

PLANNING COMMITTEE



23 JULY 2014 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor D Stebbing (Vice-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 W Sutton.

APOLOGIES: Councillor B M Keane, Councillor M G Bucknor

Officers in attendance: G Nourse (Head of Planning), B Young (Area Development Manager), R McKenna (Principal Solicitor - Litigation and Planning), Ms R Norman (Senior Development Officer)

P24/14 MINUTES OF THE MEETING OF 25 JUNE 2014

The minutes of the meeting of 25 June 2014 were confirmed and signed.

Subject to the following:

- Page 7 - Minute Number P18/14 - Interest for Councillor should be amended to read: (Councillor Sutton declared a Non-Pecuniary interest in this application, by virtue of his friendship with the **objector's** (Mrs Cole) nephew, pointing out that he does not know Mrs Cole and would not be able to identify her if asked to do so)
- Page 20 - Minute Number P22/14 - should be amended to read: Proposed by Councillor **Owen**, seconded by Councillor Humphrey and decided that the application be:

P25/14 F/YR14/0350/F LEVERINGTON - BILLSVILLE, 6 CHURCH ROAD - ERECTION OF A 2-STOREY 3-BED DWELLING, INVOLVING DEMOLITION F EXISTING DWELLING AND ALTERATIONS TO EXISTING 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.

The Chairman declared that Items 5-12 would be considered as en-bloc items to which all Members of the Planning Committee agreed.

Proposed by Councillor Patrick, seconded by Councillor Sutton 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)

P26/14 **F/YR14/0359/F**
MARCH - 46 HIGH STREET - CHANGE OF USE FROM RETAIL (A1) TO HOT
FOOD TAKEAWAY (A5)

Members considered 1 letter of objection.

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

Granted, subject to the conditions reported.

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

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

P27/14 **F/YR14/0425/F**
GOREFIELD - 14 BLACK LANE - ERECTION OF A SINGLE-STOREY SIDE
EXTENSION TO EXISTING DWELLING

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

Granted, subject to the conditions reported.

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

P28/14 **F/YR14/0433/F**
WISBECH - 24 ENTERPRISE WAY - ERECTION OF A DETACHED
SINGLE-STOREY WORKSHOP

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

Granted, subject to the conditions reported.

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

P29/14 **F/YR14/0439/F**
GOREFIELD - S & S STORES LIMITED, 83 HIGH ROAD - ERECTION OF A
SINGLE-STOREY FRONT EXTENSION TO EXISTING BUILDING

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.

Proposed by Councillor Patrick, seconded by Councillor Sutton 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)

P30/14 **F/YR14/0447/F**
MARCH - 31 HIGH STREET - INSTALLATION OF NEW SHOP FRONT

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

Granted, subject to the conditions reported.

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

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

P31/14 **F/YR14/0471/F**
MARCH - GEORGE CAMPBELL CENTRE, CITY ROAD - ERECTION OF EXTENSIONS TO EXTEND GYM, FORM MULTI ACTIVITY ROOM AND CHANGING AREA

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 Town Council recommend approval;
- A copy letter has been provided by applicant as sent to the adjacent occupier clarifying the situation regarding the access road.

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

Granted, subject to the conditions reported.

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

(All Members present declared a Non-Pecuniary Interest in this application, by virtue of the Applicant being Fenland District Council)

P32/14 **F/YR14/0479/F**
WISBECH - 26 WISTERIA ROAD - ERECTION OF A 2-STOREY SIDE EXTENSION TO EXISTING DWELLING INVOLVING DEMOLITION OF GARAGE

Officers informed members that:

- The Town Council have responded advising that they support the application.

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

Granted, subject to the conditions reported.

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

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

P33/14 **F/YR14/0183/O**
WHITTLESEY - WESTHAVEN NURSERY, PETERBOROUGH ROAD - ERECTION
OF 68NO. DWELLINGS (MAX)

Members considered 10 letters of objection.

