

EXAM/30

[REDACTED]

From: Annette Feeney <Annette.Feeney@huntingdonshiredc.org.uk>
Sent: 27 September 2018 14:46
To: Elworthy, Natalie (Planning)
Subject: Fw: Bluntisham Parish Council - LSC Settlement Status
Attachments: Doctors lease email.pdf; Bluntisham Parish council Minutes 1.8.18 signed.pdf; BPC Station Road Response.pdf; Station Road - TPO evidence (1).pdf

[REDACTED]

From: Philippa Hope [REDACTED]
Sent: 27 September 2018 14:30
To: Annette Feeney
Subject: Bluntisham Parish Council - LSC Settlement Status

Good Afternoon Annette,

As you are aware I was unable to attend the hearing session and I have spoken to the members of the Colne Road Action Group and my colleagues on the Parish Council. I can confirm that we stand behind the statements and supporting documents sent by the CRAG.

Along with this I have attached a copy of our submission to HDC DMC ahead of their meeting dated 17.09.2018 in which HDC planning had recommended the Station Road site BL2 for approval, despite the hearing taking place two days later.

In support of this statement I have attached the following which we would ask be included in submissions to the inspector.

1. A copy of an email from the clerk of Bluntisham Parish Council to the Church Street Surgery manager, Sue Bryan confirming the reduction in the rent of the rooms used by them in the village hall. This letter confirms that this new lease expires on 03.07.2018 and that it will no longer be open on a Wednesday. This is minuted on the August 1st Bluntisham Parish Council meeting minutes, item 86.
2. A copy of the signed minutes of the Bluntisham Parish Council meeting on 01.08.2018, where correspondence from the school is minuted and lays out the class numbers. These contradict those gathered by HDC Planning and these are from the Becky Ford, Horizons Learning Foundation. This shows that in EYFS through to year Two there are 23 spaces in the current Academic year. This is item number 93 on the minutes.
3. A copy of our submission to HDC Development Management committee in response to site BL1, Station Road Bluntisham. Which was recommended for approval by HDC Planning and in which weight was applied from the Proposed local plan 2036 and which was hurriedly approved by HDC ahead of the hearings on 19.09.2018. See attached Station Road TPO Evidence and BPC Station Road Response.

I look forward to hearing from you with an update on the next steps as soon as they become available and would once again like to personally thank you for your assistance.

Best Regards
Philippa



**Minutes of the Bluntisham Parish Council Meeting
Wednesday 1st August 2018 at 8.00pm in The Village Hall, Mill Lane,
Bluntisham**

Present: Chairman Mr Mark Berg, Mr Frank Hudson, Mrs Cynthia Curtis, Mr Rob Gore, Mrs Philippa Hope & Mrs Tracey Davidson (Clerk)

Also present: 13 x member of the public & Cllr Jon Neish

	<p>Open forum The Chairman welcomed everyone to the meeting and opened the forum. A member of the public wanted to thank Philippa Hope for attending the Local Plan hearing at HDC and for defending the case put forward from the parish council so well. This was seconded by several other members of the public. Thanks also to Darren Young and Paul Davis for their input as well. Further detail of the next stage can be found in the minutes below. Thanks to Andrew Wager for cutting the hedges along Meeting Walk to keep the footpaths clear. Meeting opened at 8.04pm</p>	
79	Dispensation Forms received & decisions given - None	
80	Declarations of interest for items on the agenda – Mrs Philippa Hope pecuniary interest item 90 BACS run 20th July.	
81	Apologies for absence – Mr Martin Crowhurst, Mrs Kathy Searle, Mr Gary James, Cllr Steve Criswell. No contact from Cllr Besley	
82	<p>Planning:</p> <ul style="list-style-type: none"> • E/3003/18CM – Philippa Hope discussed the application and concerns with 20,000 additional lorry movements over the 7-8 year period, which works out at approximately 8 per day. Although the PC agreed the additional vehicles are not ideal they are happy with the application and recommend APPROVAL subject to the following conditions: Vehicle movements between 10 – 2pm and no vehicle movements at the weekends. <i>Post meeting note: HCV have advised the figures quoted were incorrect and the 20,000 movements is per year and not the duration of the project. Based on this information the PC voted to REJECT the application and have submitted these comments to CCC.</i> • Informal update following Local Plan Hearing – see <i>appendix 1</i> for the summary report which has been printed and delivered to each household in Bluntisham. The PC will attend the next session in September and will report any updates in due course. • 18/01359/HHFUL - Philippa Hope and the clerk attended a site visit on 27th July and confirmed the proposal will not impact on any neighbour and recommended the application be APPROVED. (<i>Proposed Philippa Hope, seconded Rob Gore. All agreed.</i>) • 17/01015/OUT – the PC discussed the amended plans submitted for this application and listened to concerns from neighbours and continue to recommend this application is REFUSED based on the following reasons: Rural exception land – no commercial development is permitted Number of affordable units doesn't comply with rural exception 	



	<p>regulations Despite DMC advising this application is to be decided in conjunction with 17/01785/FUL – this is not reflected in the amendments Concerns with flooding due to original drainage pipes having been cut Overhead power lines & concerns with where the additional services will be connected Bluntisham still remains as a small settlement and is not a Local Service Centre yet and the Local Plan 2036 is under review Previous reasons for refusal still remain <i>(Proposed Mrs Philippa Hope, seconded Mr Rob Gore. All agreed.)</i></p> <ul style="list-style-type: none"> • 18/01440/HHFUL – The PC are happy for the wall to be replaced as it is now classed as dangerous, however, they would like to see it rebuilt as it is with the step and also would like to see the magnolia tree protected and retained. Both are features of the village and have been for many years. A vote to APPROVE the application <i>(Proposed Mrs Philippa Hope, seconded Mr Frank Hudson. All agreed with the exception of Mr Rob Gore who abstained)</i> • 18/01441/LBC - The PC are happy for the wall to be replaced as it is now classed as dangerous, however, they would like to see it rebuilt as it is with the step and also would like to see the magnolia tree protected and retained. Both are features of the village and have been for many years. A vote to APPROVE the application <i>(Proposed Mrs Philippa Hope, seconded Mr Frank Hudson. All agreed with the exception of Mr Rob Gore who abstained.)</i> 	
83	<p>Minutes of the Parish Council meeting dated 4th July to be approved and signed by the Chairman – The minutes were signed by the Chairman. <i>(Proposed Mr Rob Gore, seconded Mr Frank Hudson. All agreed.)</i></p>	
84	<p>Matters arising from previous minutes not on the agenda – None.</p>	
85	<p>County Council & District Council reports: Cllr Criswell emailed the following: Please accept my apologies. I have a meeting at HDC. By way of a cycle path update you will have noticed how the last section has been painstakingly slow. The utilities are so shallow, digging is being done by hand. Also we are waiting for the Post box to be moved before that section can be surfaced. Should be completed over next 2 weeks.</p> <p>Cllr Neish read the following report: A meeting of the full council took place on 25th July. A rather lengthy and somewhat bizarre full council. Where, what appeared to be a distinct lack of understanding from a St Neots Councillor whose tabled motion to compulsory purchase The Falcon at St Neots was amended to do, whatever is legally possible, to deal with this eyesore in the Market square. This took over an hour and a half of debate and ended with a solution that can be taken forward to hopefully resolve this issue. The Chairman gave a State of the District Council update. There is plenty of positive things going on with plans to tackle areas of concern. The opposition members responded (I'll leave it at that). One of the main concerns, which effect all of us, is the council tax. Government grant is gradually being phased out. Creative ways to keep the Council tax low for Huntingdonshire are being explored to try and keep us as one of the lowest increasing authorities in the country. But external forces such as recycling are not helping. HDC's waste disposal budget is over spent mainly due to the contamination of recycling being collected and we will be looking at ways to vastly reduce this.</p> <p>Planning. The New Local plan is now with the inspectorate and his initial meetings to gather information have taken place and will resume in September. The Inspector will not confirm if the plan is sound till he concludes all his sessions. But no news seems to be good news (to HDC). The Full council agreed that delegated powers can be used to modify the plan if the Inspector recommends any. The committee that seems to be most</p>	

of interest to PC's is DMC and a quick update since my last report. Due to strong legal advice (and without and up to date local plan) the Committee agreed not to appeal against the 199 dwelling at Little Paxton as they would have no chance of winning the case despite the committees' previous decision to fight it. This was agreed. Plans for a crematorium on A141 were deferred for more traffic information.

