

PLANNING COMMITTEE



28 MAY 2014 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor D Hodgson, 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.

APOLOGIES: Councillor M G Bucknor, Councillor B M Keane

Officers in attendance: Ms M McMahon (Area Development Manager), R McKenna (Principal Solicitor - Litigation and Planning), Mrs S Black (Senior Development Officer), Ms R Norman (Senior Development Officer), Miss S Smith (Member Services and Governance Officer)

P1/14 MINUTES OF THE MEETING OF 30 APRIL 2014

The minutes of the meeting of 30 April 2014 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P2/14 F/YR14/0245/F PARSON DROVE - LAND WEST OF 114 MAIN ROAD - ERECTION OF A 2-STOREY 4-BED DWELLING WITH INTEGRAL GARAGE

Members considered 1 letter of objection.

Officers informed members that:

- Parson Drove Parish Council have responded as follows:
 - 'The Parish Council support this application and recommend approval is granted.'

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

Granted, subject to the following conditions.

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

P3/14 F/YR14/0251/F WISBECH - FORMER 176 LEVERINGTON ROAD - ERECTION OF 2 X 2-STOREY 3-BED DWELLINGS

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

Officers informed members that:

- No response has been received from Wisbech Town Council.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker requested comparison drawings be shown on screen and stated that the application 'ticks' all but one of the boxes, the reason being overdevelopment adjacent to a bungalow and being overbearing. He pointed out that the existing perimeter had been taken into account and the new proposal was for two houses of similar size to those in the street and they are in keeping with the new house on the far right, built 10 years ago showing its acceptability in relation to the tiny bungalow. He pointed out that both proposals dictate the rear garden of the bungalow at 174 could be overlooked.

Mr Broker stated that the distance to the boundary of the two-storey element is 2.2 metres, amenity space gives 122 sq metres for one plot and 130 sq metres for the other plot and pointed out that the most usual for town houses is 67-70 metres and this proposal provides good garden space. This proposal provides two houses instead of one, he stated that too many permissions are granted for large executive houses which will probably never be built. He pointed out that this proposal matches the criteria for in-town houses and requested that Members give the application their support.

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

- Councillor Sutton asked officers what the average amenity space was for that area of town. Officers responded that the concern was not the space but the shape of the space, creating very narrow gardens, with no area away from the boundary and neighbours. There would be an impact on the neighbouring residential amenity of the small bungalow and the overall proximity to the garden of the bungalow is considered to close;
- Councillor Patrick commented that the original bungalow on the site was not large and after consideration he feels that officers have 'got it right';
- Councillor Hodgson asked if there had been a response from the Town Council. Officers confirmed that no response had been received from the Town Council;
- Councillor Owen asked what the overriding concerns were, size or proportion of dwellings or just the garden area, why are there concerns over the garden as this would be acceptable to most people nowadays. Officers responded that there is a little more space with a single dwelling, these dwellings are constrained by their shape, the gardens being narrow and long and officers believe that their recommendation is acceptable;
- Councillor Mrs Mayor commented that there is a lot of frontage within the proposal, the bungalow is not in line with the other dwellings, there is no building line and the properties are not in line with each other and asked if there was a problem if they were further forward. Officers confirmed that there is a building line to the west, parking and turning is required at the front and the piped drain could impact on the siting of the properties;
- Councillor Quince stated that he agreed with officers and this proposal is overdevelopment of the site.

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

Refused for the following reason:

1. **The proposed development of 2 dwellings will result in an over development of the site with inadequate provision for private amenity space for the proposed dwellings and would have an overbearing impact on the neighbouring dwelling to the east of the site. As a result the proposal is contrary to the provisions of the National Planning Policy Framework paragraph 17 and Policy LP16 of the Fenland Local Plan 2014.**

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

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

P4/14 **F/YR14/0272/F**
GUYHIRN - LAND SOUTH OF WESTBURY, GULL ROAD - ERECTION OF A
SINGLE-STOREY 3-BED DWELLING WITH ATTACHED GARAGE

Members considered 1 letter of support.

Officers informed members that:

- An Anglian Water sewer has been identified running along the southern boundary of the site. As a result the dwelling has been relocated by 1metre further towards the northern boundary of the site. This will bring it 1 metre closer to the boundary with the existing dwelling at Westbury and the dwelling will be approximately 1.5metre from the site boundary instead of 2.5metre;
- It is considered that this amendment would not result in any adverse impacts on the street scene or the residential amenity of the adjoining dwelling to the north. As such the proposed amendment is considered to be acceptable;
- There is a copy of the revised plan showing the new location and the AW sewer.

Proposed by Councillor Miscandlon, seconded by Councillor Stebbing 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)

P5/14 **F/YR14/0290/F**
PARSON DROVE - ERAYNA, 119 MAIN ROAD - ERECTION OF A
SINGLE-STOREY FRONT EXTENSION TO EXISTING DWELLING

Officers informed members that:

- The following consultation responses have been received:
 - North Level Internal Drainage Board have no comments to make;
 - Parish Council support the application and recommend approval is granted.

Proposed by Councillor Miscandlon, seconded by Councillor Stebbing 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)

P6/14 **F/YR14/0319/F**
GUYHIRN - BANKSIDE NURSERY, RINGS END - ERECTION OF AN
AGRICULTURAL SHED

Officers informed members that:

- The following consultation responses have been received:
 - Parish Council - support the proposal.