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

Officers informed members that:

- **Archaeology** - Comments have been received from Cambridgeshire County Council (CCC) Archaeology who advise the following:
 - Confirm that an archaeological evaluation has been undertaken at this site;
 - The evaluation revealed some evidence for activity of Roman date however it is unlikely that further archaeological work would add significant new information in this case;
 - Therefore confirm that there are no objections and no requirement for any further archaeological works;
- **Drainage** - A further report has been submitted by the Agent for the final ground investigations report in relation to the site drainage. The relevant statutory consultees have been consulted and their comments awaited;
- **Biodiversity** - A further response has been received from Natural England (NE) as follows (in summary):
 - Would like to take the opportunity to submit further comments;
 - NE would like to highlight the significant local, and potentially national, ecological importance of Kings Dyke Nature Reserve;
 - Due to the level of habitats and species NE urge the LPA to ensure that the application is supported by a detailed assessment of the potential ecological impacts and that sufficient mitigation is proposed;
 - The Nature Reserve is provided by Hanson as an important and well used ecological resource and is used for the annual Peterborough Green Festival;
- **Public Correspondence** - 16 further letters of objection have been received concerning (in summary):
 - Strongly object to the proposal which is a departure from the development plan;
 - It would result in loss of habitat for flora and fauna and adversely affect the Kings Dyke Nature Reserve;
 - Towns need green wildlife areas and FDC has a duty to protect these;
 - The A605 is already a busy road and this development would make this worse;
 - The Fenland Plan requires 1100 houses to be built between 2001 and 2031. By October 2013 750 were approved and 150 have been approved at Snowley Park and Glenfields leaving just 200 houses to be built in 17 years;

- The proposal is in contravention of policies R5 and E1 of the Fenland Local Plan (1993);
 - The site is close to the brick works so residents will invariably make odour complaints;
 - Biodiversity offsetting does not work;
 - The recommendation of approval was made before the deadline for comments:
 - The site should not be referred to as Brownfield land as it has blended into the landscape by being vacant for some time. It should therefore be awarded extra protection;
 - To develop a site where one of the largest populations of great crested newts exist is irresponsible;
 - There are hundreds of other brownfield sites around Peterborough that could be developed instead of this one;
 - There are enough houses along Peterborough Road without adding more;
 - The nature reserve has been here longer than the proposed houses;
 - Who will be responsible for maintaining the hedge and special fencing
 - Shouldn't a buffer zone of planted shrubs be included rather than simple fencing and hedging?
- To address some of the points made above:
 - The consultation response expiry date was 18 April 2014 and not 18 July as stated in some of the objection letters. Therefore the recommendation was made after the consultation expiry date;
 - The application is not considered to be a departure from the current development plan as the site adjoins the main settlement. The current 2014 development plan does not include development area boundaries and as such this is not a departure;
 - Policies R5 and E1 are from the 1993 Local Plan which is no longer a material consideration in the determination of a planning application;
 - The comments in relation to the Brownfield land classification are noted and it is acknowledged that this site has been vacant for some time. The site has had a previous agricultural related employment use on it which typically leaves some areas of hard-standing and this site also meets the NPPF's presumption in favour of sustainable development by virtue of its location adjoining the main settlement core;
 - With regards to the housing figures there has been a combined total of approximately 500 approvals and completions since 1 April 2011. This does not include the 150 at Snowley Park which has not yet been issued which would take the total to approximately 650. Under Policy LP4 Whittlesey is required to build 1,000 dwellings to 2013. Of the 650 approved only about 30-40 have been built so far. Whilst there have been a number of approvals it is the delivery on the ground that is key and there is scope to approve further dwellings in Whittlesey without the present Local Plan being exceeded or put under pressure.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws, Whittlesey Town Council. Councillor Mrs Laws informed members that she had been asked to attend and speak as Chairman of Whittlesey Town Council Planning Committee and on behalf of the members. Councillor Mrs Laws pointed out that the applicant has presented and discussed his proposals in-depth at two Town Council Planning Committee meetings and has been receptive and taken on board several valid points Whittlesey members consider to be appropriate for this site.

