

PLANNING COMMITTEE



30 APRIL 2014 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor M G Bucknor, Councillor B M Keane, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor T E W Quince, Councillor D Stebbing, Councillor W Sutton, Councillor S J E King (Substitute).

APOLOGIES: Councillor D Hodgson, Councillor C C Owen, Councillor D R Patrick.

Officers in attendance: G Nourse (Head of Planning), Mrs S Jackson (Senior Development Officer), R McKenna (Principal Solicitor - Litigation and Planning), Ms M McMahon (Area Development Manager), M Thomson (Development Officer), Miss S Smith (Member Services and Governance Officer).

P188/13 MINUTES OF THE MEETING OF 2 APRIL 2014

The minutes of the meeting of 2 April 2014 were confirmed and signed, subject to Councillor Bucknor's request for Bullet point 1 on page 11 to be a separate bullet point for the final sentence, to avoid confusion:

- Officers requested that concerns be emailed to them so that they can be investigated.

The Chairman introduced Ms M McMahon, the Interim Development Manager and M Thomson, Planning Officer seconded from Peterborough City Council.

Officers advised that the Local Plan was approved at Cabinet on 24 April, and is due to be considered at Full Council on 9 May 2014, in this light the 1993 plan is relevant to this meeting. Should the Local Plan be adopted at Full Council that will be the Local Plan used from that date.

*** FOR INFORMATION OF THE COUNCIL ***

P189/13 F/YR14/0196/F RINGS END - LAND EAST OF WALDERSEA FARM, MARCH ROAD - ERECTION OF A 2-STOREY, 3-BED DWELLING WITH ATTACHED GARAGE

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

Officers informed members that:

- the following consultation responses have been received:
 - Parish Council - support
- A Design and Access Statement (the same as the 2013 submission) has been submitted in support of the application. It includes a justification which states the following:

- *'There is a specific need for this site. The owner who is of retirement age is looking to the future for personal care and to have his son living adjacent would adequately serve that purpose;*
- The justification has been noted however it is considered to be insufficient to allow for a new dwelling within the countryside.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker stated that this was a resubmission as the previous decision was hampered by the events of the day, being one of the hottest days. The application was thirteenth on the agenda, some members had left and others were fatigued and the overhead had not worked. He stated that he had discussed the decision with Councillor Cotterell who had lent his support for it to be resubmitted and Councillor Tanfield also believes this application should be approved. Mr Broker considered that it is close to current policy and other similar applications have been approved. He pointed out that the report highlights the application as development in the open countryside, in Flood Zone 2 and 3 and he pointed to the white line indicator on screen, being the domestic garden of the bungalow next door. The planning report claims it is surrounded on the north east and south by open countryside, stating that it is not out in the open and is within trees and estate boundaries.

Mr Broker stated that photographs of the site are within a group of houses, first established in Rings End 100 years ago. He pointed out that the Environment Agency have approved the Flood Risk Assessment who are the appointed experts, the actual spot is Flood Zone 2, not 3 and there are recommendations in the Flood Risk Assessment to alleviate dangers associated with flooding. Mr Broker referred to Policy CS14 and to an application later on the Agenda which is recommended for approval which is only a half mile away from this proposal, both have Flood Risk Assessments and both are approved by the Environment Agency and this creates a dual standard. Mr Broker pointed out that the applicant is 64 years old, was raised in Rings End and has lived there for 25 years, he operates a business and Mr Broker asked member to consider and approve the application.

Members received a presentation, in accordance with the public participation procedure, from Mr Crowson, the applicant. Mr Crowson confirmed that he had been in the village all of his life, his grandfather had farmed the land and pointed out that the last time there was any sign of flooding was in 1947 when water had reached the top of Guyhirn bank. He pointed out that money has been spent on bettering the bank and asked members to approve the application.

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

- Councillor Sutton asked if part of the application lies within the old red line? Officers responded that the access is predominately in the development area boundary, with the dwelling position being outside but adjacent to the established settlement;
- Councillor Stebbing commented that the wording regarding Flood Risk areas of land around the district was rather wide, with district meaning Fenland and stated that he feels this is presumptuous and should refer to areas of land closer to the site;
- Councillor Mrs Mayor commented that the Parish Council support the application and there are other properties in the location and this application could be considered in a different light;
- Councillor Sutton commented that the application is adjacent to the development boundary and there is a natural stop line with the row of trees shown on the plan and this application could be approved;

