

PLANNING COMMITTEE

11 JANUARY 2012 - 2.30PM



PRESENT: Councillor P Hatton, Chairman; Councillors M G Bucknor, D W Connor, M J Curtis, Mrs J French, B M Keane, P Murphy, Mrs F S Newell, D C Oliver (substitute for Councillor H B Wegg), D R Patrick, K G Peachey, T E W Quince, R E Scrimshaw and D Stebbing.

APOLOGIES: Councillors M I Archer, D R Patrick and H B Wegg.

Officers in attendance: G Nourse (Chief Planning Officer (Delivery)), Ms A Callaby (Chief Planning Officer (Performance)), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

Councillor Melton attended the meeting in relation to minute P103/11.

Councillors Owen and Sutton attended the meeting as observers.

102/11 MINUTES OF 14 DECEMBER 2011

The minutes of the meeting of 14 December 2011 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

103/11 F/YR11/0661/F (19.8.2011) CHATTERIS - LAND NORTH OF HONEYSOME INDUSTRIAL ESTATE FRONTING FENLAND WAY, ERECTION OF FOODSTORE (A1) AND PETROL FILLING STATION, BUILDERS MERCHANTS (B8) WITH EXTERNAL STORAGE AREA, ASSOCIATED CAR PARKING AND HIGHWAY WORKS AND RE-ALIGNMENT OF PART OF FENTON LODE TWENTY FOOT DRAIN AND ASSOCIATED ENGINEERING WORKS (HARRIER DEVELOPMENTS LTD)

Members considered letters of objection and one of support.

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 Section 106 Agreement, which has the agreement of the applicant, is required for this application:
 - prior to the commencement of trading from the foodstore or the petrol filling station the owner shall carry out the following works:
 - highway improvements to the A141 Fenland Way/A142 Isle of Ely Way/Doddington Road/Bridge Street roundabout junction
 - construction and provision of a four leg roundabout junction at Fenland Way and access road into the development up to five metres past the islands
 - construction and provision of shared use pedestrian/cycle underpass beneath the A141 Fenland Way and shared use footpath/cycleway three metres wide from the underpass and across the play area to Larham Way and also a

shared use footpath/cycleway not less than 2.4 metres wide with a margin of 0.5 metres wide along the A141 road from Honeysome Road northwards to a point 5 metres past the pedestrian islands on each arm of the new roundabout and linking the highway boundary line of the A141 on the north arm of the roundabout

- the upgrading of the street lighting to Fenland Way in accordance with a scheme previously submitted to and approved by the County Council
 - not to commence trading from the foodstore or the petrol filling station until the owner has:
 - appointed a travel plan co-ordinator to draft and implement a travel plan
 - submitted a travel plan to the District and County Council and obtained approval thereof
 - prior to the commencement of trading from the foodstore or petrol filling station the owner shall pay:
 - £75,000 to the District Council, being a contribution for Public Open Space to counteract the loss of open space that will form part of the underpass. The Public Open Space contribution shall be used for the benefit of Chatteris Town only and shall be available to enable the Council to make improvements/enhancements for play equipment/replacement fencing/general landscaping/lighting and security features and other enhancements as the Council may see fit provided that such enhancements are exclusive to open space within Chatteris
 - £50,000 to the County Council, being a contribution for community transport
 - £50,000 to the County Council, being a contribution towards the cost of the provision of improving pedestrian and cycle facilities within the development's catchment area to improve the means of access to the development
 - £41,500 to the District Council, being a contribution towards the cost of the provision and future maintenance of CCTV cameras to monitor the pedestrian underpass, which shall be connected to the District Council's CCTV monitoring system
 - prior to the commencement of trading from the foodstore or petrol filling station the owner shall:
 - submit to the District Council proposals and a scheme for the provision of equipment and facilities for the display of local information directed for the promotion of Chatteris Town Centre and its business services and facilities
 - implement the said scheme as approved by the District Council
 - be responsible for the maintenance in perpetuity
- a further letter of objection has been received from the GR Planning Consultancy on behalf of the Musgrave Retail Partners who own the existing Budgen store within Chatteris. They raise the following additional points:
 - they are critical that an up-to-date health check of the Town Centre has not been undertaken
 - suggest that submitted retail assessment does not meet PPS4 requirement and increase in turnover for larger store has not been addressed
 - suggest that the larger Tesco store will harm the vitality and viability of Town Centre
 - the Council's retail consultant, Roger Tym, has considered the matters raised and although suggesting that the applicant's retail assessment may have underestimated the proposed turnover and trade impact of the new store, Roger Tym remain of the view that there is unlikely to be a sufficient basis to resist the application on those grounds when considered against PPS4. This conclusion takes into account the 'fall-back' position of the extant permission at the same site as well as clear need for a significant enhancement of the convenience retail offer in Chatteris, which would reduce the need for local residents to travel relatively long distances for their bulk food shopping