Proposed by Councillor Miscandlon, seconded by Councillor Stebbing 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)

P7/14 **F/YR14/0325/F**
WISBECH ST MARY - LAND SOUTH OF OAKLANDS, WILLOCK LANE -
ERECTION OF AN AGRICULTURAL STORAGE BUILDING, 4NO POLYTUNNELS
AND FORMATION OF HARDSTANDING

Officers informed members that:

- The following consultation responses have been received:
 - CCC Highways - no objection to the use/formation of a formal access in this location. Additional details relating to vehicular movements and types of vehicles are required. Amended drawings showing a suitable turning area within the curtilage is also required;
 - Parish Council approve and support the application;
 - Additional details and amended drawings in accordance with the CCC Highways comments have been received. CCC Highways have been consulted on the additional information however a response has yet to be received. All other details of the proposal are acceptable and it is therefore recommended that planning permission is granted subject to the satisfaction of the Highway Authority and any associated conditions.

Proposed by Councillor Miscandlon, seconded by Councillor Stebbing 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)

P8/14

F/YR14/0100/F

MARCH - LAND SOUTH OF 2 FOUNDRY WAY - VARIATION OF CONDITION 14 OF PLANNING PERMISSION F/YR13/0116/EXTIME (ERECTION OF A 70 METRE HIGH (HUB HEIGHT) WIND TURBINE AND TRANSFORMER KIOSK (RENEWAL OF PERMISSION GRANTED ON APPEAL APP/D0515/A/09/2114817/NWF IN RELATION TO PLANNING APPLICATION F/YR09/0020/F))

Proposed by Councillor Miscandlon, seconded by Councillor Stebbing and decided that the:

Variation of Condition 14 of planning permission F/YR13/0116/EXTIME be granted.

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

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

P9/14

F/YR14/0163/F

CHATTERIS - LAND EAST OF GREYS FARM, IRETONS WAY - ERECTION OF AN ANAEROBIC DIGESTER PLANT WITH MAIZE CLAMPS INVOLVING THE CONSTRUCTION OF A NEW ACCESS AND THE FORMATION OF A RESERVOIR

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:

- East Cambs District Council Planning Team have responded as follows:
 - Concern has been expressed by local residents and parishes regarding traffic generation. Whilst the use of routing conditions have been requested it is considered that these would not meet the legal tests of a planning condition in this case. The condition proposed by Fenland District Council Planning Officer restricting delivery times should be effective in ensuring traffic movements do not take place at unsociable hours and is supported by East Cambs Planning Officers;
 - East Cambs Waste Team highlighted issues relating to mud on the A142 and requests a condition requiring wheel washing to place on site and an appropriate condition included;
 - A further area of concern is the potential impact of the development on the Mepal Outdoor Centre, an important local business within East Cambs. Concerns were flagged up by the manager in relation to noise particularly as the access road to the development runs alongside an area used for teaching and is therefore noise sensitive. To address this issue the FDC Planning Officer has conditioned the use of an acoustic fence and East Cambs are satisfied that this measure would be acceptable and adequately addresses this issue;
 - Due to the scale of the proposal there would undoubtedly be some impact on the surrounding landscape. However East Cambs Planning Officers are happy that this can be adequately mitigated with landscaping;
 - An additional condition is requested relating to the construction of the reservoir as follows to ensure that there is a technical solution to ensure that de-watering in the area is not required: "Prior to the commencement of development, precise details of the reservoir construction shall be submitted to the Local Planning Authority and agreed in writing.

These details shall include: cross sections of the reservoir indicating the maximum groundwater level, and the factor of safety applied, and details of the reservoir liner, including an impermeable line with a permeability of no greater than 10⁻⁹ m/s and details of any abstraction equipment and location";

- The Landscape Partnership have responded as follows:
 - The Council's landscape consultants have reviewed the amended plans and make the following comments:
 - The revised proposal would still create some significant adverse effects on the landscape and views when constructed and first operations. However, with the changes that have been made, this would reduce the extent of area affected. The additional planting would, in time, largely remove these adverse effects. The location of the proposed development would be adjacent to a part of the Fen landscape that will be disturbed for a number of years by the approved sand and gravel extraction in the neighbouring Block Fen and Langwood Fen. The existing trees around Mepal Outdoor Centre enables the opportunity to plant more extensive tree planting than might otherwise be suitable in other locations within the Fens;
- In conclusion, whilst there will be some initial significant adverse effects resulting from the development, this has been reduced by the changes to the proposal and the establishment of the proposed planting would successfully mitigate these effects;
- The provision of the landscaping will necessitate the submission and agreement of a Unilateral Undertaking which is in the process of being agreed. Therefore the recommendation on page 85 of the agenda should read:
 - Grant subject to:
 - Satisfactory completion of a Unilateral Undertaking;
 - Suitable conditions;
- Changes to Conditions:
 - Condition 25 - Amended to include CCTV (C049)
 - Additional condition relating to maintenance of landscaping for the life of the plant.

Officers provided a further verbal update:

- A condition is required for the delivery of a landscape management plan;
- A further highway condition relating to operational vehicle movements, taken from the Transport Statement to restrict 190 two-way vehicle movements to the site per day;
- To reduce the height of the buildings. A view was provided on screen with and without landscaping proposals;
- One reason for refusal was the height of the building and the colour of the plant;
- Noise, odour and highway issues were previously assessed.