- Councillor King commented that he had not been present at the previous meeting, he had however looked at the upcoming similar application and was unclear as to why one was being recommended for refusal and one for approval and stated that he agreed with Councillors Mrs Mayor and Sutton and would be happy to approve this application;
- Councillor Miscandlon pointed out that all applications should be treated on an individual basis, with one falling in the criteria for approval and the other for refusal would be according to the rules;
- Officers requested that members consider each application on its own merits. Councillor King commented that on reading the paperwork he could not see the difference between the two applications;
- Councillor Sutton confirmed that he disagreed with officers and he believes that the proposal is in a sustainable location and there is a natural stop line just beyond the site. He stated that the Flood Risk issues have been resolved with the Flood Risk Assessment;
- Officers pointed out that the NPPF provides guidance towards low risk areas;
- Councillor Mrs Mayor asked if low risk flood areas would flood less often than the date of 1947 which is a long time ago;
- Councillor Mrs Newell commented that Flood Risk Assessment stated that there areas in Flood Risk 2 and 3 and some have never flooded and pointed out that with all the modern technology available they are not likely to flood and there should be some pressure put on the Environment Agency to redo their plans.

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

Granted, subject to the following conditions:

1. **Start date;**
2. **Unsuspected contamination;**
3. **Parking and turning area;**
4. **Parking and turning facilities;**
5. **Approved plans.**

Members do not support officers recommendation to Refuse planning permission as they feel that the proposal is in a sustainable location and there is a natural building stop line just beyond the site and the flood risk issues have been resolved with the Flood Risk Assessment.

(Councillor Sutton declared that his nephew is no longer employed by the applicant's agent and would not be declaring a Non-Pecuniary interest on future applications presented by the agent)

(All Members present declared a Non-Pecuniary Interest in this application, by virtue of the Agent being a fellow Councillor)

**P190/13 F/YR14/0222/O
MURROW - LAND NORTH OF 175 FRONT ROAD FRONTING BACK ROAD -
ERECTION OF 2NO DWELLINGS**

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

Officers informed members that:

- There are no objections from Environmental Protection;
- They have spoken to the Agent and he is happy to provide the changes requested by the Highways Authority;
- The following consultation responses have been received:

1. Middle Level Commissioners - will not be commenting;
2. CCC Highways - have reservations regarding the suitability of Back Road to cater for further development without comprehensive improvement however mindful that the development constitutes only two additional dwellings in the context of the overall level of development from the highway. Do not consider that a highway recommendation of refusal could be substantiated. Accordingly no objections. Amended drawings are required showing the shared access to be 5m wide, revisions to the red line as it includes the highway verge and the removal of the central plot subdivision. Conditions relating to reservation of parking areas, gate restriction, access construction, temporary facilities and vehicular crossing over the water course are required;

Resolution - Grant subject to amended drawings to the satisfaction of the Highway Authority and the following conditions:

1. Approval of the details of:

1. the layout of the site;
2. the scale of the building(s);
3. the external appearance of the building(s);
4. the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

2. Application for approval of the Reserved Matters shall not be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to the first occupation of the development the proposed on-site parking areas shall be laid out, levelled, surfaced and drained in accordance with a detailed scheme to be submitted to be approved by the Local Planning Authority. Reason - To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety.

5. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority. Reason - In the interests of highway safety.

6. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Reason - In the interests of highway safety and to ensure satisfactory access into the site.

7. Adequate temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction in accordance with detail to be submitted to and approved in writing by the Local Planning Authority. Reason - In the interests of highway safety.

8. Prior to the commencement of the development, the vehicular crossing of the ditch/watercourse along the frontage of the site shall be constructed in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. Reason - To ensure construction of a satisfactory access.

9. Approved plans.

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

Councillor Miscandlon commented that there are concerns from Highways and he proposed that delegated powers be seconded to officers to deal with highway issues;

Councillor Murphy commented that Highways have reservations now, pointing out that there were issues 5-10 years ago when no more should have been built and he did not feel this was right now these are the last two plots.

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

Granted, subject to the conditions reported.

(All Members present declared a Non-Pecuniary Interest in this application, by virtue of the Agent being a fellow Councillor)

P191/13 **F/YR14/0227/F**
GUYHIRN - THE PADDOCKS, SELWYN CORNER - VARIATION OF CONDITION 4
(IMPOSITION OF A CONDITION LISTING APPROVED PLANS) RELATING TO
PLANNING PERMISSION F/YR11/0811/F (ERECTION OF A 3-BED DETACHED
HOUSE WITH INTEGRAL GARAGE) IN RELATION TO MINOR MATERIAL
AMENDMENTS

Officers informed members that:

- The following consultation responses have been received:
 - CCC Highways - the access layout/red line/visibility splays should be identical to the former approval (which they do not appear to be). The permission should be granted subject to the same conditions imposed on F/YR11/0811/F;
 - the Parish Council support the proposal;
 - the Agent has agreed to amend details in accordance with the Highway comments.