Other planning issues:

The Sunrise /Barleycroft site has finally been given approval following some intervention and pressure to resolve by Bluntisham Parish Council and myself. This should mean proactive enforcement of the site (including overcrowding and waste) which can now be more actively persuade.

And finally on planning the team have been bolstered by recruitment of officers to fill vacancies and the vacant post of enforcement officer is currently being advertised (any takers)!

Other items of note

I took an official guided visit to the A14 last week. Simply to say it was fascinating how its progressing (on target) and I'm all sure we look forward to its targeted completion in 2020.

FIXED PENALTY NOTICES TO BE ISSUED FOR LITTERING FROM VEHICLES

From 1 August 2018, delegated officers from Huntingdonshire District Council will have the authority to issue Fixed Penalty Notices (FPNs) of £150 to the registered keeper of a vehicle from which litter has been thrown. At the Council's Licensing and Protection Committee held on 20 June 2018, it was unanimously agreed that the Council would adopt the powers available under The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 to enable designated officers to deal with incidents of this nature.

Litter blights the landscape and has a negative impact on our communities. Sadly it has become commonplace to see the verges of our local roads, as well as the dual carriageways running through the District strewn with litter which has been discarded without a thought for the environment or those that will be responsible for picking it up. Between 1 April 2017 and 31 March 2018, the Council's Street Cleansing Teams removed 55.6 tonnes of discarded litter from the roads and highways that fall within the responsibility of the District Council. This is time and money that could be spent elsewhere in the District if litter was not such a big issue.

The introduction of the FPN is just one part of a bigger plan to raise awareness of the issues associated with littering, and to encourage our communities and those using the District's road networks to act responsibly and take their litter home. From 1 August 2018, following any report of littering from a vehicle, the registered keeper will be issued with an FPN of £150. Non-payment of the FPN within the payment period will result in it automatically doubling to £300.

Councillor Beuttell, Executive Councillor for Operations and Regulation said: "The road networks operating throughout Huntingdonshire are well used as link roads as well as for local commuting. There is extensive use by national haulage companies and this is an opportunity to work with them as well as car drivers to ensure that they understand that littering within our District will not be tolerated.

The Chairman asked Cllr Neish if HDC are considering a 3 weekly waste collection which has been discussed in the national press this week. Cllr Neish confirmed that the entire service is being looked at and savings have to be made.

The clerk has not heard from Cllr Besley.

86 **Doctors Rent review** – due to the sensitivity of this subject and the potential impact on

	staff this item was deferred to be discussed as a closed item.	
87	SLCC & ALCC membership – the PC voted to continue with this membership for the clerk at a cost of £165 SLCC & £30 ALCC. <i>(Proposed Mr Rob Gore, seconded Mrs Cynthia Curtis. All agreed.)</i>	
88	FY2017/18 Accounts to end July 2018 – Mrs Philippa Hope went through the accounts and advised it was a very average month. The SID has been paid for from the LHI reserves allocated for 18/19 as agreed. Projected figures show a potential surplus of £6k, however, there are known maintenance problems to be fixed at the village hall. Income July - £2694.05 Expenditure July - £5643.07 Bank Balance: £33698.82 <i>(Proposed Mrs Philippa Hope, seconded Mr Rob Gore. All agreed.)</i>	
89	Authorise purchase orders – no purchase orders to be authorised.	
90	Accounts for payment for July <ul style="list-style-type: none"> • BACS run 20th July- £2028.82 authorised by Mr Rob Gore & Mrs Kathy Searle • BACS run 31st July - £3226.03 authorised by Mrs Philippa Hope & Mrs Cynthia Curtis <i>(Proposed Mr Rob Gore, seconded Mrs Cynthia Curtis. All agreed.)</i>	
91	Village Maintenance & Events: <ul style="list-style-type: none"> • Trees quotes – the clerk shared the quotes received for the work confirmed at the last meeting: Cambridge Trees Ltd - £400 + VAT Global Tree Solutions Ltd - £550 + VAT Colne Nursery - £250 <p>It was agreed to appoint the work to Colne Nursery however, a date for the work must be agreed and scheduled early September. <i>(Proposed Mrs Philippa Hope, seconded Mrs Cynthia Curtis. All agreed with the exception of Mr Rob Gore who abstained.)</i></p> <ul style="list-style-type: none"> • Cycle path open BBQ – agreed that there isn't enough time to organise this with the volunteers available. The PC would like to formally thank CCC & Cllr Criswell for their efforts with this project and encourage all to use the cyclepath. • Replacement pump – village hall. The clerk shared the quotes received for the replacement pump needed for the waste at the village hall: PPV - £2929 + VAT & £310 pa service contract New Haden Pumps £2250 + VAT & £350 pa service contract <p>It was agreed to appoint New Haden Pumps for the installation and service contract on this occasion. Mrs Philippa Hope advised the expenditure should come out of the VH maintenance & equipment line. <i>(Proposed Mr Rob Gore, seconded Mr Frank Hudson. All agreed.)</i></p>	
92	Committee updates: <ul style="list-style-type: none"> • Allotment – Mr Frank Hudson advised that one plot holder has informed him that he will be giving the plot up at the end of September. The clerk hasn't received any formal confirmation of this. The clerk advised that another plot holder has written to advise she is giving up her plot. The clerk has placed a facebook advert advising of available plots and has had 2 people express their interest. The AGM has been agreed to be held on Saturday 6th October at 10am in the village hall. • Finance – Mrs Philippa Hope advised the meeting was brief and the only concern was the VH pumps. • Updates from Mrs M Lumb –the clerk read out the summary received from Mrs Lumb: Road safety will be contacting surrounding PC's to request a member to attend a 	Clerk