Members received a presentation, in accordance with the public participation procedure, from Mr Ripley, the applicant. Mr Ripley thanked the committee for visiting the site at Chittering, the purpose of the visit being to increase awareness and answer questions, he hopes that members enjoyed the visit and found it beneficial. He stated that since the application was first considered in February 2014 they have aimed to increase awareness and public consultation, this has included news coverage and social media and highlighting climate change. He pointed out that there are concerns and positive steps must be taken to reduce greenhouse gasses.

Mr Ripley stressed that with the guidance of the Landscape Partnership regarding visual impact they have worked hard to understand and design landscaping projects to overcome any issues, commenting that it will be done in a timely manner and will be maintained correctly to aid maximum impact. Mr Ripley stated that in conclusion he would urge members, in a polite manner to support the proposals, it is a capable plant, the impact on greenhouses gasses is immense, it is a 20 year project supported by Government and not taken lightly. He pointed out that they have followed a rigorous process, ticked all the boxes to a very high standard, will create employment and indirectly have a positive impact on local services and industries. The outcome will be to strengthen the Gas network in Chatteris area and assist in future development in Chatteris. Mr Ripley stated that this is the 5th project in the UK, is to a very high standard and requested that members support the proposal.

Councillor Hodgson asked Mr Ripley if this would affect Mepal and houses nearby. Mr Ripley responded that under no circumstances would this proposal affect Mepal or nearby houses.

Members were informed by the Chairman that Nigel Egger from the Highways Authority was in attendance to answer any questions:

- Councillor Stebbing commented that with 80,000 tons of maize to be moved are highways really sure that there are no highways issues in that area. Mr Egger responded that the proposal needed to be considered in context, for 48 weeks of the year there will be 22 vehicle movements to the site per day. He commented that digestate figures have been provided, 40,000 vehicles travel the local road network, with 122 movements to and from the site, including staff movements. The breakdown shows 1% of the peak flow onto the A141 and it can be ensured that mud and debris will not be taken from the site onto the highway, if this were to happen it would be a matter for the police and highway authority. Mr Egger confirmed that the access has been independently safety audited, considering accident records and shows that this is a good part of the highway network for this proposal;
- Councillor Mrs Newell commented that she travels along the Mepal straight all the time, local people say this is a dangerous, busy road. Mr Egger responded that there are 12-14,000 vehicles travelling this stretch of road per day, 1% of that will be daily traffic to this site and members would require a more robust reason to refuse the application.

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

- Councillor Murphy commented that he would like members to take into account the following, on behalf of Chatteris Town Council:
 - It is taking Grade 1 agricultural land away and out of food production (Government says we need to produce more food);
 - 5,000 plus hectares of land is being taken out for maize production;
 - Last year mud and sludge on the A142, making it a skidpan with numerous accidents, needing to wash vehicles every trip;
 - Anaerobic digesters have still not been tried and tested properly in this country;
 - Spoil put back onto the land could cause seepage underground contaminating the sailing pits at Mepal Outdoor Centre, which borders this site, making it dangerous for 1,000s of users and possibly rendering it unusable (also with noise and odour);
 - Odour does occur because after wearing a fluorescent jacket at Chittering when opening the car boot at home the smell inside was noticeable;
 - When we got back into the minibus at Chittering small flies had flown into the bus from the plant;
 - When asked at Chittering about the size of the plant we were told Mepal will be half as big again, but in fact it will be three times bigger;

- When asked where maize was transported from the applicant forgot to mention near Kings Lynn until prompted, also number of transport movements to and from Mepal is very unsure;
- An application for 1,000 houses has been passed to be built close by the site;
- All testings of the operations will not be done at Mepal but taken every time to Chittering, this is to expensive;
- Why not make Chittering larger as it was very noticeable that there was nothing visible in the way of impact for miles from our view of the top of the silo's;
- The reasons have been eloquently stated on page 72 of the report, please don't forget the businesses and residents of the area;
- If this is passed the next large problem will be the major disruption connecting the gas pipeline to the national grid, which means digging the pipeline 3.6 miles along the A142 from the site to the roundabout at the Chatteris/March junction A142/A141 (Doddington bypass);
- Should be refused for the reasons stated: Scale, Visual Impact, Appearance, Noise, Odour and Traffic movement;
- Councillor Patrick commented that members had visited the site at Chittering, had seen how it is operated and he agrees with officers recommendations. He stated that the problem of maize causing dirt on the road is the same problem caused by potatoes;
- Councillor Mrs Newell agreed with Councillor Murphy and feels that the process has been rushed and should have been considered at a future meeting to allow County Councillors to have their meeting and comment. She stated that this will have a big effect on Chatteris and is not happy about the proposal;
- Councillor Quince commented that Mepal Outdoor Centre is unique in this area, if there are smells from this plant it will ruin the area and the centre and asked members to consider the 1,000 houses to be built and any smells generated will ruin the housing. He requested that should the application be approved a condition be included regarding cleansing the road of dirt, as maize from farms is a general nuisance;
- Councillor Hodgson asked if the buildings at the front of the plant will be visible from the road. Councillor Miscandlon confirmed that screening will be put in place, with trees at the front, the buildings will painted olive green to match the landscaping;
- Councillor Owen stated that we are used to mud on the road and farmyard smells, these are concerns that we are used to already and stated that he agreed with Councillor Patrick;
- Councillor Sutton commented that mud on the road is a very big issues and ways of policing it need to be considered, he agreed that this is not a planning issue but is aware of the issue. He commented that he did not see how the application could be refused following expert advice from the Highways officer regarding traffic on that piece of road.