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

Granted, subject to the conditions reported.

(All Members present declared a Non-Pecuniary Interest in this application, by virtue of the Agent being a fellow Councillor)

P192/13

F/YR14/0023/F

**CHRISTCHURCH - LAND SOUTH EAST OF THE PADDOCKS, GREEN LANE -
ERECTION OF 1 X 2-STOREY 3-BED AND 1 X 2-STOREY 4-BED DWELLINGS
WITH ATTACHED DOUBLE GARAGES, AND A 1.2M HIGH (MAX HEIGHT) FRONT
BOUNDARY METAL FENCE**

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 considered 22 letters of objection.

Officers informed members that:

- Middle Level Commissioners - noted that no pre-application discussions have been undertaken. It is considered that the applicant has not provided adequate evidence to prove that a viable scheme for appropriate water level/flood risk management that meets current design standards exists. Therefore applicant needs to clarify the method and location of surface water disposal devices;
- One further condition is to be included relating to the method of surface water disposal;
- Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity;
- an Archaeological condition is required.

Members received a presentation, in accordance with the public participation procedure, from Mr Guilford, an objector to the proposal. Mr Guilford stated that he is the Chairman of the Christchurch Residents Association and the residents of Green Lane have concerns. Mr Guilford referred to Policy CS3, Christchurch is a small village and any housing development should be limited to infilling. This is not the case with this property as it is in the open countryside, the development footprint excludes paddocks and for that reason alone it should not be allowed to go ahead.

Mr Guilford stated Policy CS12 and the functional need for dwellings and commented that there is no guarantee that the homeowners would have children. Mr Guilford stated that the drainage ditches and dikes are blocked and stagnant and obnoxious smells have been reported and investigated by the Environment Agency and Anglian Water and the drains are under capacity for effluent with tankers taking sludge away on a daily basis. Mr Guilford pointed out that new houses will exacerbate the problems and could increase health problems in the village. He pointed out that the infrastructure in the village is under pressure, this is a narrow and single track with trees on the boundary making it unsuitable as an access road, the revised plans are for single access and this is unprofessional and could damage tree roots. Mr Guilford confirmed that the trees are subject to a TPO, being rare hybrid species. The narrow road means hold-ups and difficulty passing and additional homes will increase this problem. He pointed out that the garbage lorries have to reverse and highways agree with the problems. Mr Guilford stated that this was a Roman settlement and an Archaeological condition should be attached to any groundworks. Mr Guilford requested that the committee refuse the application to avoid environmental catastrophe and health issues of residents.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that he had met with Mr Guilford, pointing out that there had been an application for a farm next door and Mr Guilford had objected to that. Mr Humphrey pointed out that Mr Guilford did not personally have a problem speaking on behalf of residents, there is a mixed opinion from residents and letters are from both objectors and supporters. Mr Humphrey pointed out that the application is in Flood Zone 1, this is a resubmission of a delegated refusal, the previous refusal had no biodiversity report and there were issues around access and damage to trees. The biodiversity report has been completed and the Arboriculturalist is now satisfied with the access, with the concerns of previous refusal being addressed. Mr Humphrey stated that the reasons for concern have now been addressed and officers support the application and he asked members to support the application. Members made comments, asked questions and received responses as follows:

- Councillor Mrs Mayor asked officers if Anglian Water had been approached for their comments as it appears there have been problems three times in the last two weeks, she commented that she is aware that they are not statutory consultees. Officers confirmed that Anglian Water receive a list of weekly applications and are aware of every application and will come back if there are comments they wish to make;
- Councillor King commented that he noticed that CCC Archaeology have recommended an Archaeological condition and asked if this is proposed to be implemented. Officers confirmed that this condition is proposed;
- Councillor Mrs Newell asked if officers agreed with the recommendations of the tree officer. Officers confirmed that they agree the recommendations made by the Tree Officer.

Proposed by Councillor King, seconded by Councillor Quince 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 him knowing the applicant very well)

P193/13 **F/YR14/0062/F**
GUYHIRN – LAND WEST OF SUNNYSIDE, FEN ROAD - ERECTION OF A
2-STOREY OFFICE WITH CYCLE/BIN/TOOL STORE AND ASSOCIATED
PARKING AND FORMATION OF BALANCING POND AND 1.6 METRE HIGH
EARTH BUNDING

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 considered 3 letters of objection.