	<p>meeting with district and county councillors to decide on the next steps in the campaign for safety measures at Wheatsheaf crossroads. The PC asked if there is an expectation that local parishes contribute to the funding of a road improvement and if ENVAR will be involved in this meeting and contribution. Mrs Lumb advised that road safety hopes that a joint LHI could be submitted however ENVAR have advised they would support any improvements but are not in a position to be able to contribute financially.</p> <p>HCV are having a meeting on 2nd August to discuss the application E/3003/18CM as there are concerns with the increased vehicle movements.</p>	
93	<p>Correspondence received:</p> <ul style="list-style-type: none"> FOSH – thanked the PC for the loan of the marquee again and for supporting the Party in the Park which raised just under £3000. Martin Graves – ENVAR replied to the concern raised regarding the recent smells. See <i>appendix 2</i> for the full reply. Becky Ford – Horizons Learning Federation replied to the PC concerns raised about the availability of school places for this school year. The following spaces were confirmed: <ul style="list-style-type: none"> EYFS – 26 places confirmed & 4 spaces Year 1 – 24 places taken & 6 spaces Year 2 – 17 places taken & 13 spaces Paul Nelson – Public Transport Manager updated the PC on the local bus service from March 2019. <i>Appendix 3</i> shows the detail. Phone conversation re plaque – the clerk is to confirm the bench is not suitable for a commemorative plaque. It is possible that other benches that are not dedicated would be considered. 	Clerk
94	<p>Items for consideration (for information only)</p> <p>Mr Rob Gore asked if a quarterly planning enforcement update could be included as future agenda items.</p> <p>Mrs Philippa Hope asked if an open morning could be arranged for October. The clerk is to arrange a suitable date.</p> <p>Mr Frank Hudson raised concern with a tree in St Mary's Close outside number 8 which is a parish tree. The clerk is to speak to HDC as this isn't on the plan as a parish tree.</p> <p>Meeting closed 9.41pm Next meeting Wednesday 5th September</p>	<p>Clerk</p> <p>Clerk</p> <p>Clerk</p>

Bluntisham 100 club draw took place:

- 1st place wins £50 – [REDACTED]
- 2nd place wins £30 – [REDACTED]
- 3rd place wins £10 – [REDACTED]

A few numbers remain if anyone is interested in joining the 100 club please contact Cynthia Curtis – [REDACTED]

Future Meeting dates

Wednesday	3 rd October	2018
Wednesday	7 th November	2018
Wednesday	5 th December	2018

17/01015/OUT – Proposed Residential and Commercial Development Station Road Bluntisham

Parish council Comment in response to revised plan for 26 dwellings and 4 commercial units

Introduction

It is noted that this application has been referred to the DMC prior to Bluntisham Council's response to the updated proposed plan. This indicates that the planning department pre-empted the response from the Parish council and had determined its decision prior to receiving the comments from a statutory consultee. This in our opinion demonstrates that the Planning officers at HDC do not consider our representations to be worthy of deliberation and are not given due weight in terms of making their recommendation. The NPPF states "Finally, once consultation has concluded, the local planning authority will consider the representations made by consultees, and proceed to decide the application. The consultation window for this application was extended to 6th September by Laura Nuttall and yet the planning officer's decision was published on 05.09.2018.

This application is intrinsically linked to another application 17/01785/FUL and at the DMC meeting in December 2017, a decision on this application was deferred so that it be considered at the same time as application number 17/01015/OUT. As a result of this and the fact that both applications will come before the DMC meeting on 17.09.2018, this response from Bluntisham Parish Council covers both applications.

Application - 17/01015/OUT - REFUSE

Application - 17/01785/FUL – REFUSE

Comments

1. Proposed Local Plan to 2036 - Bluntisham has been reclassified as a Local Service Centre in the proposed new plan. This was challenged at the Inspection hearing on 18.07.2018 and the Inspector instructed HDC planning to carry out a review of the service provision within Bluntisham and other sites to provide evidence that the service levels claimed by HDC were suitable to sustain development and deliver growth. This section of the inspection is Matter 3 and the report from HDC is EXAM/04. Attached as an appendix to this report is the EXAM04 report from HDC and the response from Bluntisham Parish Council to the new claims in this report.

Within it HDC list the following services as being contributors to the level of service provision that justifies the change in Bluntisham from a small settlement to a Local Service Centre:

Bluntisham Fryer - Recommended for demolition by HDC planning on application 17/01785/FUL

The Lounge Café – Recommended for demolition by HDC planning on application 17/01785/FUL

The Village Barbers - Recommended for demolition by HDC planning on application 17/01785/FUL

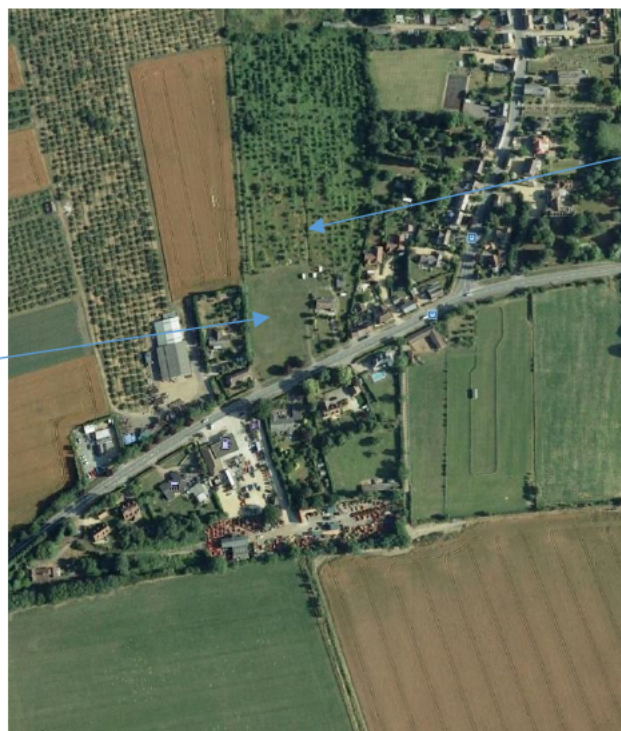
BPC question how on one hand these services can be used to justify the change to our settlement status by the planning department and then approve that they be demolished. Surely it is incumbent on the planning department to take a holistic approach to planning within Bluntisham and this blatant contradiction suggests that this is not the case.

2. Proposed Local Plan Soundness - The officers report (Agenda item 4B) makes several references to Bluntisham being designated as a Local Service centre – see points 7.11, 7.14, 7.22, 7.104 . It is on the record that BPC has challenged the soundness of the PLP to 2036 and that as previously stated the Inspector instructed HDC to carry out more investigations.

The inspector is yet to conclude on the settlement status contained within the PLP 2036. Submissions on the EXAM/04 had to be in by 31.08.2018, BPC's submission was confirmed as having been received by the project officer on 29.08.2018 and as of 05.09.2018 no further information from the Inspector has been made available. The hearings start again in September and BPC strongly feel that it would pre-empt the Inspectors findings to add any weight with regards PLP 2036 Policy LP9 to this application until such time that the Inspector has reached a conclusion.

3. Agenda item 4B – Specifics

1.2 – Greenfield Vacant Land - This land was formerly an Orchard and the land was sold to the applicant when it was an orchard with a small area of clear land between the houses and agricultural buildings on Station Road. The photograph below shows the extent of the Orchard, this photograph pre-dates the reconfiguration of the Garage site and the building of a car park on the cleared ground. Please see application numbers 0801135FUL and 1301360FUL for reference purposes of the changes and additions to these linked sites; please see officers report for conditions & comments regarding the car park & site attached as appendix 3.



Orchard pre 2008 purchase

Clear envelope of land separating residential and agricultural buildings

Originally the clear envelope of land was designated as a Rural Exception site as per officer's report 1301360FUL and negotiations between the then land owner and Nene Valley housing collapsed. This land including the Orchard to its northern boundary were purchased by the current land owner/applicant. Post purchase the new land owner began to clear the land and a blanket TPO was put in place, reference number L/TPO/286. Clearance has continued since on a large slice of the

Orchard which now forms part of the application site. This clearance activity was raised with the enforcement department and no remedial action has taken place. These actions have artificially created a larger area of vacant greenfield land contrary to the TPO.