- to date Middle Level Commissioners has not withdrawn its objection to the scheme, but it should be noted it has approved the re-alignment route of the Twenty Foot Drain. Its outstanding objections include introduction of the public and users to a potentially dangerous environment, increased risk of pollution, concerns regarding encroachment to the Board's maintenance strip, concern regarding flood risk. Having considered the Middle Level objection, officers' are of the opinion that there is no justification to refuse the application on the grounds raised. The proposed car park area for instance is some distance from the Drain and it is difficult to foresee how the proposed layout would create dangers to the public. In terms of pollution, all surface water discharge would be properly controlled and again it is not clear how or why pollution would be caused. In terms of flood risk, the scheme has received approval from the Environment Agency and again it would be difficult to resist the application on those grounds. It should be noted that suggested Condition 5 will require all surface water drainage details to be submitted and approved prior to commencement of works. In summary, although noting the comments of Middle Level, the objections raised are not considered sufficient to consider refusal of the application.

Members received presentations, in accordance with the public participation procedure, from Mr Prichard, on behalf of the applicant, and Ms Gosling, on behalf of Tesco Stores. Mr Prichard informed members that he is the planning consultant for the applicant and feels that the officers' report accurately summarises the principal issues arising from this proposal.

Mr Prichard expressed the view that the principle for this development was established by approval of the planning permission in 2010, with this current application building upon this permission and being tailored to meet the requirements of Tesco as the proposed foodstore provider making it now a bespoke and not a generic scheme. He stated the re-alignment of the Fenton Lode Twenty Foot Drain has already been agreed with Middle Level Commissioners.

Mr Prichard stated that this larger proposal is acceptable to the Council's retail consultant and would, in his view, claw back spending that is currently leaking from the town benefiting the town and wider community. He expressed the view that the development would create a significant number of jobs and investment into the area and complies with PPS4. He believes the relocation of Travis Perkins would remove the traffic congestion that currently exists within the town in this area.

Councillor Mrs French asked Mr Prichard when, if this application is approved, will building work commence on the site? Mr Prichard advised that he is representing the applicant and is unable to speak for Tesco.

Councillor Curtis referred to the plans, which show a roundabout to the north-east of the car park with four arms and asked what is the purpose of one of the arms as it appears to go nowhere? Mr Prichard advised that there remains in the vicinity of this proposal vacant land that would be undeveloped, it is allocated for employment and it seems sensible to put in the services now to enable it to come forward for development in the future.

Ms Gosling expressed the view that a significant number of people leave Chatteris to undertake their food shopping and by building a larger store it would encourage people to remain in Chatteris, stating that this proposal would be the same size as Morrisons in Peterborough or Sainsburys in Ely. She expressed the opinion that the proposal would create 200 jobs for local people and Tesco would ensure that these jobs go to local people through the use of Job Centre Plus.

Ms Gosling made the point that an underpass would be built linking the store to the town, which would be covered by CCTV. She stated that Tesco is fully committed to this project and proud of its long standing relationship in Fenland to bring forward other projects in the area, such as March and Wisbech, with this proposal bringing positive investment to Chatteris if approved.

Councillor Mrs French asked if the store, if approved, is going to be built in the near future, using the lack of progress on the Wisbech Store as an example? Ms Gosling advised that Tesco is fully committed to Wisbech, which would be developed later this year, and it would wish to build the store in Chatteris as soon as it can if permission is granted.

Councillor Melton spoke, with the permission of the Chairman, in support of the proposal. Councillor Melton stated that he was representing the local community as a local ward member and County Councillor for Chatteris. He congratulated officers for an excellent report, which he feels covers most of the issues that were of concern previously.

