had asked a question at Site Inspection regarding an extension that had been built at number 41 Ramnoth Road. Officers confirmed that this is a large extension allowed in 2008.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that the application would not be in front of committee if it had been supported by the Town Council. He informed members that planning permission had been granted on appeal and was supported in principle. Mr Humphrey stated that the development is in accordance with policy and officer recommendations, there are similar rear developments, a precedent has been set and he is looking for consistency and as the application is recommended for approval he asked for members to rubber stamp the application.

Councillor Stebbing made the comment to Mr Humphrey that this development ticks all the boxes.

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

- Councillor Cornwell asked if this was a new application would it meet all our current requirements. Officers responded that they would have concerns regarding visibility splays over third party land, this view was not shared by the Planning Inspector and this was a recent appeal decision;
- Councillor Murphy suggested that officers write to the Secretary of State requesting that Planning Inspectors should undergo some training, commenting that this is a terrible decision and if this were to happen all over the country planning may as well give up;
- Councillor Sutton asked members to remember that this is a town centre site, it is a little 'squashed' but he fully supports the application, commenting that it would have been better if rear garden owners had got together with a combined plan, but this was too late and he supports officers recommendations;
- Councillor Connor commented that this is another application that has been granted on appeal, he agrees with Councillor Murphy, hands are tied and members should support the officers recommendation;
- Councillor Stebbing commented that this is close to the Isle College, this is on the opposite side of the road and is heavy with parked cars and he thinks this is a problem;
- Councillor Quince commented that if car spaces were moved to the right of the bungalow this would improve access onto Ramnoth Road;
- Councillor Patrick commented that this development is in close proximity to Ramnoth Road School;
- Councillor Hodgson commented that he did not like the proposal but did not think it could be refused;
- Councillor Mrs Mayor commented that it is a shame that this area was not taken into account with the other development which is near completion which would have provided an access and an exit and this is an accident waiting to happen. She asked why two bungalows and a house were proposed when the adjacent development is bungalows and commented that she did not agree in principle.

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

Granted, subject to the conditions reported.

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

P148/13 **F/YR13/0834/O**
MARCH - LAND SOUTH OF WESTRY HALL, 351 WISBECH ROAD - ERECTION
OF 2 X 3-STOREY 7-BED AND 2 X 2-STOREY 4-BED DWELLINGS WITH
DETACHED DOUBLE GARAGES

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

Officers informed members that:

- the following additional consultation responses have been received:
 - the Environment Agency have no objections to the proposed development, however provides comments/guidance in respect of foul water drainage, surface water drainage and pollution prevention;
 - FDC Environmental Services note and accepts the submitted information and have no objections to the proposed development;
 - the Highway Authority have no objections in principle and recommends conditions relating to the access being ungated, on site turning and parking, and an engineering scheme showing details of the access construction where it crosses the public highway;
 - the FDC Tree Officer agreed with the classification and condition of the trees given in the submitted arboricultural impact assessment, however does not consider it is appropriate to position the access road within the RPAs of these trees particularly where the access could be moved to the north to utilise the existing driveway. Whilst the British Standard provides guidance on construction techniques within RPAs of retained trees, it should be considered a last resort particularly where alternatives exist;
- Members queried the planning history relating to the adjacent dwellings, Westry Hall and Phoenix House:
 - Westry Hall was approved as an agricultural dwelling and there is a restrictive planning condition relating to the occupancy of this dwelling (LPA references: F/YR03/1403/O an F/YR04/4114/RM);
 - Phoenix House forms part of the former Rectory site. The Rectory was destroyed by fire many years ago and was never rebuilt. The only buildings to remain were outbuildings, which were converted into a residential bungalow, known as Phoenix House. This was regularised in 2010 via retrospective planning permission for the conversion and extensions to the buildings (LPA reference: F/YR10/0035/F).

Members received a presentation, in accordance with the public participation procedure, from Mr Feary, the applicant's agent. Mr Feary informed members that he has been involved with town planning for 40 years; he has provided a Heritage Statement, a Tree and Impact Assessment and Planning and Design and Access Statement and only four words of these are included in the officers report. He stated that officers are creating a division between Westry and March. The development is 1,000 metres beyond the application site and the site map indicates where the urban area begins. The development on this site of Wisbech Road is continuous shown as the complete opposite in the report. Mr Feary stated that the housing and conservation comments made in the report are incorrect.