7.14 - Policy LP23 PLP 2036 – States that the plan supports the provision of a new local service or community facility within the built up area or the extension of an existing local service area – There are already in existence the same facilities on the garage site immediately across from the site. These are neither new or an extension of the existing facilities. They are instead of or as well as, depending on decisions, and are therefore not compliant with Policy LP23.

7.16 - The application was only designated as a departure application and advertised as such in 2018, some 8 months post the application in May 2017. Point 7.17 makes it clear that this application is a departure from the current plan. It is included in the HEELA within the PLP 2036 but only under the auspices of the new plan which changes the settlement status of Bluntisham, the soundness of which is being questioned by the Inspector as previously stated. The status of Bluntisham as of 06.09.2018 and today remains as a small settlement and this application should be considered under the planning rules pertaining to Small Settlements, both within the current and policy LP12 within the PLP 2036 plan.

7.23 – Clearly states “that the commercial uses are also proposed as part of the current application which do not align with the draft site allocation”. There is clearly no need to include commercial units within this application as these services/commercial units are already in place and thriving.

7.25 - This site with 10 affordable units contributes 3% of the annual target for affordable housing in the district. No reference is made to the ward contributions to the affordable housing provision in the district – Needingworth 17/01687/OUT which was approved by DMC on 29 May 2018, potentially more sites within the ward Colne Road, High Street Bluntisham, Earith Minaars site. Potentially over 150 affordable units in one ward. Which based on the calculation used to say that this site delivers 3% then the Needingworth ward will potentially contribute 45% of the district wide provision.

7.28 – limited extent of floor space proposed, we consider this to be an inaccurate statement please see comments on point 7.14 above.

7.30 – Not applicable as these are unrequired replacements of existing commercial units.

Prematurity – BPC notes the premises of this section of report, please note that the same comments with regards to “prematurity” are not made in the report on application 17/01785/FUL. Which by HDC’s own admission needs to be assessed at the same time as 17/01015/OUT. Much as we appreciate the reasons for 17/01015/OUT fitting the criteria for prematurity being that it is a draft allocation in the PLP2036. It suggests that this cannot be used for a reason to refuse the application, however BPC feel that this is a valid reason to defer any decision until after such time that the PLP2036 has been concluded on by the Inspector.

7.56 – Acknowledges that the site has been cleared, and that no remedial action has been taken.

7.60 The application would mean that the existing Staff Car Park would be absorbed in to this application and would provide customer parking for the proposed commercial units. This car park was approved on application 1301360FUL and a condition of which is that this be primarily used for staff parking. Part of the justification for 17/01785/FUL is to provide more customer parking, there is no provision within 17/017185/FUL for replacement staff parking. BPC requests again that parking provision, and especially staff parking provision be assessed across both sites at the time.

Drainage – BPC would like to ask that riparian ownership be taken in to account when considering drainage. By the applicants own admission (email dated 03.09.2018 to BPC and copied to HDC planning) he states “The TPO’s prevent me from clearing the ditches on both the eastern and western boundaries”. Please see point 7.56 where it is stated that the site is surrounded partially on the west by residential land and residential development to the East. It is clear that the applicant has neglected his riparian ownership duties and that neither Anglian Water nor CCC were made aware of this and a full assessment of these drainage ditches should have been undertaken prior to the recommendation of approval.

7.97 Sustainability – we refer to earlier comments with regards to the level of service provision within the village and the proposed demolition of existing service provision.

7.100 – Please see BPC response to EXAM04 attached to this document for factual information about existing and reductions to the bus service.

7.02 Mentions Prince of Wales Public house. This public house closed in September 2015 and was subject to a change of use and renovation application 17/00258/FUL which was approved by HDC planning department.

7.103 – There are not two public houses in the village, this is incorrect and in need of correction, see above for the application number.

7.120 – Replacement commercial units will not provide any additional employment.

7.122 - Destruction of habitat has taken place since the land was purchased, the trees that were removed and were considered of enough quality to meet the TPO criteria. The removal of these trees and damage to the environment has contributed to reducing the quality of the trees (see 7.56). Via neglect and damage to the site the applicant has created “poor quality trees and environment” and as mentioned in this point as a factor in support of the proposal.

Application 17/01785/FUL – Demolition of Existing Café/Barbers/Fish & Chip Shop and provision of 9 new customer parking spaces.

Bluntisham Parish Council – Recommendation Refuse.

1.2 Parking provision – the statement is inaccurate and there are a number of inaccuracies on the plan, rather than list them here we have included the BPC planning report, original plans and proposed plans to this report. In effect there are currently only 24 available parking spaces rather than the 40 claimed on the application. The new plan will deliver 9 new spaces but this will mean in reality that there are only 33 useable spaces. Parking and disabled access are material planning considerations. Appendix 4

1.5 – This car park was primarily approved for the use of Staff at the site and overflow customer parking. This is not stated on the report in item 1.5 please see 13/01360/FUL. This application also included conditions that have never been met by the applicant and HDC enforcement officers are investigating 17/00158/ENBOC. This staff car park would be absorbed in to the application 17/01015/FUL and used as parking for the proposed commercial units. Attached is a copy of the officer's report with relevant points highlighted.

4. Planning History – Since the Garage site was developed to its current footprint 0801135FUL, there have been 4 additional planning applications. BPC would like to point out that three of these four applications have been retrospective - 1000716FUL, 1201316FUL & 1301360FUL. The history of the site and the inaccuracies in the plan, combined with other conditions being overlooked need to be considered. Previous planning decisions are a material planning consideration.

5.2 - Highways – state that the removal of the units will reduce the traffic flow. Clearly this is not the case as the traffic flow will remain as is.

7.5 – The demolition of the units will not promote economic growth, these units are thriving small businesses.

7.7 – See notes on 17/01015/FUL with regards to Local Service Centre and additional commercial units.

7.10 Policy LP – Local Service Centres – please see previous comments with regards to LP9 Policy and the current service levels used as justification for such. BPC demand that no weight from Policy LP9 in the PLP to 2036 be applied and that Blunt sham's current status as a small settlement and the existing and emerging policies with regards to Small settlements be given weight.

7.16 Parking provision - this increase to 49 is wildly inaccurate. Please see comments on 1.2.

7.42 – This application reduces the levels of services in the village and thus reduces the level of sustainability – please see HDC EXAM04.

7.43 – No economic growth would be generated by the addition of 9 parking spaces and the demolition of the services. Please see BPC report and both versions of the plan of the site for confirmation.

7.45 – See above, in accurate parking space numbers. Demolition of the only café in the village will be detrimental to the community and removes the only sit in and eat facility in the village & would have a negative social impact on the community.

Attachments included:

Appendix 1 – BPC Response to EXAM04

Appendix 2 – EXAM04 HDC report

Appendix 3 – 1301360FUL – Officers report

Appendix 4 – Site visit plan – 1701785FUL BPC comments

Appendix 5 – Site visit map showing car park spaces – 1701785FUL

Fro [REDACTED]

Sent: 03 August 2018 15:06

To: BRYAN, Susan (CHURCH STREET HEALTH CENTRE)

Subject: Re: Lease

Good Afternoon Sue

Bluntisham Parish Council have agreed to the reduction in rent from 1st October, however, they will no longer be cleaning the surgery for you. The parish council hope that Dr Lui is happy with this compromise and that you understand that the parish council can't continue to reduce the rent to meet the doctors demands. This arrangement will be in place until the lease requires changing if and when a new doctor takes over. This also coincides with the caretaker leaving the parish council and the opportunity for the parish council to amend the contract for any new person taking over the role.

