

PLANNING COMMITTEE



12 NOVEMBER 2014 - 1.00PM

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

Officers in attendance: G Nourse (Head of Planning), B Young (Area Development Manager), R McKenna (Principal Solicitor - Litigation and Planning), S Manley (Planning Performance Manager), Miss S Smith (Member Services and Governance Officer)

P60/14 MINUTES OF THE MEETING OF 15 OCTOBER 2014

The minutes of the meeting of 15 October 2014 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P61/14 F/YR11/0444/F MARCH - MARCH LANDFILL SITE, HUNDRED ROAD - ERECTION OF 2 X 85.0 METRE HIGH MAX (HUB HEIGHT) WIND TURBINES WITH ASSOCIATED INFRASTRUCTURE INCLUDING A CONSTRUCTION COMPOUND, ACCESS TRACKS AND CONTROL BUILDING

Members considered 16 letters of representation.

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:

- During the committee site visit Members requested information regarding the closest residential properties;
 - Northern edge of Hundred Road - 625 metres to south;
 - Whitemoor Prison - 520 metres north east;
 - The Landscape Partnership identifies that there are approximately 530 residential properties within 1km of the proposed turbines;
- Further consultation response;
 - Fenland District Council Environmental Protection has considered impact of noise in respect of noise sensitive properties and recommend that conditions specifying noise levels and monitoring should be imposed on any consent granted;
- Reason 1 for Refusal should be amended to delete 'and consented'

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs French, on behalf of March Town Council. Councillor Mrs French stated that March Town Council recommended refusal of this application and that officers have it 'spot on' and requested that Members go along with the officers recommendation.

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

- Councillor Owen questioned the expiry date of 8 September 2011 being out of time. Officers checked the paperwork and explained that the application is still valid although it has passed the first date for determination. Officers agreed that the wording would be changed regarding expiry of application as it was thought to be misleading for Members;
- Councillor Patrick commented that officers have it right and he would support officers recommendations;
- Councillor Hodgson asked for an explanation of what is meant by 16 letters of representation. Officers explained that they were letters from local residents representing their opinion;
- Councillor Owen commented that he did not understand comments from the Ministry of Defence regarding unacceptable interference, he asked why the existing two wind turbines do not interfere with the ATC Radar and asked if something should be done or what is the problem. Councillor Stebbing took no part in the discussion of this application due to his connection with the Ministry of Defence but responded to a question from the Chairman to confirm that he had a discussion with the Ministry of Defence who confirmed that the wind turbine would cause a cumulative block effect which would interfere with ground radar. Officers confirmed that this is referred to as radar degradation;
- Councillor Mrs Newell asked officers if the Ministry of Justice had commented on the proposal. Officers confirmed that the Ministry of Justice had not responded;
- Councillor Mrs Mayor commented that the two wind turbines proposed are much bigger than the existing two and this could be the reason for the increased interference;
- Councillor Murphy commented that the proposed wind turbines are 20 feet higher than the ones already there.

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

Refused as recommended as Members feel that:

- 1. The proposed turbines would have a significant cumulative visual impact alongside other existing and consented schemes in the locality for users of the A141, on residential roads within March and the National Cycle Route 63 by virtue of their scale and prominence. This would detract from the character of the area and be directly contrary to Policy LP16 of the Fenland Local Plan, adopted May 2014;**
- 2. It is considered that the number of properties affected, the proximity of the turbines, and the presence of two other turbines in the cumulative context result in this development having a significant adverse visual impact on residential amenity and as such the proposal fails to comply with Policy LP16 of the Fenland Local Plan, adopted May 2014;**
- 3. The proposal will be detectable from and will cause unacceptable interference to the ATC Radar at RAF Marham and accordingly the scheme does not comply with SPD Policy WT5 and Policy LP14 of the Fenland Local Plan, adopted May 2014;**
- 4. It is considered that the proposal has failed to meet the requirements of both national policy and Policy LP18 of the Fenland Local Plan, adopted May 2014, with regard to the assessment of impacts in respect of local Heritage Assets, accordingly the scheme has failed to demonstrate that any harm to such assets is acceptable when balanced against the benefits of this renewable energy scheme.**

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

(Councillor Stebbing declared a Non-Pecuniary Interest in this application, by virtue of him attending an event at the Air Ministry where wind turbines had been discussed and he had expressed an opinion, and took no part in the discussion and voting thereon)

P62/14

F/YR14/0488/F

WIMBLINGTON - 14 EASTWOOD END - ERECTION OF 3 X 2-STOREY 4-BED DWELLINGS AND THE FORMATION OF NEW ACCESSES INVOLVING DEMOLITION OF EXISTING DWELLING

Members considered 8 letters of support and 7 letters of objection and 1 additional response to the consultation.