Members received a presentation, in accordance with the public participation procedure, from Mr Cooke, a Consultant Arboriculturalist. Mr Cooke informed members that he had been asked as a qualified arboriculturalist to inspect the trees and asked to write a report which showed that no trees in the designated area are covered by a TPO or in a conservation area. Mr Cooke gave a full account of the types and number of trees that he had inspected and informed members that the trees are on the boundary fence and not all are covered by the original preservation order. He informed members that the roots of the trees in this area are protected by the fence and where driveways are provided root protection in accordance with the British Standard can be achieved. Mr Cooke referred to British Standard 58 and criteria and stated that the proposed driveway will not have any detrimental effect on the trees and it is proposed to protect as many as possible.

Members received a presentation, in accordance with the public participation procedure, from Councillor Count, Town Councillor. Councillor Count stated that if members took account of the report this application would be refused. He stated that officers have been against the development from the start. Councillor Count made reference to a presentation referring to the Core Strategy this showed the urban areas marked in grey, with the March area marked in red, this allows for windfall sites and he believes that the Core Strategy is wrong.

Councillor Count commented on the design of the houses being acceptable and being identical and this should be a rubber stamping exercise to approve the development. Councillor Count provided a drawing of St Mary's Church, Westry which he had prepared, he highlighted a blue line illustrating line of sight nearest to the building line and asked how this interrupted the view of the church across the proposed development and stated that the development does not interfere with the setting. He pointed out that comparisons have been made to Phoenix House and the development being outside the settlement area of March and the report should have said that because this committee has accepted development immediately adjacent to the settlement that this should be approved.

Councillor Count asked members to consider the developments proximity to the Development Area Boundary, the urban designation contained within the development plan and the consultation process it has been through which are all material conditions for members to consider. He commented that officers made a number of negative statements and these relate to linear development and rural character and stated that the development is not linear and requested that members approve the application.

Mr Schofield had registered but declined to speak on the application.

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

- Councillor Bucknor asked officers to answer points raised by Councillor Count in his presentation. Officers responded that the first issue regarding the urban area as shown in the key diagram of March is an illustrative area. With regard to Core Strategy Policy CS12/16 the grey shading does not denote in itself a settlement boundary and the urban area shaded grey does not have the characteristic of an urban area, it has its own form and character. Other development in the locality is part of the industrial estate rather than sporadic development. Identified properties at the Phoenix site are replicated on this site, not one size fits all and dwellings should be distinct and individual. The development at Phoenix House is shielded by existing tree lines and does not have the impact that this scheme will have on the listed church. Officers agree that there is a line of sight through, however the church can be viewed at different points, there will be areas where it is shielded but they reiterated that the view of the church would be interrupted. Development has been allowed at the rear of Phoenix House but there has to be a point where extending developments stops, this is not a linear but an in-depth form of development and each should be considered on its own merits. Members need to consider policies as this scheme will be prominent, incongruous and relate poorly to the surrounding development;
- Councillor Mrs Mayor made reference to the point on the A141 where visibility may be interrupted and asked if the plan shown by Councillor Count on his presentation is available to members. Officers responded that the plan is not part of the application. Councillor Mrs Mayor stated that Mr Feary's statement that the church has no outstanding features was not true as it has taken 4 years to rebuild it and it will be a place that should be visible and superb when it is finished;
- Councillor Cornwell stated that Westry is a mix and match area, developments from the church outwards is a linear form of development, this is a valid argument, this is a small development in an area that is wholly linear. The area before the church is commercial, from the church onwards is linear and this application is not;
- Councillor Sutton commented that he had considered the Phoenix application and does not believe that this application goes near it or is unacceptable. There is an issue regarding damage to the trees and he proposed that the roadway could be moved further away. Officers explained that the Phoenix development is not built out yet, Phoenix is at depth, the development is a discreet parcel behind the church, it is screened, has an existing access road, the proposed development includes a new access road which will create an additional burden on the trees;
- Councillor Murphy pointed out that at the other end of this road there is a builders yard which put forward an application for a non linear development there and it was refused;
- Councillor Sutton commented on the roadway to Phoenix House and officers confirmed that this was the original road to the rectory which is why the trees were not affected. Councillor Sutton raised concerns as to why the entrance was shown nearer to the church and they were not using the one used on the site inspection, if this were to be used tree roots would be protected. Officers could not explain why the original access was not being used and confirmed that the new road was alongside the trees. Councillor Sutton feels that members should go against officers recommendations and approve the application;
- Councillor Connor agreed that he could not see much wrong with the development, he was worried about the trees but supported the application;
- Councillor Quince commented that you could not see St Mary's Church, the landscaping would look good around these properties and supported the application;
- Councillor Stebbing commented that he supported the application;