Councillor Mrs Laws stated that the site is near/adjacent to a designated and recognised industrial area and in close proximity to Kings Dyke Nature Reserve.

Councillor Mrs Laws stated that Whittlesey has two designated industrial and commercial areas, the other being on Station Road. Station Road has a number of vacant units and derelict sites crying out for new businesses and development, therefore the focus and encouragement for new businesses should be afforded to Station Road.

Councillor Mrs Laws informed members that Whittlesey Town Council submitted a Statement of Development in April 2014, which demonstrated planning decisions made from January 2011 to April 2014 with 854 new dwellings having been approved. Whittlesey Town Council is tasked with delivering 1,000 new properties by 2013 in the recently adopted new Core Strategy/Local Plan and not only are we on target but will easily exceed this number. She pointed out that Westhaven Nursery was identified as a potential development site within Whittlesey Town Council Statement of Development - being one of eight sites identified above 5m AOD, therefore being suitable and sustainable for future development. This demonstrated a Whittlesey and District land bank for the next five years.

Councillor Mrs Laws stated that when Town Council Members viewed Fenland District Council planning decision notices they noted the type and range of properties are mainly 1, 2 and 3 bed dwellings which leaves a gap in the housing market for larger family homes/luxury dwellings and commented that there needs to be an open approach and consideration of all residents housing needs.

Councillor Mrs Laws informed members that Westhaven was previously a Nursery business but ceased as a commercial operation some years ago and as such the Town Council has weighed up whether this area would be more appropriate for industrial or housing use in the future. She pointed out that Planning members viewed the site and would have noticed that it is a derelict area and adjacent to a principle gateway to Whittlesey.

Councillor Mrs Laws stated that the Town Council have taken into account that the site is adjacent to a Nature Reserve and most importantly is not at risk of flooding. The Town Council considers that Westhaven Nursery site would lend itself to a sympathetic, well-planned design layout, with individual mixed housing using high quality design and materials to include luxury dwellings and substantial landscaping.

Councillor Mrs Laws stated that Whittlesey Town Council strongly recommend a housing development that blends in with the natural landscape rather than an Industrial and Commercial development and requested that Planning members support the view of Whittlesey Town Council and Planning Officers to recommend approval of the development.

Councillor Hodgson asked Councillor Mrs Laws what the future of this land would be if the development was not approved. Councillor Mrs Laws responded that it would be an industrial area and that the Town Council feel with the adjacent nature reserve this would not be sympathetic to the area. She pointed out that with good landscaping housing would blend with the area;

Members received a presentation, in accordance with the public participation procedure, from Mr Brookes an objector to the proposal. Mr Brookes stated that he lives in Whittlesey, works in Peterborough and travels along the A605 daily. Mr Brookes pointed out that the Fenland Local Plan was adopted in May 2014, he quoted from paragraph 4.6.5 that 'The A605 is a busy road which runs east-west through Whittlesey. All new development in Whittlesey should ensure the A605 continues to function yet minimise congestion.' He pointed out that this development will increase traffic and Policy LP11 stated that Whittlesey is expected to deliver 500 dwelling over a 20 year plan. He commented that there are other sites more suitable and there is no presumption to meet housing targets over 20 years and pointed out that the land is unused and adjacent to Kings Dyke Nature Reserve which is a haven for wildlife and stated that the town needs wild green areas as they are stress reducing.

Mr Brookes stated that Kings Dyke has a large population of Great Crested Newts and some breed next to this developments proposed boundary, it is home to the Marsh Harrier, Turtle Doves, bees and reptiles and that to gather them up and move them is ridiculous as eco systems cannot adapt that quickly and animals are likely to die from starvation and illumination from houses and street lights will cause problems for nocturnal creatures.