Officers informed members that:

- One additional consultation response has been received from an earlier contributor noting that there is nothing in the surveys submitted that is relevant to the original application, commenting that:
 1. there are no nesting birds or bats because trees have been cut down;
 2. most of the deteriorating external and internal structure is repairable and expected in a property 100 plus years old. As for the statement that it is 'restricted living' this is laughable when you look at the sizes of the rooms in the applicants plans for the new homes;
 3. it is not about the speed of vehicles it is about the parking of vehicles and the increase in the number of vehicles in the road. The survey also states that this is a light vehicle area, this road leads to two large farms, a horticultural business and two equestrian centres they all involve wide, heavy vehicles;
 4. concludes that opposition to this application will not change because these surveys have been done, 3 x 2-storey dwellings on that plot in the middle of our village is not wanted. It is a village not a town where the above may visually fit in but not here;
- the application was deferred in August to allow the applicant the opportunity to address issues relating to loss of heritage, highway safety and biodiversity. These have been addressed, however in principle the issue remains as follows: the proposal fails Policy LP12a as per the Refusal Recommendations.

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant's agent. Mr Edwards thanked members for the opportunity to speak and stated that the Swann Edwards company prides itself on its application and work with officers. He stated that an extension of time was requested and he was disappointed that this was denied.

Mr Edwards pointed out that the existing property was uneconomical to repair, the village is in three parts and all areas have received a large amount of development over recent years. He stated that Policy LP3 shows Wimblington as a growth village and infill development is appropriate, there are a number of large developments and business and is not exactly unsustainable. There are three proposals to the east of the site approved outside the old DAB. This proposal is for three dwellings consistent with the built form and parking and turning arrangements have all been accepted and is not dominated by vehicles. He pointed out that it is a traditional design built in similar materials to the former public house, which has been neglected by a number of owners over a period of years.

Mr Edwards stated that Morton and Hall have confirmed that the existing property is beyond repair and is not in a conservation area. He pointed out that the proposed dwellings are north west of number 12 Eastwood End and will cause no overshadowing and number 12 has a garage block the whole length of the boundary of the proposed site. Mr Edwards stated that highway concerns have been addressed and would result in the removal of a substandard shared access to improve visibility. Mr Edwards pointed out that surface water can be conditioned, a biodiversity report has been carried out and the development is consistent with paragraph 55 of the NPPF for small settlements, this site is not isolated, is in an established community, is sustainable and in Flood Zone 1 and is supported by a number of residents. Mr Edwards stated that the proposal will tidy the streetscene and asked members to please support the application.

Councillor Owen commented that there is an objection on page 27 of the officers report in relation to vehicles reversing onto the road and asked Mr Edwards if this would be a problem. Mr Edwards responded that Highways are happy with the proposal and there should be no need to reverse out onto the road.

Councillor Owen asked Mr Edwards if this would result in the 'unjustified loss of a dwelling' as referred to in paragraph 3 on page 36 of the officers report, commenting that the dwelling is not listed. Mr Edwards responded that the building is not occupied, it was purchased by his clients as an empty property and is uninhabitable.

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

- Councillor Mrs Mayor asked for clarification regarding no comments being received from Wimblington Parish Council in relation to the consultations and further reference to Wimblington having no additional comments to make on page 35 of the report and asked if there were any comments originally. Officers confirmed that an email had been received from Wimbling Parish Council to say they had no comments on 9 October, and they have no further comments to make;
- Councillor Patrick commented that he could see no problem with this proposal as it blends in nicely and fits in with the linear development;
- Councillor Murphy raised concerns regarding the HISTORY as none is recorded and pointed out that members had visited the site previously, prior to last month's meeting and he feels that this should have been included in the site History. Councillor Miscandlon explained his involvement where EX/TIME was granted and this had been withdrawn before the last committee meeting;
- Councillor Hodgson commented it was strange to have letters of support and objection and no comments from Wimblington Parish Council and said that he agreed with Councillor Patrick;
- Councillor Mrs Newell commented that it was strange that the property is over 100 years old and is not listed and also commented that she had passed the property yesterday and she believed that the property was occupied;
- Councillor Murphy commented that this proposal is clearly against Local Plan policies LP2, 3, 12, 16 and 18 and stated that members should keep to the Local Plan as members cannot disregard the Local Plan every time that they think 'an application looks nice';
- Councillor Owen commented that he knows the area and building well and he feels that this is a quiet road and is unlikely to cause problems by residents reversing out onto the road and he didn't understand why the application is being recommended for refusal by officers as it fits in with Eastwood End. Councillor Miscandlon responded that it is clear from policies LP3, 12 and 16 that this proposal fails to comply with the Local Plan and requested that members consider the proposal taking into account the Local Plan to decide whether it complies with these policies;

- Councillor Mrs Newell commented that the road is not quiet, there are businesses from The Hook that use that road so it is certainly not quiet and she agreed with officers recommendations;
- Councillor Patrick commented that he was against officer recommendations and would recommend the proposal be granted as it is in a sustainable location, blends in with the linear development and would finish off the area;
- Officers commented that if members were mindful to grant the application a list of conditions would be required, suggested were materials, parking and turning areas, construction management, demolition of the old building, landscaping, obscure glazing where overlooking is possible and suspected contamination condition.

It was proposed by Councillor Patrick, seconded by Councillor Quince that the application be Granted, subject to suitable conditions, which was not supported by a majority on vote by members.