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

Granted, subject to:

1. **The conditions reported;**
2. **Satisfactory completion of a Unilateral Undertaking;**
3. **Condition 25 - amended to include CCTV;**
4. **Additional Conditions:**
 1. **Maintenance of landscaping for the life of the plant;**
 2. **Highway condition relating to operational vehicle movements.**

Councillor Mrs Newell requested that it be recorded that she had voted against the application.

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

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

P10/14 **F/YR13/0804/O**
EASTREA - LAND SOUTH OF JONES LANE - ERECTION OF 6NO DWELLINGS

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 two letters of objection.

Officers informed members that:

- No response has been received from Middle Level Commissioners, Ramblers or Countryside Access.

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

- Councillor Patrick commented that members had visited the site and the proposal ticks all the boxes and creates an end to the boundary;
- Councillor Mrs Mayor commented that this is an outline application and she is aware that some will be single, two-storey and two and a half-storey dwellings, stating that an application for Wype Road had been refused, with a request for bungalows instead of houses. Councillor Mrs Mayor asked if outline permission were to be approved could it be requested dwellings be all bungalows as this site backs onto Bryony Close and Storers Walk. Councillor Mrs Mayor commented that that there are highway issues on Jones Lane, most properties have rear access and another six properties will add to the dangerous junction. Officers responded that it is noted that this is a narrow access, it cannot be widened and highways advise that visibility is acceptable. The application was previously refused with nine dwellings so officers consider that six is better and advised that the application could not be refused on highway grounds;
- Councillor Miscandlon asked if bungalows could be built on this site and requested that officers discuss this option with the applicant.

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

Granted, subject to the conditions reported.

(Councillor Mrs Mayor declared a Non-Pecuniary Interest in this application, by virtue of her knowing all parties involved)

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

P11/14

F/YR14/0171/F

**WISBECH - LAND NORTH WEST OF THORNLANDS, BARTON ROAD -
ERECTION OF 4 X 2-STOREY 4-BED DWELLINGS WITH DETACHED 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 refers)) during its deliberations.

Members considered 3 letters of representation.

Officers informed members that:

- Following the changes within the adopted Local Plan 2014, Section 5.1 paragraph (a) is replaced with the following:
 - The site is located in Wisbech which is defined as a Market Town where the majority of growth should be directed in accordance with LP3 of the Local Plan. The development of this land for housing, in principle is supported however concerns are raised with regard to the implications on policies LP7 and LP8 of the Local Plan;
 - As per LP8, the site is located within West Wisbech (broad location for growth). LP7 states that *'Development of an urban extension (ie the broad or specific location for growth identified in Policies LP9-11) must be planned and implemented in a coordinated way, through an agreed overarching broad concept plan, that is linked to the timely delivery of key infrastructure. With the exception of inconsequential very minor development, proposals for development within the identified growth locations which come forward prior to an agreed broad concept plan being produced will be refused.'* LP8 goes further to say that the broad concept plan for the broad locations *'will be expected to cover the areas described in the relevant policy.'*;
 - The site is located towards the west of the broad allocation and comprises a small parcel of land when viewed in the context of the wider allocated area. However given that the proposal is for four dwellings, it is not considered to be 'inconsequential development' for the purposes of LP8. To date there has not been a Broad Concept Plan for West Wisbech submitted to, or agreed by, the Local Planning Authority;
 - The Broad Concept Plan for West Wisbech, as set out in LP8 is to be informed by flood risk and transport issues. LP8 goes on to say that strategic landscaping and transport infrastructure (including likely links connecting the A1101 and the B198) should be included within the Broad Concept Plan. The area will also require new education facilities, local convenience shopping and community services and pedestrian and cycle routes to key facilities. The design for the area should avoid unacceptable adverse impacts on the settings of nearby listed buildings;
 - In the absence of a Broad Concept Plan for the area, there is a danger that the land will be developed in a piecemeal fashion which does not provide the adequate aspirations as set out in LP8 or the social and financial contributions and infrastructure set out within other policies of the Local Plan. Allowing the development of this site in this manner would therefore compromise the effective delivery of growth in this part of Wisbech thereby undermining the aspirations of the newly adopted Local Plan. There is no dispute that the land is capable of accommodating development however it is imperative that it forms part of the Urban Extension in accordance with policies LP7 and LP8 to ensure that the land is developed in a sustainable manner;
 - The Resolution - Refuse for the following reasons:

- By virtue of the scale of the application site, the location of the site within an identified 'Broad Location for Growth' and in the absence of a Broad Concept Plan for the area, the proposal constitutes piecemeal development which would compromise the effective and sustainable delivery of growth within the area. The situation is exacerbated by the block form of the development which is out of keeping with the sporadic linear development which characterises the area. The proposal is therefore contrary to LP1, LP3, LP7, LP8 and LP16 of the Local Plan 2014 and Section 07 of the National Planning Policy Framework;
- The proposal would result in reduced residential amenities for future occupiers by virtue of the necessity to wheel bins over 30m to be collected. The application is therefore contrary to the RECAP Waste Management Design Guide.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that the site is for four dwellings, quality large houses, Barton Road has all large houses and the site is supported by the Town Council. He pointed out that the development of four dwellings replaced the nursery. He quoted that 5.1(a) stated that development of land is supported, 5.1(b) is not consistent stating that scale and design raise no concerns regarding surrounding development and is an area identified for growth. Mr Humphrey stated that there are two issues: no master plan for the site; waste disposal and commented that it is not right that he would have to prepare plans for 750 houses to get approval for 4 houses and feels that it is overkill. Mr Humphrey commented that he agrees flexibility should be retained, however it is unduly onerous for a comprehensive plan for such an application. He stated that issues regarding waste management could be addressed by large bins within 25 metres of the road or have a private collector, these are the two solutions and Mr Humphrey stated that he is happy to take a condition to accept either option. Mr Humphrey stated that with hindsight officers could approve the application and requested that the application be supported by members.

Councillor Owen asked Mr Humphrey why there was no master plan as it is clear from the site visit that a master plan is required. Mr Humphrey responded that there are access drives to serve other properties along Barton Road and pointed out that this application is no different to existing development on Barton Road.

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

Councillor Hodgson commented that the plan shows that there is no residential development on the other side of the road.

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

Refused for the following reasons -

1. **By virtue of the scale of the application site, the location of the site within an identified 'Broad Location for Growth' and in the absence of a master plan for the area, the proposal constitutes piecemeal development which would compromise the effective and sustainable delivery of growth within the area. The situation is exacerbated by the block form of the development which is out of keeping with the sporadic linear development which characterises the area. The proposal is therefore contrary to LP1, LP3, LP7, LP8 and LP16 of the Local Plan 2014 and Section 07 of the National Planning Policy Framework;**

2. **The proposal would result in reduced residential amenities for future occupiers by virtue of the necessity to wheel bins over 30m to be collected. The application is therefore contrary to the RECAP Waste Management Design Guide.**

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

P12/14

F/YR14/0189/F

CHATTERIS - LAND WEST OF 25 LINDEN DRIVE - ERECTION OF A SINGLE-STOREY 3-BED DWELLING WITH ATTACHED GARAGE

Members considered one letter of support and one letter of objection.

Officers informed members that:

- Middle Level Commissioners have 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;
- Three further letters have been received from local residents;
- Further information was requested by members following their site visit and officers have investigated matters of land ownership and consequently the Council's Parks and Open Spaces Manager has now confirmed that the Council has been maintaining this area of land for at least the last 10 years. However it has also been confirmed that the applicants are the owners of this land.

Members received a presentation, in accordance with the public participation procedure, from Mr Hall, the applicant's agent. Mr Hall referred to the officers report stating that the Town Council and Highways have raised no objections to this proposal and the original proposal for two dwellings on this site was approved. There have been four letters of support from residents who live on this estate, the site is not in a conservation area, there is no overlooking or windows from site elevations. Mr Hall pointed out that number 25 adjacent to the property should not be affected. He pointed out that the fence between properties has been cut down without prior permission to 1.2 metres. Mr Hall confirmed that the land is not owned by Fenland District Council, is in private ownership and has been since 1971. It was originally a timber merchant yard, sold to a developer with approval for 2 2-bed bungalows for this site. He pointed out that the site is covered with grass but is not a play park as there is one 200 metres from this site. He stated that the original permission in 1998 did not require public open space provision. Mr Hall stated that the application provides a high quality development. In summary Mr Hall stated that the proposal is supported by the Town Council, is not in a flood zone and there are no highway concerns.

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

- Councillor Patrick commented that he had looked at the plan and can't see how this proposal cannot be supported and should be recommended for approval;
- Councillor Mrs Newell commented that the land had been maintained/cut for 10 years and believes that the land should be left open to access the land behind, this has never happened and asked why it had been cut by Fenland. Councillor Owen pointed out that the land is owned by the applicant at which point Councillor Miscandlon pointed out that there were to be no discussions between members other than through the Chairman;
- Councillor Owen commented that in 1998 2 2-bed bungalows and garages were approved and he could not see a problem with the proposal. Officers clarified the History of the

applications that had subsequently been refused, granted and withdrawn, 1992 was the first refusal but officers were unable to confirm what had occurred regarding ownership of the land;

- Councillor Patrick commented that ownership of the land is not a planning matter;
- Councillor Sutton requested clarification regarding history of the site in relation to it being public open space and asked if it was public open space but not adopted. Officers responded that in 1987 the outline consent stated that it was public open space and in 1996, where a payment of £12,000 was agreed as a contribution attached for loss of public open space;
- Mr Hall was given permission to speak by the Chairman at which he confirmed that Fenland District Council and the applicant had both been maintaining the land at different points in time and stated that Land Registry have confirmed that the land is in the ownership of the applicant;
- Councillors Patrick and Owen recommended approval as the proposal is in keeping with the area. Officers recommended conditions should the application be approved: start date; external materials, surface water drainage, reserved parking on site, screen wall and fences with condition of height. Councillor Sutton asked if the £12,000 contribution could be conditioned as it is clearly in the history. Officers responded that further discussions would be required in respect of the contribution as it is not public open space and there is no policy for money to be requested;
- Councillor Mrs Newell commented that the facts of the area needed clarifying. Officers were unable to confirm where the figure of £12,000 had come from and would need further discussion with the Legal Officer.