Mr Brookes stated that there is strong local feeling against the proposal and made reference to the Planning Officers decision in relation to unacceptable deadline dates. Mr Brookes urged members to reject the proposal on planning grounds to ensure that Whittlesey benefits from the Kings Dyke resource.

Councillor Owen asked Mr Brookes if there were Great Crested Newts on the nature reserve. Mr Brookes responded that there is evidence from Kings Dyke Nature Reserve and Natural England that these species are mentioned.

Councillor Hodgson asked Mr Brookes what wildlife would be lost with the new building. Mr Brookes responded that the ecology assessment stated that various creatures would be relocated and this generally does not work as the nature reserve is already estimated at its optimum level so creatures could die off.

Councillor Sutton referred Mr Brookes to page 80 of the officers report and Natural England's comment that ecology will not be a problem. Mr Brookes responded that Natural England are a large organisation and they are entitled to their opinion however there are other ecologists who would disagree.

Members received a presentation, in accordance with the public participation procedure, from Mr Hodgson, the applicant's agent. Mr Hodgson stated that he works for Savill's and is the agent for the applicant. Mr Hodgson stated that the warden at the Nature Reserve was approached at the beginning of the process and in consultation with Savill's ecologist and everything had been agreed with them, there was an ecological assessment of the site, there are Great Crested Newts on the nature reserve next door and any found on the development site will be relocated. Mr Hodgson stated that the Town Council were engaged in the early part of the process, they are happy with the layout, following two meetings and they are familiar with the proposals. Mr Hodgson informed members that the number of units have been agreed, there is a play space site down the road, the principle archaeology assessment is all clear and the development will contribute to the community as well.

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

- Councillor Hodgson confirmed that he is in no way related to Mr Hodgson, the agent;
- Councillor Stebbing commented that he knows the structure of Whittlesey, the A605 was built 30 years ago, the wash road floods and the A605 is the only real road leading to Peterborough for the whole of the year, any application for housing will affect the A605, this can either be accepted or Whittlesey can be shut down for future development. He commented that the proposal is fully supported by Whittlesey Town;
- Councillor Mrs Mayor commented that the site has been unused for 30 years, there are some concerns regarding the nature reserve however this piece of land is an eyesore and she supports officers recommendations;
- Councillor Mrs Newell commented that there are concerns regarding the ecologists comments and asked officers if there will be conditions. Officers confirmed that conditions will require the protection of creatures mentioned on the site, these will be in place prior to commencement and occupation of the site and could be enforced if not carried out;

- Councillor Hodgson commented that he has concerns regarding the nature reserve but has no problems with the development of the site.

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

Granted, subject to the conditions reported.

(Councillor Patrick abstained from voting on this application)

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

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct of 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)

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

P34/14 **F/YR14/0240/F**
CHATTERIS - LAND EAST OF 133 HIGH STREET - ERECTION OF 3 X 4-BED
DETACHED HOUSES WITH ASSOCIATED GARAGES; ERECTION OF 2 M HIGH
BRICK WALL AND ASSOCIATED PARKING TO SERVE EXISTING DWELLING
(133 HIGH STREET), INVOLVING DEMOLITION OF OUTBUILDINGS (IN
CONJUNCTION WITH LISTED BUILDING CONSENT REFERENCE
F/YR14/0241/LB)

Members considered 1 letter of objection.

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

The Chairman informed members that this item would be considered in conjunction with Agenda Item No. 15 - F/YR14/0241/LB.

Officers informed members that:

- Members had requested information relating to the possible widening of the footpath at the junction of Black Horse Lane and High Street to achieve a better visibility onto High Street;
- The LHA has explored this option but consider that the width of High Street, at this point, which is a main distributor road, is insufficient to accommodate a widened footpath.

Members received a presentation, in accordance with the public participation procedure, from Mr Bevens, the applicant's agent. Mr Bevens stated that he is the architect for the scheme. He stated that the full application began over 2 years ago following discussion with the Council's Conservation Officer. Mr Bevens pointed out that the Listed Building is in a very poor state, has been empty for about 4 years and a comprehensive solution will provide development of the site and repair the Listed Building as well as land to the rear.