It was proposed by Councillor Patrick and seconded by Councillor Bucknor to Refuse the application which was not supported by members.

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

Granted, subject to the following conditions:

1. start date;
2. archaeological exploration;
3. no gates at the access;
4. onsite parking and turning;
5. tree protection to British Standard;
6. no dig technique to be used;
7. 2.4m x 160m visibility splay;
8. submission of refuse management strategy.

Members do not support officer's recommendations to refuse planning permission as they feel that this is a suitable development, it will not impact on the church or the trees, is in a sustainable location and adjacent to the existing built form.

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

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

**P149/13 F/YR13/0866/F
NEWTON - LAND WEST OF CONKERS, FEN ROAD - ERECTION OF 2 X 2-
STOREY 4-BED DWELLINGS WITH DETACHED DOUBLE GARAGES AND
STORE, AND 1.2M HIGH POST AND RAIL FENCING**

Members considered 6 letters of objection.

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

Officers informed members that:

- the agent has provided comments regarding the classification of the land
 - 'the applicant believes the land is Grade 2'
- a previous contributor has provided further comments
 - 'Recent events have proven that it is extremely risk to build on a flood plain. It creates problems for the owners of the houses and the ground is no longer soaking up excessive moisture, other nearby properties find themselves as greater risk'.

Members received a presentation, in accordance with the public participation procedure, from Mr Sloan, an objector to the proposal. Mr Sloan pointed out that he was objecting to the proposal as it is not based on any development in the village and is not in a suitable location. He stated that it is outside the village boundary and is not in the nucleus of the village.

Mr Sloan stated that there are existing issues around the building line that runs alongside 'Conkers' and the existing property, this is beyond the building line creating a new one. This proposal is in a Flood Zone 3 and with recent weather building on this type of land is questionable. Mr Sloan pointed out that Fen Road is a narrow single width road, is used for agricultural purposes, there are few pavements and lighting is inadequate and this would increase pedestrians and is not suitable for extra traffic. He stated that the development is not in keeping with the rest of Fen Road and feels that the proposed development should be declined because it is in farmland, in Flood Zone 3 and the road is unsuitable for extra traffic.

Councillor Hodgson asked Mr Sloan if there had been any flooding recently as he has mentioned it in his presentation. Mr Sloan responded that he walks his dog on the field next to the proposed development wearing wellington boots as there is a lot of waterlogging.

Councillor Sutton asked Mr Sloan if he was speaking on behalf of other residents. Mr Sloan confirmed that he was speaking on behalf of other objectors on Fen Road.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicants' agent. Mr Humphrey clarified that the emerging Core Strategy CS12 states that sites can be in or adjacent to the development footprint of the village. He pointed out that the site is in a sustainable location close to Newton village pub and post office, the village has two parts to it and the scheme abuts the existing natural development area boundary using the dyke as a stop line. Mr Humphrey pointed out that members had just approved a development next to a listed building in March, this is on Grade 2 land and he commented that officers reports are very negative and the NPPF says there should be a positive approach. He pointed out that 'Conkers' is a large house and this development adds to the large houses on the edge of the village, there are existing amenities and Newton is a small village and this development should be considered on its own merits and recommended that members support the application.