Happy to meet to discuss further if needed.

[REDACTED]

I look forward to hearing from you soon.

Many thanks and Best regards

Tracey Davidson

Bluntisham Parish Clerk

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I have to ask if you could put it to the PC if they would be prepared to take off 1/5 of our rent and we will not be using Bluntisham any more on a Wednesday.

Kind regards

Sue Bryan

Practice Manager

Church Street Health Centre (D81040)

Somersham

[REDACTED]

Bluntisham Parish Council

17/01015/OUT – Proposed Residential and Commercial Development Station Road Bluntisham

Parish council Comment in response to revised plan for 26 dwellings and 4 commercial units

Additional Supporting Information 11.09.2019

Further to our submission to the amended plans for this proposed site we have now received a copy of TPO number L/TPO/286.

In our submission dated 06.09.2019 we stated the following:

Originally the clear envelope of land was designated as a Rural Exception site and negotiations between the then land owner and Nene Valley housing collapsed. This land including the Orchard to its northern boundary were purchased by the current land owner applicant. Post purchase the new land owner began to clear the land and a blanket TPO was put in place, reference number L/TPO/286. Clearance has continued since on a large slice of the Orchard which now forms part of the application site. This clearance activity was raised with the enforcement department and no remedial action has taken place. These actions have artificially created a larger area of vacant greenfield land contrary to the TPO.

Sections 4.a and 4.b on the TPO clearly state the following:

No person shall

- a. Cut down, top, lop, uproot, wilfully damage or destroy; or
- b. Cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
Any tree specified in schedule 1 to this order.

It is beyond doubt that the landowner has ignored this TPO and without consent or good reason, has contravened both clauses of the TPO. Photographic evidence has already been provided in showing the effects of the clearance, and the unauthorised clearance taking place, please see the following link within the associated documents of this application:

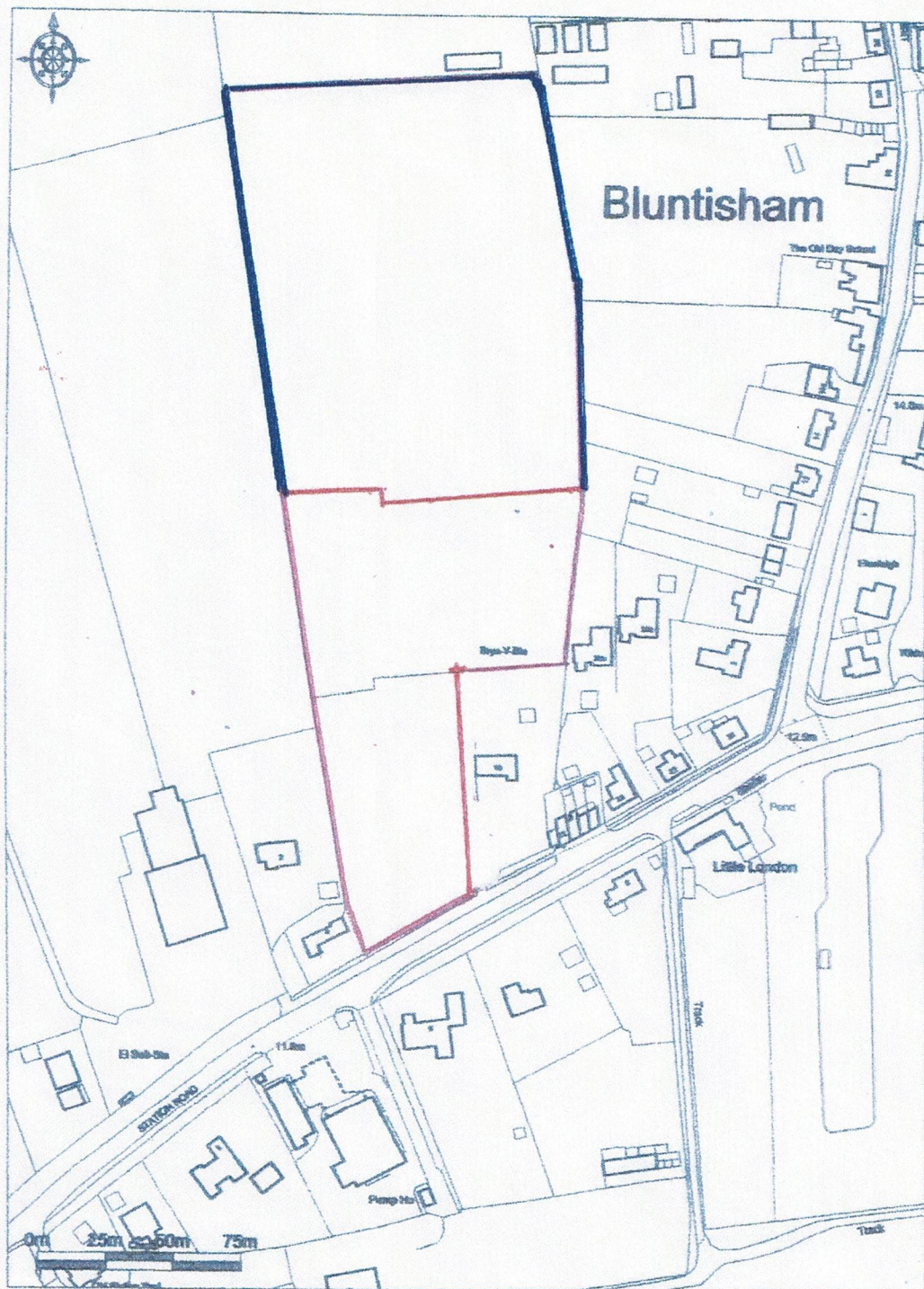
<http://docs.huntingdonshire.gov.uk/AnitePublicDocs/01450411.pdf>

The following two pages provide two marked up drawings taken from the design and access statement of the applicant appendix 2 and a copy of schedule one of the TPO L/TPO/286.

These clearly show that the proposed site is within the area of the TPO and that clearance of this land and the destruction of trees has taken place and at the instruction of the landowner and not under the instruction of any other statutory undertaker as listed in the TPO.