Officers informed members that:

- A neighbour has re-submitted their concerns on highway grounds;
- There are concerns regarding the advert and its location;
- Officers confirmed that application F/YR14/0063/A, the associated advert would be considered in conjunction with this application.

Councillor Miscandlon confirmed that Agenda Item numbers 9 and 10 would be considered together as one item.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards thanked members for the opportunity to speak. Mr Edwards confirmed that the application is for expansion of an architectural practice. The business was formed as a partnership named Swann and Edwards in 2011, this year is the third anniversary and he feels lucky that the business has grown very well. He stated that the company currently employs five staff, with a sixth member of staff being appointed, starting in June 2014.

Mr Edwards stated that the building is aspirational, being built to Passivhaus standards, has been Passivhaus accredited and will be used as a marketing tool and will serve as an advert for the business. He stated that the building is an energy efficient construction. Mr Edwards stated that he was born and bred in Guyhirn and confirmed that the village is the centre of his world, he has seen businesses leave the village and this proposal will put the village on the map for good reasons. Mr Edwards stated that this is the right place to move to, the land is larger than originally planned, being a square field it will also provide an allotment to the rear and lunches will be provided for the staff. He pointed out that the design is based on a modern adaptation consistent with other barn styles in Thorney Toll. He pointed out that the application is supported by the Environment Agency, Highways and the Parish Council. He stated that he had worked closely with the planning officer and thanked her for her support throughout the process.

Mr Edwards stated that the business has projects in fifteen local authority areas ranging from domestic garages and residential properties with 79 dwellings, including education and industrial projects. He stated that the business is a customer based practice, there are 300 projects on the books and the location benefits from the existing public transport system with the bus stopping just along the public footpath. Mr Edwards asked members to support the officer's recommendations and approve the application.

Councillor Bucknor asked Mr Edwards what is a Passivhaus. Mr Edwards responded that the property has higher insulation, provides its own heat, has no mains sewer and has its own sewage treatment on site.

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

- Councillor Murphy made reference to the photograph of the road shown during the officer's presentation and commented that the road was very empty and it is usually very busy and that traffic was his main concern, further commenting that last year an application for houses at Thorney Toll had been refused on this road. Officers responded that this stretch of the road is in a 40mph speed limit;
- Councillor King asked if the comments of the Police Senior Architectural Liaison Officer regarding lighting arrangements were being considered as a condition. Officers confirmed that this would be considered as a condition;
- Councillor Keane commented that the report states that 'the proposal does not pass the Sequential Test'. Officers confirmed that there are areas at lower risk of flooding in Flood Zone 1, it does not pass the sequential test but it is within an area of other development and the NPPF identifies that an office building is less vulnerable in terms of flood risk and so they are able to support the proposal in this instance.

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

Granted, subject to the conditions reported.

P194/13 **F/YR14/0063/A**
GUYHIRN – LAND WEST OF SUNNYSIDE, FEN ROAD - DISPLAY OF 1NO
EXTERNALLY ILLUMINATED FASCIA SIGN AND 1NO EXTERNALLY
ILLUMINATED HANGING SIGN

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 considered 3 letters of objection.

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

Granted, subject to the conditions reported.

P195/13 **F/YR14/0110/F**
TURVES - 15 BURNTHOUSE SIDINGS - ERECTION OF A 2-STOREY 4-BED
DWELLING INVOLVING DEMOLITION OF EXISTING DWELLING AND
RELOCATION OF EXISTING SITE ACCESS

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

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards stated that this is a replacement dwelling, in a very rural location. The existing bungalow has suffered structural damage, hence a replacement is required. He informed members that the current owners own the farm and yard to the rear and land to the east. It is in Flood Zone 3 however the sleeping accommodation will be at first floor level and due to its barn styling it will fit in with the nature of the area, the access being moved will improve access to the farm. He stated that the application is supported by statutory consultees including the Parish Council, he has worked closely with the planning officer and asked members to approve the application and the conditions identified.

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

Granted, subject to the conditions reported.