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

Refused for the following reasons:

- 1. The proposal represents unjustified residential development beyond any established settlement and would result in ribbon development which is out of keeping with the core shape of Newton. The application is therefore contrary to H3 of the Fenland District Wide Local Plan, CS3 and CS12 of the Fenland Local Plan Core Strategy (proposed submission 2013) and Section 6 of the National Planning Policy Framework;**
- 2. The development is located within Flood Zone 3 despite there being land available within areas of lower flood risk. The application is therefore contrary to CS14 of the Fenland Local Plan Core Strategy (proposed submission 2013) and Section 10 of the National Planning Policy Framework;**
- 3. The design of the dwellings, their scale and the layout of the plots are both uncharacteristic of the neighbouring residential development and the rural setting of the site on which they are positioned. The proposal would therefore have a harmful appearance which would be detrimental to the character of the area, contrary to E8 of the Fenland District Wide Local Plan, CS16 of the Fenland Local Plan Core Strategy (proposed submission 2013) and Section 07 of the National Planning Policy Framework.**

P150/13

F/YR13/0886/F

**MARCH - LAND WEST OF THIRTIES FARM, UPWELL ROAD - VARIATION OF
CONDITION 2 OF PLANNING PERMISSION F/YR13/0280/F (ERECTION OF A 4-
BED 2-STOREY DWELLING AND DETACHED WORKSHOP FOR B1, B2, B8 USE,
INVOLVING DEMOLITION OF EXISTING BARN AND OUTBUILDINGS) TO LIFT
RESTRICTIVE CONDITION FROM DWELLING ONLY**

Officers informed members that this application had previously been granted on provision of a Business Plan.

Members received a presentation, in accordance with the public participation procedure, from Mr Bevens, the applicant's agent. Mr Bevens informed members that the original application was approved in September 2013. Mr Bevens stated that the reason for the applicants request to remove Condition 2 is that despite searching mortgage lenders they will not lend with the restriction of Condition 2. He informed members that lenders do not publish the criteria for self builds, the market is extremely limited and would make it worthless unless it was for the groundworking business. Mr Bevens pointed out that the applicant remains committed to the business, there is flexibility to adapt for the long-term future of the business. Mr Bevens asked members to understand the restriction of the Condition and to appreciate the applicants situation with the mortgage as removal would allow them to secure their long-term future in March.

Councillor Cornwell commented that the application was supported by a business plan and asked Mr Bevens why this problem had not been highlighted then. Mr Bevens responded that the business plan shows the viability of the business and that it is secure and he did not know why the issue with the mortgage had not come to light.

Councillor Mrs Newell asked Mr Bevens if the committee had requested the business plan. Mr Bevens confirmed that they had.

Councillor Quince commented that if a mortgage is required there is no mortgage to build the shed required. Mr Bevens confirmed that the mortgage was required for the house.

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

- Councillor Mrs Mayor commented that she sympathises with the applicant, however the committee had asked for a business plan, we are Open for Business and the mortgage aspect should have been sorted out before asking for a workplace home and she agreed with officer recommendation;
- Councillor Patrick commented that he felt that this was a 'leg lifter' and a way to get permission;
- Councillor Mrs Newell commented that the planning application for Westry had been approved, it does not fit in with planning criteria and she did not feel that the committee were being fair and above board;
- Councillor Bucknor stated that the committee needs guidelines, the committee did ask for a business plan and to remove the condition would be completely wrong and supports officers recommendation;
- Councillor Sutton commented that he would like to remove the condition but felt it was not the right thing to do and if a workplace dwelling is applied the applicants should do their homework before applying and he supports officers recommendation.

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

Refused for the following reason:

- **The proposed removal of condition 2 of planning permission F/YR13/0280/F will result in a new dwelling in the open countryside without any justification and therefore the proposal is considered to be contrary to Policy H3 of the Fenland District Wide Local Plan 1993 and Policy CS12 of the Fenland Local Plan Core Strategy September 2013.**

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

(Councillor Connor declared a Non-Pecuniary Interest in this application, by virtue of being approached by the applicant and contacting the Case Officer, and retired from the meeting for the duration of the discussion and voting thereon)

4.00pm

Chairman