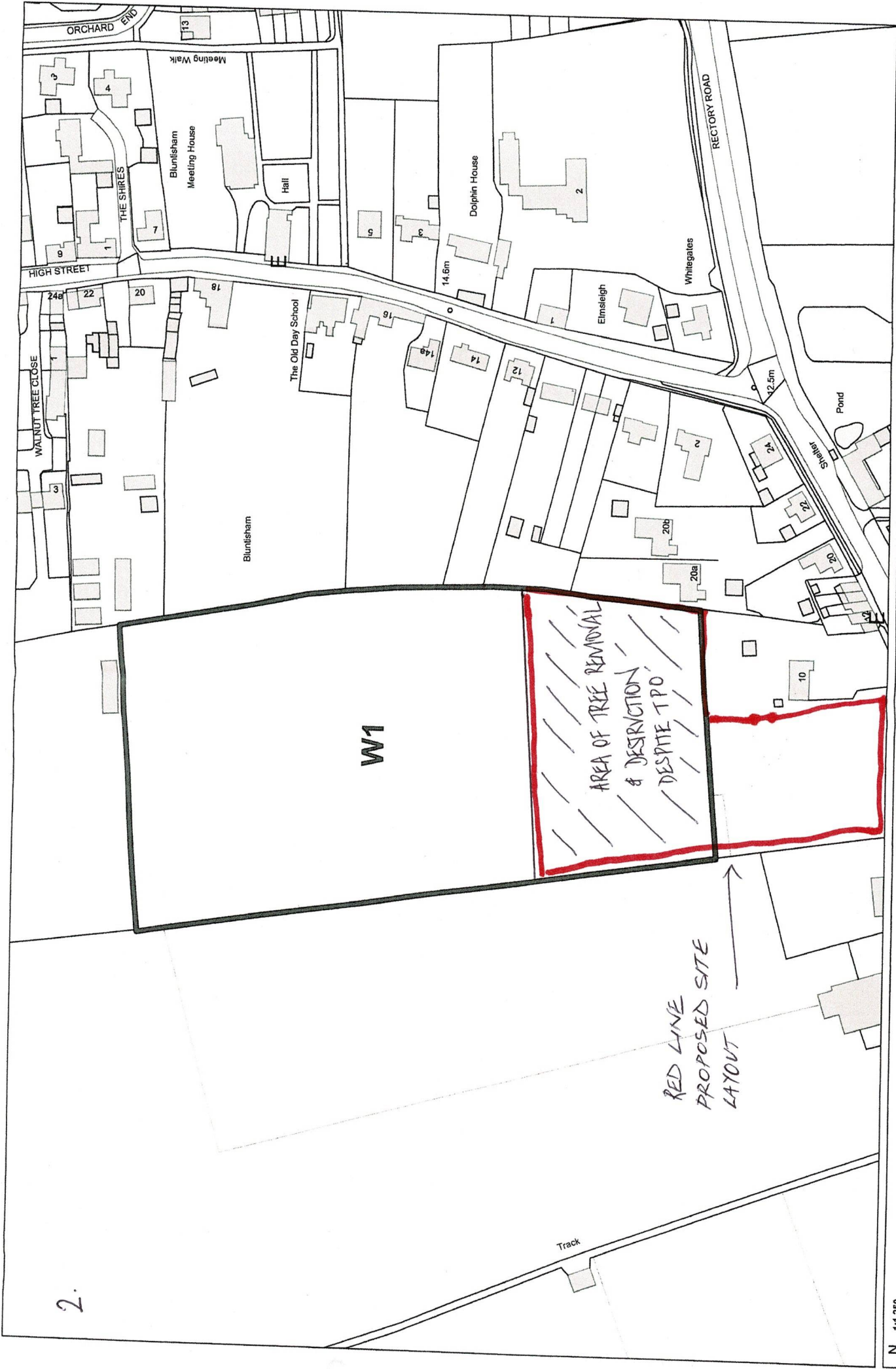
Bluntisham Parish Council state that this is yet more evidence of the applicant wilfully ignoring any conditions imposed on the land pertaining to this application and that this action along with other actions be taken in to account. Both nature conservation and previous planning decisions are material considerations.

1.



Promap
© Crown Copyright 2006. All rights reserved.
License number 10002502. Printed Scale - 1:2500

Appendix 2. Design & Access Statement



2.

W1

AREA OF TREE REMOVAL
& DESTRUCTION
DESPITE TPO

RED LINE
PROPOSED SITE
LAYOUT

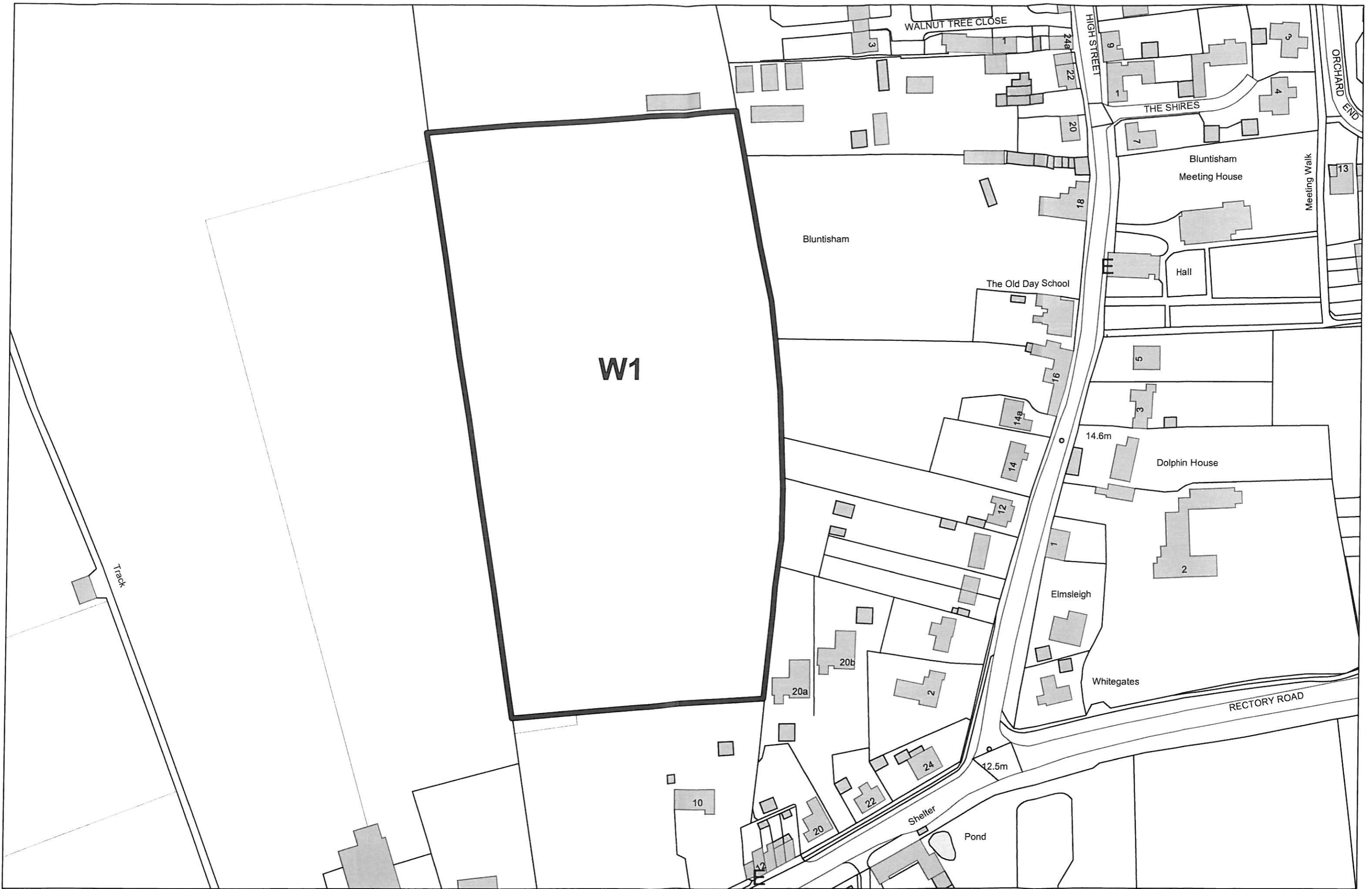
N 1:1,250

Date: 22/06/2010

Reproduced from Ordnance Survey Mapping with the permission of Her Majesty's Stationary Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. HDC LA 10002322

Tree Preservation Order LTPO/286
Land north of 10 Station Road
Bluntisham

← TPO MAP



W1

N
1:1,250
Date: 22/06/2010

Tree Preservation Order L/TPO/286
Land north of 10 Station Road
Bluntisham

Reproduced from Ordnance Survey Mapping with the permission of Her Majesty's Stationary Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. HDC LA 100022322