Mr Bevens confirmed that the previous application for 8 dwellings was felt to be overdevelopment and would impact on the highway and from a conservation point of view on the Listed Building. He stated that he had detailed discussion with Highways but no solution could be found. The application for 8 dwellings was withdrawn and it is felt that a scheme for less units might be supported. Following a year of discussions and amendments regarding visibility onto High Street, Highways have no concerns to raise. Mr Bevens pointed out that the site is bound on three sides by residential development and by the entry road on the fourth and asked members to approve the recommendation.

Mr Bevens stated that the Listed Building F/YR14/0241/LB is linked to this application and one development could not take place without the other and for the development to be successful in the long-term then both schemes should be approved. He informed members that he has worked closely with Conservation and Planning officers, the building has been vacant for 4 years, is on the buildings at risk register and can be repaired and made good at significant cost to make it habitable. Mr Bevens asked members to support and grant the proposal.

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

- Councillor Mrs Newell commented that she had called-in the application because of the lean-to, she believes that the lean-to has no warrant and asked if it could be demolished to make visibility better. Officers confirmed that the lean-to is an integral part of the building and should remain and the application does deliver restoration of the Listed Building;
- Councillor Murphy commented that he was sceptical that if the building is made wind and water tight that it will be vandalised and requested that the developments are undertaken in the correct order to ensure this does not happen;
- Councillor Owen commented that he sympathised with Councillor Mrs Newell however greater powers cannot be overruled regarding a Listed Building;
- Councillor Sutton commented that he has concerns regarding the neglected host dwelling and asked if conditions are in place to mitigate this happening, as this must happen prior to the occupation of the three new dwellings. Officers responded that condition 3 links the two applications by the completion and occupation of unit 1, the Listed Building should be well under way, this is a safeguarding condition. Councillor Sutton commented that he was happy with this condition;
- Councillor Mrs Mayor commented that the photographs suggest that this was originally two houses. Officers confirmed that it has only ever been one dwelling;
- Councillor Quince commented that he would like to see the lean-to demolished as it creates problems with the original building.

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

Granted, subject to the conditions reported.

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

P35/14 **F/YR14/0241/LB**
CHATTERIS - 133 HIGH STREET - INTERNAL AND EXTERNAL WORKS TO
EXISTING LISTED BUILDING INVOLVING DEMOLITION OF EXISTING
ATTACHED LEAN-TO AND OUTBUILDING AND ERECTION OF 2.0 METRE HIGH
BRICK WALL (IN CONJUNCTION WITH FULL PLANNING REFERENCE
F/TY14/0240/F)

Members considered 1 letter of concern.

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

Officers informed members that:

- Members had requested information relating to the possible widening of the footpath at the junction of Black Horse Lane and High Street to achieve a better visibility onto High Street;
- The LHA has explored this option but consider that the width of the High Street, at this point, which is a main distributor road, is insufficient to accommodate a widened footpath.

This application was considered in conjunction with application number F/YR14/0240/F.

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

Granted, subject to the conditions reported.

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

P36/14 **F/YR14/0244/O**
MANEA - 35 WESTFIELD ROAD - ERECTION OF 5 DWELLINGS INVOLVING
DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS

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

Members received a presentation, in accordance with the public participation procedure, from Mr Wilson, the applicant. Mr Wilson stated that he had pre-application discussion with officers, submitted outline planning application on February 2014, time limit had been exceeded for response from officers, however he had decided not to take the application to the Secretary of State. Mr Wilson stated that he had received an email from Planning officers with reasons for their refusals and having read them had asked for the chance to address the Planning Committee. He referred to comments made in the email regarding the submitted layout, stating that this was not submitted, he had not submitted a drawing referred to that clearly demonstrated rear gardens and no amenity space. He referred to comments made in the email regarding parking and highways design and access statement, two accesses have been shown to officers, only one access is necessary for the property.