Councillor Melton referred to the comments of the Local Highway Authority and asked that the committee is consistent and does not include the provision of a footpath. He welcomes the jobs and relocation of the builders' merchants that is proposed by this development, with the relocation of the builders' merchants having significant planning gain benefits in removing the heavy traffic from London Road, and stated that he has no problems with competition issues.

Councillor Melton referred to the possibility of opening up the remaining land to development, which he would welcome in the future and he feels that Middle Level are objecting, but are happy to negotiate a sum of money on the other hand, which he feels does not send out the correct message. He referred to archaeology, stating that he understands the condition but suspects that this land was previously under water, he would be pleased to see the report if anything is found on the site, but questioned how much this investigation would cost.

Councillor Melton reiterated that he welcomes the development and urged members to approve the proposal.

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

- Councillor Curtis stated that he is happy with the four exits on the roundabout on the site if it is set aside for future development, but feels that this should be developed how Fenland District Council and Chatteris wants it. He has sympathy with issues around archaeology but he understands that there is a roddon running through this site and there may be important archaeology and the opportunity should exist to discover it. He expressed the view that there is nothing within the report to suggest that the extension and increased floorspace should not be approved;
- Councillor Mrs French expressed concern regarding the CCTV contribution, asking what happens once the contribution is spent does its maintenance fall to this Council feeling that Tesco should make an annual contribution as Fenland District Council Taxpayers should not have to contribute to this CCTV? Officers advised that the CCTV would eventually fall into the Council's maintenance schedule, but the contribution amount would last for 10 years;
- Councillor Mrs Newell stated that she is supportive of the application, but is concerned about the land being on the bed of the old river and the highways proposal for a pathway, making the point that the idea of the underpass was to accommodate pedestrian access to the town and a pathway is not required on this busy road. Officers clarified that the Local Highway Authority has asked for a footpath to be provided, but it is not included within the scheme, and surface water drainage is controlled by Condition 5;
- Councillor Murphy asked why wood cladding is being proposed on this building, he feels that it is not a good material to use on a brand new building as after a short period of time it looks old and worn.

Proposed by Councillor Mrs French, seconded by Councillor Murphy and decided to:

Grant, subject to:

1. **prior completion of a Section 106 Agreement**
2. **the conditions reported.**

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

(Councillors Murphy and Mrs Newell registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were at the meeting of Chatteris Town Council at which this application had been discussed but had taken no part)

104/11 **F/YR11/0820/F (19.10.2011)**
DODDINGTON - LAND WEST OF 60B BENWICK ROAD, ERECTION OF A TWO-STOREY 2-BED DWELLING
(MR M PACEY)

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

Officers advised members that Condition 8 of the officers' recommendation has been amended to read:

Prior to commencement of use hereby approved the permanent parking spaces shown on drawing no.H2014/101C for the dwelling hereby approved and the existing dwelling known as 60B Benwick Road, Doddington, are to be provided to enable vehicles to:

- a) enter, turn and leave the site in forward gear
- b) park clear of the public highway;

and shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

Reason - in the interests of satisfactory development and highway safety.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Hufton of Doddington Parish Council. Councillor Hufton informed members that the Parish Council recommend that permission be refused on a number of grounds, including that the site is outside the Development Area Boundary and it is an extremely small plot.

Councillor Hufton expressed the view that the proposal would impede access to the rear of the current dwelling at 60B and this new dwelling, and asked where the large number of vehicles would park that currently use the dwelling at 60B. She feels that Doddington has already had significant growth and that allowing additional backland development, outside the Development Area Boundary and that is, in her view, inappropriate infill, would be altering the ambience of the village and drive away the people the village wants to attract. She stated that the Parish Council is not against development, but is of the opinion that the hotchpotch and sprawl of this proposal is altering the village to its detriment and the villages of Doddington and Wimblington could be merged if the precedent of this proposal is allowed to be set.

Councillor Scrimshaw asked if the decision of the Parish Council was unanimous? Councillor Hufton advised that there was one abstention. Councillor Scrimshaw asked how far this development would be from the village primary school? Councillor Hufton advised that she could not answer this question.

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

- Councillor Peachey asked if this would be linear development? Officers demonstrated on the plan how the proposal sits on the site confirming that it would be linear development;
- Councillor Mrs French stated that she feels this proposal is acceptable. If the Infill Policy, H15, was still in place this proposal would have complied with this policy and it is linear and not backland development;
- Councillor Mrs Newell agreed with Councillor Mrs French;
- Councillor Scrimshaw expressed the view that the site is in a rural area 400 metres outside the Development Area Boundary, the development is shoehorned in and would take up most of the site, with inadequate access to the rear and he does not feel that it sits well in the surrounding area;
- Councillor Quince stated that he has no objection to the proposal, it is infill development and he supports the officers' recommendation.