Members took a 15 minute break to check details and relevant documents.

- The Legal Officer stated that after considering the paperwork in 1996 there was an obligation for a Section 106 payment for play equipment and £1,000 for education, as this dates back some time ago he could not comment on the reason for the S106. He confirmed that in 2003 permission was withdrawn of a commuted sum in lieu and it was not designated as public open space but in the ownership of private people. The Legal Officer stated that in order to make a S106 agreement acceptable it should be acceptable in planning terms and related in kind to the development. In the absence of any policy of planning officers it would be unreasonable if permission were to be granted to request the S106. He pointed out that permission has lapsed as it was never implemented and for the purpose of this Planning Committee members were advised to determine the application on the facts provided.

Proposed by Councillor Patrick, seconded by Councillor Owen that the application be Granted with conditions. A vote was taken, resulting in the Chairman giving his casting vote and decided that the application be:

Refused for the following reason -

- 1. The proposed dwelling would result in an unacceptable loss of a green space within the estate, which is considered to add visual amenity to the location and therefore contributes to the character of the area as a whole. The siting of the dwelling does not assimilate into the area by virtue of its forward position resulting in development that will be prominent in the streetscene. The proposal is therefore contrary to the provisions of Policy LP16 of the Fenland Local Plan 2014.**

Councillor Murphy requested that it be recorded that he had abstained from voting on this application.

(Councillors Murphy and Mrs Newell stated that they are Members of Chatteris 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)

P13/14 **F/YR14/0202/O**
LEVERINGTON - LAND WEST OF NORTH MAINS, SUTTON ROAD - OUTLINE
APPLICATION FOR THE ERECTION OF 2 DWELLINGS INVOLVING DEMOLITION
OF EXISTING OUTBUILDINGS (ACCESS, LAYOUT AND SCALE ONLY)

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 12 letters of objections.

Officers informed members that:

- A letter of representation has been received raising the following concerns:
 - Legal obligations for Local Planning Authorities to consider whether bats are likely to be affected by the development before the issuing of planning permission; this information cannot be conditioned;
- Internal Consultees have made the following comments:
 - **Ecology** - An emergence survey has been undertaken (23 May 2014) which noted during the survey there were no bats recorded emerging from T10. The report concludes that no bat mitigation is required ahead of works to T10, nor is there a requirement to obtain a Protected Species Licence from Natural England or work to a method statement. The report also recommends that tree works are undertaken outside of bird breeding season and that bird bat boxes be affixed to retained trees prior to works being undertaken.
 - This information has been assessed by the Fenland District Council Ecological Consultant who has raised no objections, 'the survey appears to have been carried out to best practice standards and no bats were seen emerging from T10. Ideally this survey would be repeated on another evening to confirm the absence of bats, but I'm satisfied they are unlikely to be present, so no license is needed to remove the tree. I would recommend that care is taken when felling the tree by carefully lowering sections and should any bats be seen, that work stops and an ecologist contacted immediately, which could be conditioned. Equally there are recommendations in the report to provide bat and bird boxes which could be conditioned, and also to minimise external lighting;'
 - These matters would be secured by Condition 12 and the following:
 - *Condition: Notwithstanding the submitted details prior to the commencement of any works on site the bird and bat boxes as recommended within the submitted Bat Survey (Chick Ecological Consultant, May 2014) shall be implemented to the satisfaction of the Local Planning Authority, and shall thereafter be retained in perpetuity. Reasons: In the interests of improving the biodiversity of the site;*

- **Fenland District Council Tree Officer** - No objection - With reference to the proposed tree removals to facilitate the development, I do not object as the trees are generally screened by the existing boundary hedges and mature trees, and the impact on the street character is likely to be minimal. However, in view of the numbers being lost, I feel we are justified in requiring replacement trees as part of the internal landscaping of the development and obviously appropriate species will be acceptable and not large 'forest type' trees. These matters would be secured by Conditions 11, 12 and 13;
 - **Other Matters - Waste Collection** - Little Dowgate is served by a Fenland District Council refuse collection vehicle.
- Officers provided a Site Plan on screen showing the retained trees, the land and surrounding area for clarity.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Lay, Cambridgeshire County Councillor. Councillor Lay stated that he had been a self employed landscaper for 30 years, elected to the Horticultural Institute, Horticultural Trades Association and had settled in Wisbech and had joined Wisbech in Bloom. He pointed out that he had designed and implemented the Horsefair roundabout and sits on the Planning Committee at Cambridgeshire County Council.

Councillor Lay pointed out that this is the third time this application has been put to Committee and the last two applications were refused. He stated that with the works proposed flora and fauna would be removed, foraging creatures and pipistrelle bats would also be disturbed and will affect the food for moths, butterflies and birds. He stated that if this application were to be granted it would negate work carried out by the MP who has written to 36 primary schools to plant trees, pointing out that Leverington Primary School is one such school who have signed up to the scheme. He raised concerns that MPs and local people are planting trees and half of the ones on this site are being destroyed.