Mr Wilson stated that on the plan two properties are shown at the rear of number 37, officers believe this is left over from CAD, Mr Wilson stated that he had nothing to do with number 37, this application is for number 35. He stated that the email referred to the Parish Council recommending refusal of the application when the Parish Council had not given their opinion on this application yet. He stated that he is quite happy to make provision for affordable housing.

Mr Wilson stated that the email says Middle Level refuse the application due to the lack of a Flood Risk Assessment, he pointed out that he has a copy of the Flood Risk Assessment which was sent to officers and has been agreed, he has received a letter from Middle Level, has replied to Middle Level with a copy to Councillors and had received no response. Mr Wilson pointed out that this area is a farmyard, the second half of a piggery and asked the Councillors approve the application.

Councillor Mrs Newell asked Mr Wilson when he first put the application in. Mr Wilson responded in 2008, pointing out that it has taken 7 years for the application to get to this point.

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

- Councillor Patrick commented that this application was refused in January 2014 and asked officers if there are many differences between that application and this one. Officers responded that this application is for the same number of dwellings and there are no significant details of change;
- Councillor Mrs Newell commented that she did not like the way the applicant had been treated, she has been involved in Manea as a Councillor for a long time and knows the area extremely well along Westfield Road, there is a garage, a frontage piggery and this used to be a pig and chicken farm, 2 houses are planned for affordable and she believes that the applicant has done everything asked of him and it should be reconsidered and she would like to see it approved and not refused;
- Councillor Patrick commented that he believes this is a cramped form of development and officers have it correct;
- Officers commented that if an application is not determined within 8 weeks a standard letter goes out to applicants;
- Cllr Mrs Mayor commented that there is not an issue with developing, this is only an outline application that stipulates 5 dwellings and this would be too many in that area, and in light of this could not support officers recommendation.

It was proposed by Councillor Patrick, seconded by Councillor Sutton that the application be Refused, which was not supported by a majority on vote by members.

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

Granted, with recommendation that details regarding design of dwellings be dealt with under a future Reserved Matters application and with S106 Agreement for affordable housing.

The Legal Officer informed members that the policy states that on a site of 5 dwellings, passing the CIL test only one affordable house is required under CIL.

Planning Officer explained that this application is determined in principle to approve some form of development on the site, all matters are reserved and will need to include details/conditions regarding vehicle access, scale and landscaping.

Councillor Miscandlon explained on the site plan there are ghost dwellings at the rear of 37, these do not exist to the rear of 37 as there are none.

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by virtue of the fact that she had called-in the application)

P37/14

F/YR14/0297/F

**LEVERINGTON - LAND EAST OF LANCEWOOD, 32 DOWGATE ROAD -
ERECTION OF 3 X 4-BED AND 1 X 5-BED 2-STOREY DWELLINGS WITH
ATTACHED DOUBLE GARAGES AND DETACHED DOUBLE GARAGE TO SERVE
EXISTING DWELLING**

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 response has been received:
 - CCC Highways - no objection in principle. Conditions are required relating to planning permission being required for gates, provision of temporary facilities, scheme for access and vehicular crossing, retention of parking area, and provision of visibility splays;
- RESOLUTION - Grant as per page 141 of the agenda with the following additional conditions:
 - 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.
 - Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) 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. Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway.
 - Before the dwellings hereby permitted are occupied, the vehicular accesses from Dowgate Road shall be hard surfaced, sealed and drained away from the highway for a minimum length of 10m from the carriageway edge, in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Reason - In the interests of highway safety.
 - 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
 - Prior to the first occupation of the development the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use. Reason - To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety.
 - Prior to the commencement of the use hereby permitted visibility splays of 2.0m x 2.0m shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway verge. Reason - In the interests of highway safety.