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

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

P196/13 **F/YR14/0186/F**
ELM - LAND SOUTH AND EAST OF MEADOWCOURT, MAIN ROAD - ERECTION
OF 3 X 2-STOREY 4-BED DWELLINGS WITH ATTACHED GARAGES INVOLVING
DEMOLITION OF EXISTING SHEDS

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:

- Elm Parish Council have commented and advised that they support the application;
- Middle Level Commissioners have responded with the following points:
 - From past experience it is known that ground conditions in this area are not conducive to the use of soakaways or other infiltration devices for surface water/treated effluent disposal and may not provide an effective means of disposal;
 - Both flooding and the effective disposal of surface water is a material planning consideration therefore the applicant should clarify the method and location of surface water disposal devices;
 - The Board will expect the applicant to provide the Council with, and reserve the right under their byelaws to themselves require adequate details and test results where appropriate to prove that the proposed surface water/treated effluent disposal system will work effectively in the long term;
 - As such it is considered appropriate to add a foul and surface water drainage condition.
- Two letters of objection have been received from neighbouring residents concerning:
 - The dormer window shown for plot 3 looks directly into my garden, result in loss of privacy;
 - Would like this to be changed to a skylight;
 - Would like assurance that proper and sympathetic screening is put in place at the development stage to lessen the impact;
 - Concerned that the proposed roadway will have a serious and detrimental impact due to the proximity to the existing home and garden;
 - Would like assurance that the existing laurel screening is left in place and maintained;
- The officer advised that these comments have been noted and fully considered. An extra condition can be applied relating to the retention of the laurel hedge along the boundary between the existing dwelling and the proposed roadway. The comments about the dormer to Plot 3 have been noted however the distance between the window and the boundary with the neighbouring garden is considered to be sufficient to not result in any detrimental impact on the residential amenity of this neighbour and as such it is not considered reasonable to request that this window is changed to a roof light.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that the original proposal was for 4-5 dwellings and he thanked officers that through their meetings the proposal had changed to the current proposal comprising a central dwelling designed as a traditional farmhouse with dwellings with an outbuilding appearance on either side. This raised the quality of the design, suitable for the middle of a village, the design concept took months of negotiation to get ready for committee. Mr Humphrey stated that the site is mostly within the Development Area Boundary, the original plans by Mr Boyall to convert to apartments does not lend itself and would be a useless waste of space in the middle of a village. He confirmed that the applicant intends to build and live in two of the properties, the concerns of neighbours regarding existing trees and the retention of hedging has been considered and the proposal designed around this to provide a quality development. Mr Humphrey stated that planning officers are happy, the application complies with all policies, he is proud to put his name to it and asked that members support the application.

Councillor Sutton commented on the complaint from the neighbour regarding a dormer on the rear elevation and the request to change this to a skylight and commented that weight should be given to these concerns. Mr Humphrey responded that the dwellings have been pushed to the centre of the site to allow for this concern and in context of the existing landscaping privacy will not be reduced. He pointed out that the room would need a dormer, the elevations have evolved and the applicant would prefer to keep the dormer window. Councillor Sutton commented that he understood the concerns of the neighbour and suggested the use of obscured glass be considered.

Councillor Miscandlon asked officers to measure the drawings to look at distance to alleviate any concerns that may exist regarding the windows. Officers confirmed that the dormer window looks out onto the bottom of the garden and would not be directly overlooking any windows, being 8 metres away from the garden boundary.

Councillor Quince asked if the material used would be feather edge boarding. Mr Humphrey confirmed that a mixture of materials would be used, some boarding, being good modern materials that look like timber, will not deteriorate and will look the part.

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

Granted, subject to the conditions reported.

(Councillor Stebbing declared a Non-Pecuniary Interest in this application, by virtue of him knowing the applicant very well)

P197/13 **F/YR14/0189/F**
CHATTERIS – LAND WEST OF 25 LINDEN DRIVE - ERECTION OF A
SINGLE-STOREY 3-BED DWELLING WITH ATTACHED GARAGE

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 considered 1 letter of support and 1 letter of objection.

The Chairman declared, at his discretion that this application would not be considered at this meeting. It was decided that the application be:

Deferred:

- 1. To allow issues relating to land ownership to be investigated;**
- 2. More information is required regarding use of the land.**

(Councillors Murphy and Mrs Newell stated that they are Members of Chatteris Town Council, but take no part in planning matters)

P198/13 **F/YR14/0199/F**
MARCH - 6B STATION ROAD - CHANGE OF USE FROM SHOP TO COMMUNITY
CENTRE/CLUB

Members considered 18 letters of objection.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs French, a District Councillor. Councillor Mrs French stated that the report laid out the proposals, confirming that she supported the application as she believes that the community could be integrated by opening the club/centre for the use of the community. Councillor Mrs French stated that any concerns regarding anti-social behaviour could be dealt with using the Premises Licence which has now been granted.