Councillor Lay stated that this area is six feet lower than the surrounding area or Sutton Road, pointing out that some residents of Little Dowgate have problems with heavy rainfall and if this were to be granted permission there would be a higher risk of flooding and no water absorption and the proposal to replace land with concrete, slate and tarmac could develop a wildlife crime and cause greater chance of flooding. Councillor Lay stated that in his experience this plan should be refused along with any subsequent plans, stating that Leverington Parish Council are supporting the rejection of this application.

Members received a presentation, in accordance with the public participation procedure, from Mr Burns, an objector to the proposal. Mr Burns stated that he appreciates that the development has reduced from five to two dwellings however the site plan clearly shows a long access, the trees have tarmac on each side which is detrimental to their wellbeing and will not survive. He stated that he has a degree in plant ecology. He stated that the Director of Transport refused the application in 1996 and nothing has altered, but the road and traffic have since got much busier. Mr Burns stated that he objects to the proposal and asked how this could be approved.

Member received a presentation, in accordance with the public participation procedure, from Mrs King, an objector to the proposal. Mrs King stated that she had lived in the area for twenty seven years, walks her dog in the area and raised concerns regarding the safety of children on a single track no through road, also the safety of ramblers and runners. She pointed out that there is no pavement, pedestrians have to get out of the way to avoid traffic, this is an incredibly dangerous junction and it is difficult to see pedestrians when pulling into the junction. Mrs King stated that when it rains there is standing water and nowhere for it to go and this raises concerns.

Members received a presentation, in accordance with the public participation procedure, from Mrs Smedley, an objector to the proposal. Mrs Smedley pointed out that no proper survey has been carried out in relation to bats and reminded members that they have a legal obligation to bats if they are affected by the development. Officers advised that should there be an impact on European species such as bats that a license for protected species should be obtained.

Councillor Sutton asked Mr Burns what the impact would be on the trees in relation to tarmac area either side of them. Mr Burns explained that the area proposed does not fit the amount of space required for them to remain healthy and said he could not explain why the two trees already on the property surrounded by tarmac had not already died. He pointed out that this is the only part of the drive that does not drain.

Members received a presentation, in accordance with the public participation procedure, the applicant's agent. Mr Tams stated that he was in attendance to represent the applicant and that the case officers report to grant approval is acceptable. Mr Tams stated that this has been a very long process with issues regarding highway, flood risk, preservation orders, ecological survey and a Flood Risk Assessment. He pointed out that the consultees have no objections. Mr Tams commented that the scheme is judged in planning terms, he appreciates that there are some local concerns, he believes there are long-term benefits from the scheme, being highway improvements, tree replacement and landscaping. He confirmed that the site will be screened by hedgerows and trees with careful maintenance proposed.

Mr Tams stated that the first application had been refused due to the proposed access being down Little Dowgate as it would not be acceptable to encroach onto Little Dowgate. He pointed out that the only access point for these dwellings is 20 metres from the junction. Mr Tams pointed out that the fence boundaries would not be changed, no gates are proposed and refuse collection will be down Little Dowgate. Mr Tams stated that damage to infrastructure has been conditioned and any issues regarding Little Dowgate being an adopted highway should be taken up with Cambridgeshire County Council.

Mr Tams confirmed this is a busy junction and part of the scheme is bringing forward highway improvement works to address issues with the junction. He stated that specialists have reported on wildlife, loss of trees, ecological and tree reports and the material proposed to protect roots of the trees will be 'celweb' not tarmac. He pointed out that screening will be maintained and surface water drainage surveys have been completed and requested that members approve the proposal.

Councillor Mrs Mayor asked Mr Tams if Little Dowgate is an adopted highway. He confirmed that it is.

Councillor Sutton asked if the construction material will be to highway standards. Mr Tams confirmed that a 'no dig' solution will be used to the correct standard and trees will not be damaged.

Councillor Lay made a request to speak, this was refused by the Chairman as he had already spoken during his allotted time and he was advised to contact the Planning department at a later stage with any questions he may have.

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

Councillor Patrick asked if a Monkey Puzzle tree on the site is protected. Officers confirmed that it is not protected.

Councillor Hodgson asked if there were less objections due to the proposal being reduced from five dwellings to two and commented on refuse collection. Officers confirmed that there are twelve letters of objection from the previous application and also clarified access to the bin collection area.

Councillor Mrs Newell asked if there is an archaeological condition. Officers responded that they would make sure it was included.

Councillor Sutton commented that it was not clear and requested that a condition be included for a 'no dig' solution to be adopted should the application be granted. Officers noted the comment.

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

Granted, subject to the conditions reported, with an additional condition:

1. **A 'No Dig' method of construction be adopted for the access road.**

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

P14/14 **F/YR14/0225/PLANOB**
BENWICK - LAND EAST OF 13 DODDINGTON ROAD - MODIFICATION OF
PLANNING OBLIGATION ATTACHED TO PLANNING PERMISSION
F/YR05/0088/F TO REPLACE THE REQUIREMENT FOR PLAY EQUIPMENT WITH
A PAYMENT OF £50,400 FOR OFF-SITE PROVISION

Members considered 1 email from a local resident.

Officers informed members that:

- Play equipment cannot be installed in this location as utility services are directly below the surface and the applicant is looking to vary the S106 to provide offsite provision for play equipment;
- Some discussion has taken place with the Parks and Open Spaces Manager and Benwick Parish Council and a view of the type of equipment that can be provided has been considered;
- It is considered that the contribution of £50,400, match funded would be best placed to enhance High Street Park in Benwick.