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

- Councillor Murphy commented on the suitability of this development being for four dwellings and that this site is more appropriate when compared with the previous application approved for five dwellings;
- Councillor Mrs Mayor commented that she agreed with officers recommendations.

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

Granted, subject to the conditions reported and the additional conditions.

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

**P38/14 F/YR14/0416/O
WIMBLINGTON - LAND EAST OF 54-62 MARCH ROAD - ERECTION OF 7
DWELLINGS INVOLVING DEMOLITION OF EXISTING STABLES AND
OUTBUILDINGS**

Members considered 7 letters/emails of objection.

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

Officers informed members that:

- A letter dated 9 July 2014 from the Middle Level Commissioners has been received. In summary the Middle Level Commissioners Internal Drainage Board oppose the proposed development on the grounds that the submitted details in relation to flood risk do not meet the Board's approval;
- The Middle Level comments are noted; however the Environment Agency has confirmed that they have no objection to the proposed development. The site is located within flood zone 1, and although the site is over 1 hectare, the impermeable area of development appears to be less than 1 hectare and therefore the Environment agency have no concerns with regard to flood risk;
- On the basis of the information provided it is not considered reasonable to request further information from the applicant's agent, particularly as the officer recommendation in this case is one of refusal.

Members received a presentation, in accordance with the public participation procedure, from Ms Molyneux, an objector to the proposal. Ms Molyneux stated that she purchased 56 March Road, Wimblington and that the application to construct a development is to the rear of her property and runs along the whole length of her garden. She stated that she bought 56 March Road as she was attracted to the accommodation and the general location and gardens which are very attractive with mature trees and shrubs which have TPOs. Ms Molyneux pointed out that the land to the rear has mature plantings, trees, hedges and tall shrubs, they are not in her garden, they are in the applicants garden and she has no control over these if they are removed. She raised concerns that the drawings show the trees as being in her garden and this may lead members to believe that the trees would be retained on her land. She pointed out that her boundary is her garage and there is 2 metres of land between the garage and the boundary fence, further commenting that drawings are misleading and suggest there is more room than there is.

Ms Molyneux stated that the applicant's proposed access road is not a suitable width and she believes that the traffic alongside her house will reduce her amenities and enjoyment of her garden. She stated that there will be new home owners and this will result in increased deliveries, refuse, noise and fumes and will spoil the area for both residents and wildlife. Ms Molyneux pointed out that the access is immediately opposite the bus stop and this is dangerous, there is a branch across the access and it would be a great shame to spoil the look of the area.

Councillor Owen requested that officers show the slides that clarify what Ms Molyneux was referring to on screen.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agent. Mr Brand stated that the boundary of trees and hedge along Ms Molyneux's house are to be retained, with only two trees to come down in total. Mr Brand pointed out that the existing access to stables has been used for many years and the vast majority of trees on the site are being retained.

Mr Brand stated that the development is unique, it is aimed at business leaders, they are luxury bespoke homes, there is nothing in Fenland of this quality and show that Fenland is 'Open for Business' and meet Fenland Local Plan Policy LP5. Mr Brand referred to the officer report executive summary commenting that policies LP12 and LP16 are important, however policies LP1 and 3 are of overarching importance. The report does not consider the development is sustainable, Mr Brand pointed out that it is close to Wimblington and close to March as well, there is a shop and garage close by on the roundabout. Mr Brand stated that the executive summary states there is no in-depth development behind the building line in this area, he pointed out that this is not true as there is a caravan site and associated building, commercial building, a disused builders yard, and a golf driving range to the east and it is misleading to say there is no development behind the buildings.

Mr Brand stated that the houses are not incongruous, they are high quality attractive houses and this an unusual development of quality homes.

Councillor Owen asked Mr Brand what would happen to the mature trees mentioned on page 155 of the officers report. Mr Brand responded that the Tree Officers concerns can be covered by condition and it is not the applicants intention to move the trees. The Design and Access Statement states that there will be an application to remove a branch and this will be a separate application asking for approval of this.