Huntingdonshire
DISTRICT COUNCIL
Pittfield House
St Mary's Street
Huntingdon
PE29 3TN
Planning Services

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
as amended by the
TOWN AND COUNTRY PLANNING (TREES) (AMENDMENT) (ENGLAND)
REGULATIONS 2008**

TOWN AND COUNTRY PLANNING ACT 1990

HUNTINGDONSHIRE DISTRICT COUNCIL

TREE PRESERVATION ORDER NUMBER L/TPO/286(2010)

The Huntingdonshire District Council in exercise of the powers conferred on them by Sections 198 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order

Citation

- 1 This Order may be cited as The Huntingdonshire District Council Tree Preservation Order Number L/TPO/286(2010)

Interpretation

- 2 In this Order "the Authority" means the Huntingdonshire District Council and unless the context otherwise requires any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990

Application of Section 201

- 3 The Authority hereby direct that Section 201 (provisional Tree Preservation Orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on the 2nd August 2010

Prohibited acts in relation to trees

- 4 Without prejudice to subsections (6) and (7) of Section 198 (powers to make Tree Preservation Orders) or subsection (1) of Section 200 (Tree Preservation Orders: Forestry Commissioners) and subject to article 5, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the Authority and, where such consent is given subject to conditions, in accordance with those conditions

Exemptions

- 5 (1) Nothing in article 4 shall prevent-
- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary:-
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995
 - (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
 - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
 - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
 - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995 granted on an application under Part III of the Act, or deemed to have been granted (whether for the purpose of that Part or otherwise));
 - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in

relation to the maintenance, improvement, or construction of watercourses or of drainage works and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or

- (g) without prejudice to Section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by a licence holder under paragraph 9 Schedule 4 to the Electricity Act 1989

(2) In paragraph (1), "statutory undertaker" means any of the following-

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
- the holder of a licence under Section 6 of the Electricity Act 1989,
- a gas transporter,
- the holder of a licence under Section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority, a body acting on behalf of that Authority or a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000
- a universal postal service provider in connection with the provision of a universal postal service

Applications for consent under the Order

6 Article 6 has been deleted by the 2008 Regulations

Application of provisions of the Town and Country Planning Act 1990

- 7 (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2)
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule

Directions as to replanting

- 8 (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the Authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction
- (3) A direction under paragraph (1) may include requirements as to-
- (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees

Compensation

- 9 (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of-
- (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions,
- he shall, subject to paragraphs (3) and (4), be entitled to compensation from the Authority
- (2) No claim, other than a claim made under paragraph (3), may be made under this article-
- (a) if more than 12 months have elapsed since the date of the Authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500
- (3) Where the Authority refuse consent under this Order for the felling in the course of forestry operations or any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

- (4) In any other case, no compensation shall be payable to a person-
- (a) for loss of development value or other diminution in the value of the land;
 - (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
 - (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
 - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a Felling Licence is refused under Section 10 (application for Felling Licence and decision of Commissioners thereon) of that Act as if for any reference to a Felling Licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the Authority

- (6) In this article-

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by Section 34 of the Forestry Act 1967

Application to trees to be planted pursuant to a condition

- 10 In relation to the tree[s] identified in the first column of Schedule 1 by the letter “C”, being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) Section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted]

Orders made by virtue of Section 300

- 11 Article 11 has been deleted by the 2008 Regulations

Dated this 2nd day of August 2010

The Common Seal of the)
HUNTINGDONSHIRE DISTRICT COUNCIL)
was hereunto affixed in the presence of:)



10/10

HEAD OF LAW PROPERTY AND GOVERNANCE
(Authorised by the Council to sign in that behalf)

CONFIRMATION OF ORDER

This Order was confirmed by the HUNTINGDONSHIRE DISTRICT COUNCIL without
modification on _____ day of _____

Or

This Order was confirmed by the HUNTINGDONSHIRE DISTRICT COUNCIL subject
to the modifications indicated by _____ on the _____ day of _____

HEAD OF LAW PROPERTY AND GOVERNANCE
(Authorised by the Council to sign in that behalf)

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by HUNTINGDONSHIRE DISTRICT
COUNCIL on the _____ day of _____

HEAD OF LAW PROPERTY AND GOVERNANCE
(Authorised by the Council to sign in that behalf)

VARIATION OF ORDER

This Order was varied by the HUNTINGDONSHIRE DISTRICT COUNCIL on
the day of 20 under reference number

HEAD OF LAW PROPERTY AND GOVERNANCE
(Authorised by the Council to sign in that behalf)

REVOCATION OF ORDER

The Order was revoked by HUNTINGDONSHIRE DISTRICT COUNCIL on
the day of 20 under reference number

HEAD OF LAW PROPERTY AND GOVERNANCE
(Authorised by the Council to sign in that behalf)

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
NONE		

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
NONE		

Group of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in group)	Situation
NONE		

Woodlands
(with a continuous black line on the map)

Reference on map	Description	Situation
W1	All trees of whatever species within the area indicated by a continuous black line on the plan	TL36608 74546

SCHEDULE 2

PART 1

Provisions of the Town and Country Planning Act 1990
applied with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1) :-</p> <ul style="list-style-type: none">(i) omit – “in such manner as may be prescribed by a Development Order”, “such” in the second place where it appears and “as may be so prescribed”; and(ii) substitute “matters relevant to Tree Preservation Orders made by the Authority” for “applications for planning permissions” <p>(b) In subsection (2) :-</p> <ul style="list-style-type: none">(i) after “contain” insert, “as regards each such Order”; and(ii) for paragraphs (a) and (b) substitute “(a) details of every application under the Order and of the Authority’s decision (if any) in relation to each such application; and (b) a statement as to the subject matter of every appeal under the Order and of the date and nature of the Secretary of State’s determination of it”(c) Omit subsections (3) and (4) (as required by Section 198(4))

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 70 determination of applications: general considerations)	<p>(a) In subsection (1) :-</p> <p>(i) substitute –</p> <p>“Subject to subsections (1A) and (1B) where” for “where”;</p> <p>“the Authority” for “a Local Planning Authority”;</p> <p>“Consent under a Tree Preservation Order” for “planning permission” where those words first appear; and</p> <p>“Consent under the Order” for “planning permission” in both of the other places where those words appear;</p> <p>(a) (ii) after “think fit”, insert</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”;</p> <p>and</p> <p>(iii) omit “subject to Sections 91 and 92”</p> <p>(b) After subsection (1) insert :-</p> <p>“(1A) Where an application relates to an area of woodland, the Authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area</p> <p>(1B) Where the Authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)”</p> <p>(c) Omit subsections (2) and (3)</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute :-</p> <ul style="list-style-type: none"> (i) "Any" for the words from "Without" to "any"; (ii) "consent under a Tree Preservation Order" for "planning permission to develop land"; (iii) "the consent" for "the permission"; and (iv) "the land to which the order relates" for "the land" <p>(b) Omit subsections (2) and (3)</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute –</p> <ul style="list-style-type: none"> (i) "the Authority" for "a Local Planning Authority"; (ii) "consent under a Tree Preservation Order" for "planning permission" in the first place where those words appear; (iii) "consent under such an Order" for "planning permission" in the second place where those words appear; (iv) for paragraph (c) substitute – <ul style="list-style-type: none"> "(c) give a direction under a Tree Preservation Order or refuse an application for any consent, agreement or approval of that Authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority" <p>(b) Omit subsection (2)</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a Development Order"</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 78 (right to appeal against planning decisions and failure to take such decisions) <i>continued</i></p>	<p>Substitute –</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served –</p> <p>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the Authority’s decision or direction within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the Authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant”.</p> <p>(d) For subsection (4), substitute –</p> <p>“(4) The appellant shall serve on the Authority a copy of the notice mentioned in subsection (3)”.</p> <p>(e) For subsection (5), substitute –</p> <p>“(5) For the purposes of the application of Section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the Authority decided to refuse the application in question”.</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute "the Authority" for "the Local Planning Authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute –</p> <ul style="list-style-type: none"> (i) "Section 70(1), (1A) and (1B)" for Sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5; (ii) "consent under a Tree Preservation Order" for "planning permission"; and (iii) "the Authority" for the "Local Planning Authority and a Development Order may apply, with or without modifications, to such an appeal any requirements imposed by a Development Order by virtue of Sections 65 or 71". <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after "Section 78".</p>

PART II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990.

AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents and applications for consent under this Order.

Section 69

- (1) Every Local Planning Authority shall keep a register containing information with respect to matters relevant to Tree Preservation Orders made by the Authority.
- (2) The register shall contain, as regards each such Order-
 - (a) details of every application under the Order and the Authority's decision (if any) in relation to each such application; and
 - (b) a statement to the subject matter of every appeal under the Order and of the date as to the nature of the Secretary of State's determination of it.....
- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.
.....

Section 70

- (1) Subject to subsections (1A) and (1B), where an application is made to the Authority for consent under a Tree Preservation Order-
 - (a) they may grant consent under the Order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b) they may refuse consent under the Order.
 - (1A) Where an application relates to an area of woodland, the Authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
 - (1B) Where the Authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).
-

Section 75

Any grant of consent under a Tree Preservation Order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the Order relates and of all persons for the time being interested in it.

.....

Section 78

(1) Where the Authority-

- (a) refuse an application for consent under a Tree Preservation Order or grant it subject to conditions;
- (b) refuse an application for consent, agreement or approval of that Authority required by a condition imposed on a grant of consent under such an Order or grant it subject to conditions;
- (c) give a direction under a Tree Preservation Order, or refuse an application for any consent agreement or approval of that Authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority.

The applicant may by notice appeal to the Secretary of State

.....

- (3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served-
 - (a) In respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the Authority's decision or direction or within such longer period as the Secretary of State may allow;
 - (b) In respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the Authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (4) The appellant shall serve on the Authority a copy of the notice mentioned in subsection (3).
- (5) For the purpose of the application of Section 79(1) in relation to an appeal made under subsection (1)(d) it shall be assumed that the Authority decided to refuse the application in question.

.....

Section 79

- (1) On an appeal under Section 78 the Secretary of State may
 - (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decisions of the Authority (whether the appeal relates to that part of it or not)

and may deal with the application as if it had been made to him in the first instance.

- (2) Before determining an appeal under Section 78 the Secretary of State shall, if either the appellant or the Authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

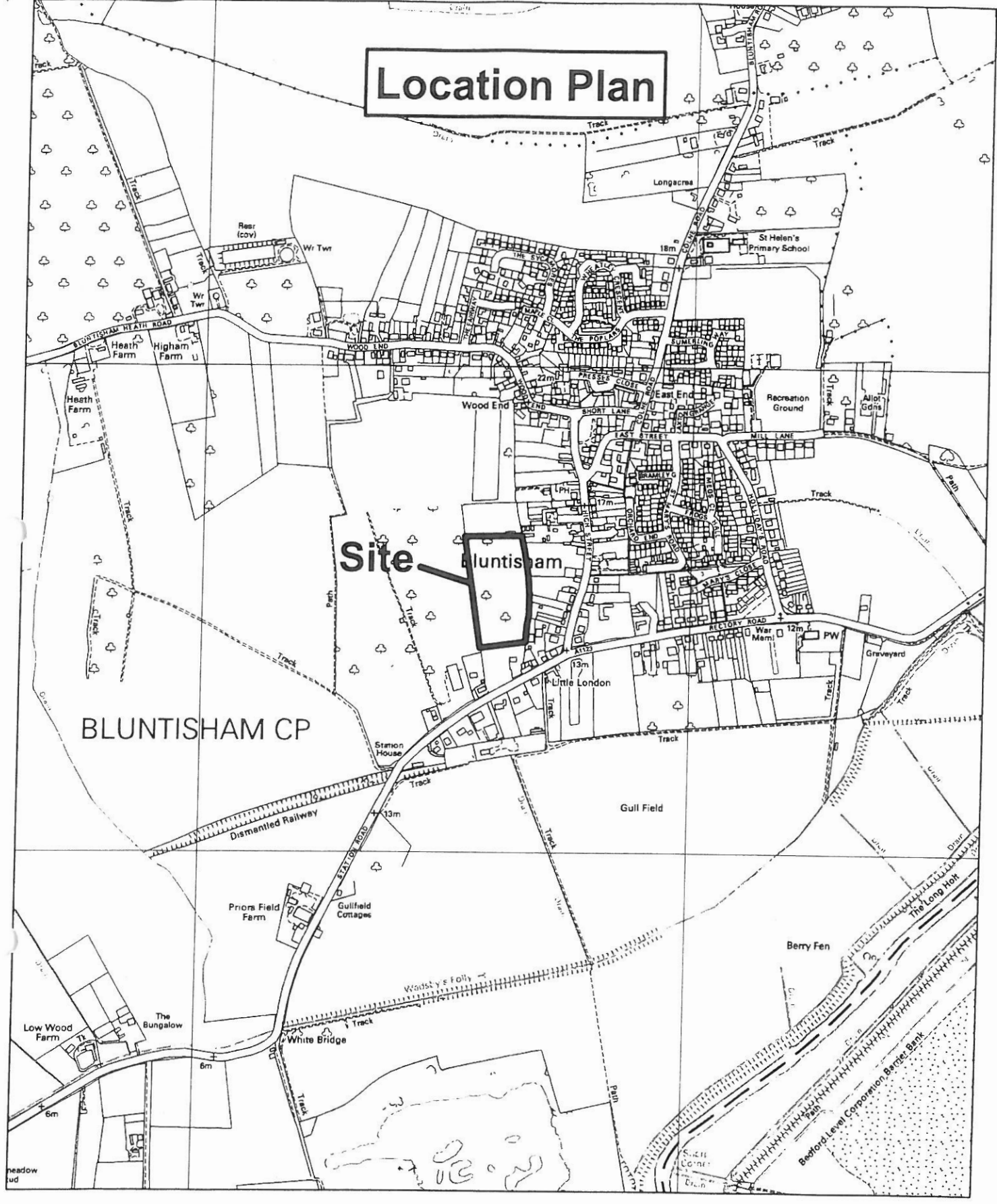
- (4) Subject to subsection (2), the provisions of Section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under Section 78 as they apply in relation to an application for consent under a Tree Preservation Order which fails to be determined by the Authority.

- (5) The decision of the Secretary of State on such an appeal shall be final.

.....

- (7) Schedule 6 applies to appeals under Section 78.

Location Plan



N
 1:10,000
 Date: 23/03/2010

**Tree Preservation Order L/TPO/286
 Land North of 10 Station Road
 Bluntisham**

Reproduced from Ordnance Survey Mapping with the permission of Her Majesty's Stationary Office © Crown Copyright
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. HDC LA 100022322

Huntingdonshire
 DISTRICT COUNCIL
 Pathfinder House
 St Mary's Street
 Huntingdon
 PE29 3TN
Planning Services