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

Refused, as recommended as Members feel that:

- 1. The proposed scheme, which details development located outside the main settlement of Wimblington has not been supported by sufficient justification for the introduction of further dwellings within an unsustainable location. Accordingly the proposal fails to provide access to jobs, facilities and services locally resulting in low levels of residential amenity contrary to the provisions of the National Planning Policy Framework paragraph 55 and Policy LP2 and LP3 of the Fenland Local Plan;**
- 2. The development is of a scale and in a location which would introduce a suburban form of development, which is overly dominated by parking, within a rural setting resulting in adverse harm to the character and appearance of the area. Accordingly the proposed development is contrary to Policies LP12 (a) 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 character of the locality;**
- 3. The proposal would result in the unjustified loss of a dwelling which has been identified through the consultation process as being worthy of designation as a building of local interest by virtue of its significance and the contribution that it makes to the streetscape. Accordingly the scheme would have a negative impact on the character of the location and would erode the heritage of this locality contrary to Policy LP16 and LP18 of the Fenland Local Plan 2014 which both seek to protect, conserve and enhance the historic environment of the District;**
- 4. The proposed development would by reason of its scale and positioning have a negative impact on the amenities of the adjoining residential occupiers at Number 12 Eastwood End, Wimblington with regard to over dominance and overshadowing. According the scheme is contrary to Policy LP16 (e) of the Fenland Local Plan 2014.**

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by virtue of her son in law living opposite the application site)

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of being a member of the same Governing Body as the Agent, and took no part in the discussion and voting thereon)

P63/14

F/YR14/0663/F

**TYDD ST GILES - 26 CORNFIELDS, CHURCH LANE - ERECTION OF A
2-STOREY REAR EXTENSION TO EXISTING DWELLING AND CONVERSION OF
GARAGE TO LIVING ACCOMMODATION**

Members considered 12 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.

Members received a presentation, in accordance with the public participation procedure, from Mr Newham, an objector to the proposal. Mr Newham stated that he was speaking on behalf of the neighbours on each side of the proposed extension who are strongly against this ovarian unsightly development. Mr Newham made reference to a photograph taken from the garden of number 25 at 10.30am in the morning, pointing out that 13 residents have registered their objections and Tydd St Giles Parish Council have also raised objections. Mr Newham pointed out that there are three adults in the property and he believes that it has been designed for impact instead of need. The proposal extends the rear of 26 by 4.5 metres and the rear already extends beyond the bungalow at number 25, with the extension being 1 metre from the garden fence on both sides this will impact on both neighbours at numbers 25 and 27. He stated that the proposal breaches a recognised extension which should not be more than a 45 degree line of sight for neighbours. Mr Newham pointed out that number 25 will lose both light and sunlight and create overshadowing to the garden and even more in the winter.

Mr Newham stated that the Council's Local Plan states that extensions will only be permitted if they do not adversely impact on neighbours, this reduces daylight and sunlight and this is reflected in Policy LP16 where care should be taken when sunlight is affected by adjoining properties. Mr Newham stated that health and wellbeing should be taken into account of the neighbour at number 25 who suffers from osteoporosis and needs sunlight and warmth from the sun and this extension will exclude the sunshine from reaching the windows and patio of number 25 and will have a detrimental effect on the health and wellbeing of the occupier. Mr Newham pointed out that members had visited the site and would have seen the garden and the closeness to neighbouring properties and the design of this will be a solid mass of brick, the addition of a first floor structure is formidable and the size and presence will dominate, overshadow and be an eyesore and requested that members refuse the application.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that this proposal is not a solid slab of brickwork, stating that he has met with officers at great lengths. He pointed out that the ground floor extension is a metre from the boundary, the first floor is stepped and is two metres from boundary. There is a hipped roof on the rear elevation and the second extension is significantly lower than the main roof. He pointed out that the extension will not increase overshadowing and thanked officers for their time and the resultant workable solution. Mr Humphrey stated that he did not feel that it was the neighbours position to comment on the needs of the applicant and stated that the extension has been designed with the neighbours in mind, resulting in a small first floor extension which was initially two and is considerably smaller, is an acceptable scale and materials and neighbouring residential amenities will not be compromised and there is satisfactory parking and amenity space for the property. He pointed out that the proposal does comply with the Council's new development plans and asked that members recommend approval.

Mr Humphrey stated that there is a new Neighbourhood Plan for Tydd St Giles and he believes there is a vigilante group who feel that they have to pass comment on every application in Tydd St Giles and pointed out that this application fits in with Permitted Development Rights.

Mr Humphrey stated that Mr Newham lives a quarter of a mile away and commented that there is a need to make a note with the Neighbourhood Plan where locals could take control. Mr Humphrey requested that members support the application in accordance with Council policies.

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

- Councillor Sutton commented and reminded Mr Humphrey that all members of the community are entitled to their opinion and he believes that Mr Humphreys comments regarding residents opinions were uncalled for and requested that an apology be given to them. Mr Humphrey did not respond to this request;
- Councillor Hodgson commented on the position of properties number 15 and 16 being set back on the plan and speculated as to whether there had been any complaints from neighbours regarding these two properties.

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

Granted, subject to the conditions reported.

1.50pm

Chairman