Councillor Owen commented that this proposed application is regarded as backland garden development. Mr Brand responded that this is not backland development, is a high quality scheme with high quality homes to enhance the area.

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

- Councillor Patrick commented that he had read the officers report and believe they have it correct and he supports officers recommendations;
- Councillor Quince commented that this site should not be developed, it would be completely spoilt and is backland development;
- Councillor Murphy commented that this is linear development and there are residential frontage both sides of the road and is as it should be and should be kept like that and not spoilt. Councillor Murphy requested that business should be built up first and houses built after. He commented that there are 6 other objectors and he was surprised that they were not in attendance as this is a most inappropriate development in the totally wrong area and he agreed with officers recommendations. There are issues regarding scale, density, character, appearance and he requested that common sense should prevail and the application be refused;

- Councillor Mrs Newell asked officers if this application was different to the one submitted in December 2013. Officers responded that in summary there were no changes other than the planning statement being updated.

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

Refused for the following reasons:

1. **The site is located outside the existing developed footprint of the village. In addition the proposal is of a scale and in a location which would be out of keeping with the core shape and form of the settlement and would result in adverse harm to the character and appearance of the area. Accordingly the proposed development is contrary to Policies LP12 (a) and (d) and LP16 (d) of the Fenland Local Plan 2014 which both seek to secure high quality development which contributes to the sustainability of each settlement and does not harm the wide open character of the countryside.**
2. **The proposed development would give rise to unacceptable level of noise and disturbance to the occupiers of No. 62 and No. 56 March Road due to the proposal introducing activities associated with residential use into this location, in particular due to the proximity of the proposed access roads. As such the proposal is contrary to Policy LP16 (e) of the Fenland Local Plan 2014.**
3. **The proposal has failed to incorporate an arboricultural assessment which would include appropriate tree root impact protection measures. There the proposal is contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014.**
4. **The application fails to incorporate mitigation measures for protected species that may be present on the site due to the lack of an appropriate biodiversity study. The proposal is therefore contrary to Policies LP12, LP16 and LP19 of the Fenland Local Plan 2014.**
5. **The proposed development does not comply with the guidance set out in the RECAP Waste Management Design Guide (February 2012) in respect of the provision for the collection of waste. The proposal is therefore contrary to Policy LP16 (f) of the Fenland Local Plan 2014.**
6. **The applicant has failed to enter into a Town and Country Planning Act S106 agreement to secure contributions relating to affordable housing. As such the application is contrary to Policy LP5 of the Fenland Local Plan 2014.**

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

**P39/14 F/YR14/0443/PLANOB
MARCH - OLD COUNCIL DEPOT, GAUL ROAD - MODIFICATION OF PLANNING
OBLIGATION ATTACHED TO PLANNING PERMISSION F/YR/14/1387/F
(ENTERED INTO ON 29/11/2004) RELATING TO 37 RIVERBANK CLOSE ONLY
TO REMOVE CLAUSE THAT PROHIBITS KEY WORKERS FROM STAIR CASING
TO 100%**

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

- Councillor Owen commented that Riverbank Close is a close group of social houses, have historically been held by Key Workers ie police and nurses and asked if this change is going to result in a situation whereby houses currently occupied could become affordable social or keyworker housing. Officers responded that the proposal will allow an individual to own the property outright.

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

Granted, subject to the completion of a Deed of Variation.

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

P40/14 **TPO 2/2008**
BENWICK - 13 DODDINGTON ROAD - TO CONFIRM THE REQUEST TO REVOKE
A TREE PRESERVATION ORDER

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

- Councillor Miscandlon informed members that the felled tree was in his ward and immediate permission had been given by the Arboricultural Officer to remove the dangerous tree which had split into two;
- Councillor Mrs Mayor asked if the new tree, planted to replace the felled one had an automatic TPO. Officers confirmed that a TPO is already in place on the new tree.

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

Tree Preservation Order (TPO) 2/2008 be revoked.

2.31pm

Chairman