Councillor Sutton commented that the Town Council object to the application. Councillor Mrs French confirmed that she was speaking as a District Councillor.

Members received a presentation, in accordance with the public participation procedure, from Mr Barker, the applicant's agent. Mr Barker thanked members for the opportunity to speak. Mr Barker stated that he would like to draw attention to what seem to be the issues, the site is located in prime retail frontage in the centre of town. He stated that it is suitable for the use intended, he confirmed that at the time of the previous application a Premises Licence was not in place, this has now been granted and the applicant has met with the police who no longer object to the proposal. Mr Barker stated that there are no problems with clients smoking as these issues have been addressed. Mr Barker asked members to remember that approval of this proposal will help to deliver four out of five of the objectives set out at the beginning of the Core Strategy.

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

- Councillor Stebbing commented that concerns have been raised from Hansart Court regarding the doors of the upper balcony, residents are elderly and they are concerned about noise control and this should be taken into account;
- Councillor Miscandlon pointed out that subject to Condition 4 in the Recommendation 'the rear balcony area shall be used as an emergency access only'. Officers confirmed that they would investigate if there were any complaints. There is a noise management scheme and other physical measures could form part of the door keeping arrangements;
- Councillor Quince commented this is a case where a PCSO could call on the applicant, if approval is given, and could set up a liaison between the applicant and occupiers in the flats of Hansart Court, he believes this is essential in this instance;
- Councillor Mrs Mayor commented that there is another door and a corridor before the balcony exit is reached and she confirmed that conditions were agreed during the hearing for the Premises Licence application;
- Councillor Keane commented that page 105 of the report stated that an area of land has been allocated as a smoking area and asked if this is on the road or pavement. Councillor Mrs Mayor responded that there is an area at the front of the property in the ownership of the applicant that will be used as a smoking area;
- Councillor Bucknor asked if the area will be fenced off. Officers confirmed that there is a portable barrier that can be erected by the management.

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

Granted, subject to the conditions reported.

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

(Councillor Mrs Mayor declared that she had Chaired a committee meeting regarding this premise, had taken advice from the Legal Officer and was able to take part in this application)

(Councillor Sutton declared that he had been a member of another committee regarding this premise, and took no part in the discussion or voting thereon)

P199/13 **ENF/192/11/CONSRV**
MARCH - LAND AT 62A WEST END - CONSERVATION AREA ENFORCEMENT
NOTICE

The Chairman of the committee, Councillor Miscandlon read out an email from Councillor Count, Cambridgeshire County Councillor for March North. The email stated that Fenland District Council failed to notify the owner of the original Planning Committee date when the enforcement case was considered, so the first the owner knew of the date was after a decision had been made.

Councillor Count's email pointed out that the first the owner knew that the item was to be heard on 30 April 2014 was when he was told by letter, he assumed that the letter arrived on the Friday prior to the committee date and as he was away for the weekend it was too late for him to prepare and present evidence at this Planning Committee and asked that the matter be deferred to the following month's meeting to allow the owner time to prepare his defence of the proposed enforcement notice.

Councillor Sutton pointed out that he had not been on the site visit and it was confirmed that there had not been a specific site visit but the site had been noted recently whilst members were on another site visit close by.

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

- Officers provided details regarding the enforcement timescale and pointed out that at the time of the previous consultation it was not standard procedure to inform the parties with an interest in an enforcement case about the date of the Planning Committee, this has changed and this is now normal practice. Officers confirmed that the letter would have been posted to the owner a week prior to the meeting and it would be fair to say that there had been ample time to prepare their statement for today;
- Councillor Sutton commented that this had been going on for some time and it was his opinion that another months delay would make no difference and he proposed that the decision be deferred until May;
- Officers provided members with a copy of the original Planning Appeal Decision as this had been omitted from the Committee papers;
- Councillor King asked if public speaking was allowed for Enforcement applications as he was under the impression that Enforcement matters would not be taken to Planning committee under the new Enforcement Policy. The Legal Officer confirmed that Enforcement would normally be given delegated powers, this is before committee as it was previously considered by Planning Committee and he confirmed that there were no implications on time limit if deferred;
- Councillor Mrs Newell commented that she was not happy that this process had taken a long time at which the Chairman advised her that she had the right to vote against deferment if proposed.

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

Deferred for one month, to allow the owner to prepare his defence.

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

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

2.50pm

Chairman