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

- Councillor Mrs Mayor commented that there are no play areas in the vicinity of Doddington Road and to get from Heron Way to High Street could not be achieved by children without parental supervision and she has concerns regarding the distance young people will have to travel from the estate to High Street;
- Councillor Miscandlon commented that he is the Ward member for Benwick at the District Council and pointed out that most villages are linear development and residents have to walk a main road to access a play area. He confirmed that the play equipment cannot be installed on this site due to the drainage services being close to surface and negotiations for enhancements have been going on for some time. He confirmed that the village have been consulted and it was the general consensus that the designated space was the most suitable place for the enhancement programme;

- Councillor Sutton asked if this land has been adopted as public open space. Officers responded that this is a new estate and a private company carry out the landscaping and would check to see if it could be adopted. Councillor Sutton commented that this would benefit the whole village. Councillor Mrs Mayor requested that officers ensure that it is adopted.

Proposed by Councillor Owen, seconded by Councillor Sutton and decided that:

The Deed of Variation be Granted.

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

**P15/14 ENF/192/11/CONSRV
MARCH - LAND AT 62A WEST END - CONSERVATION AREA ENFORCEMENT
NOTICE**

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:

- Paragraph 2.2 of the officers report, the Local Plan has now been adopted and Policy CS18 is now LP18, this relates to a wall being demolished without consent;
- An appropriate amount of time has passed for Planning Committee to consider an Enforcement Notice;
- Photographs of the wall prior to removal and a new wall rebuilt further back had been provided;
- Changes since August 2012 had been summarised in the report.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Count, County Councillor. Councillor Count stated that there were a number of issues where the proposal for an Enforcement Notice had been considered by Planning Committee in August 2012, where they had sat as judge and jury. He stated that the first the applicant knew was when he read about it in the local newspaper as he had not been informed personally. Councillor Count stated that the applicant had not had a chance to defend his actions and was informed by officers that it was not the policy of the Council to notify those involved of Enforcement proceedings. He commented that this stance meant that there was no opportunity to speak, it was one-sided and the applicant could not defend his actions. He raised concerns that this means that members do not hear both sides of the argument and requested that the Council's policy be changed immediately.

Councillor Count pointed out that the wall built opposite 62A in 1996 was built in different materials and this was not recognised in the conservation appraisal and was not historic as claimed in the officers report. The applicant decided not to appeal the decision and agreed that a new wall with railings would be built and was surprised when an application was put forward and it was refused, the applicant appealed and it was refused. This has cost time, effort and money.

Councillor Count pointed out that the compliance with the Enforcement Notice is 90 days and stated that the Hoskins bricks recommended will not be available as Hoskins have closed their order book for this year and 90 days is not realistic in this case and the Enforcement Notice is flawed. Councillor Count requested that if the wall is to be reinstated members should consider if they feel that 90 days is appropriate in terms of the applicant being able to identify the required bricks.

Councillor Sutton commented that he had noted the concerns of Councillor Count and would consider the issues raised. Councillor Count commented that members had visited the wall a week before Planning Committee, the letter had been received by the applicant on the Friday before and when this had been challenged he was informed that it was not Council policy to inform applicants of Enforcement proceedings. Officers responded that the Council's procedures have been changed as a result of this complaint, one month ago, and it is now Policy to keep people informed of Enforcement Action. Councillor Count thanked officers for the clarification and welcomed the change in policy.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs French, District Councillor. Councillor Mrs French stated that the wall is listed and the applicant has known this since 2009. She stated that the appeal decision says all and if it is not upheld it will set a precedent for the whole of Fenland and requested that members support the recommendation to support the Enforcement.

Members received a presentation, in accordance with the public participation procedure, from Mr Whalley, a supporter of the Enforcement Action. Mr Whalley thanked Councillor Count on delaying the process in light of him being Mr Campbell's/the applicant's friend and commented that he feels that he has been indiscreet. Mr Whalley commented that the Enforcement Notice should go ahead without conditions. Mr Whalley stated that Mr Campbell has built an annex and two utilities at 62B, granted by Fenland District Council, this has blocked off hallways, with the intention to sell or rent the property, this creates parking problems and there was a verbal agreement to land swap. Mr Whalley commented that the applicant did not intend to build the wall back in its existing form and is flouting the conservation rules. Mr Whalley congratulated Councillor Count on securing a footpath over the railway in Norwood Road and commented that it was unfortunate that he had not applied the same safety rules to West End. Mr Whalley commented that he has serious misgivings for parking, he has concerns for pedestrians and cyclists along West End and policing would be required if it is the applicants intention to park on this piece of land. He pointed out that the area is next to his Grade II Listed Building and commented that this would devalue all properties along West End, causing traffic and damage to properties, damaging a peaceful area. Mr Whalley stated that the wall is in a conservation area, built in 1996 but knocked down previously and built in its original form, the Council has a responsibility to conserve the area and not to spoil it.

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

Councillor Patrick commented that he has considered the report and approves the Enforcement.

Proposed by Councillor Patrick, seconded by Councillor Murphy and decided that the:

Enforcement Notice be approved.

(Councillor Quince stated that he is a Member of March Town Council, but takes 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)

3.45pm

Chairman