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

Granted, subject to the conditions reported.

**105/11 F/YR11/0867/F (4.11.2011)
WISBECH - 21A HIGH STREET, CONVERSION OF FIRST FLOOR AND SECOND
FLOOR INTO 5 X 1-BED FLATS
(MRS L CARRICK)**

The committee had regard for its inspection of the site (as agreed at its last meeting) during its deliberations.

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

- Councillor Mrs French asked for clarification of where the access to the proposal is going to be as members were shown the access to be down a passageway to the rear? Councillor Stebbing expressed his concern that the rear access was alluded to be the main entrance to the building as he feels that this passageway could pose a fear of crime. Councillor Connor asked why the front cannot be used as an entrance. Councillor Hatton stated that he understood from the Site Inspection that the front entrance was to be used. Officers advised that four of the proposed flats would use the front entrance and one proposed flat would use the entrance at the rear;
- Councillor Curtis referred to the objections from the Town Council, expressing the view that refuse issues can be addressed but he does have sympathy with the view that too many units are proposed, however, having viewed the site he feels that five units are acceptable and he will support the proposal. However, he expressed concern over the buildings structural stability. Officers advised that this issue is under the remit of Building Regulations. Councillor Mrs French stated that she has instructed Building Control to visit the building and see if it is safe;
- Councillor Peachey made the point that the building was previously a 4-bed unit and under this proposal it would become 5 units and he expressed concern that in the case of an emergency how are occupants going to vacate the building? Officers advised that this issue

again comes under the remit of Building Regulations and there are set regulations regarding safe access from buildings;

- Councillor Mrs French stated that she will support officers' recommendation as it will bring a building back into use rather than leave it to deteriorate further.

Proposed by Councillor Mrs French, seconded by Councillor Curtis and decided that the application be:

Granted, subject to suitable conditions.

**106/11 F/YR11/0877/O (7.11.2011)
WIMBLINGTON - LAND WEST OF 36A DODDINGTON ROAD, ERECTION OF
TWO SINGLE-STOREY DWELLINGS WITH GARAGES INVOLVING DEMOLITION
OF EXISTING BUILDINGS
(MRS M RUSSELL)**

Members considered one representation.

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

Officers informed members that:

- Wimblington Parish Council have reservations on the available space and access to two bungalows
- a letter has been received from the Agent in respect of the possibility that bats may be present on the site, confirming that the applicant completed the Biodiversity Checklist which advised that the site had been surveyed for bats. However, it is clear from the letter that the site has not been surveyed by a suitably qualified and experienced person. There are existing buildings on site that could have the potential for roosting and it is the Council's duty to meet its legal requirements to have regard to Protected Species and in the absence of any survey work it is considered that refusal reason No.3 of the officers' report should remain.

Members received a presentation, in accordance with the public participation procedure, from Mr Feary, the applicant's agent. Mr Feary made the point that a difference of opinion exists between him and Council officers and he strongly feels that in-depth backland development exists in the area as can be witnessed in close proximity to the site and he submitted this application in accordance with this existing backland development.

Mr Feary expressed the view that the Parish Council have previously supported applications on this site and he referred to an appeal decision allowing a property in the garden of 56 Doddington Road as it would be compatible with its surroundings, asking how this is different to this proposal? He feels that vehicle trip rates would be one vehicle per hour and asked how this could be detrimental, making the point that the applicant is proposing to erect acoustic fencing, which reduces noise to properties next to railways, so should be more than acceptable here.

Mr Feary referred to refusal reason 3 and expressed the view that the existing building on site is not suitable for bats and, in his opinion, there are no bats on the site, being disappointed that officers are placing emphasis on a letter that they have received.

Councillor Mrs French asked Mr Feary when 56 Doddington Road won its appeal? Mr Feary stated in 2010. Councillor Mrs French asked if this was prior to PPS3 being amended. Mr Feary

responded in the affirmative.

Councillor Murphy asked for clarification on the Parish Council views, making the point that Mr Feary stated that the Parish Council overwhelmingly approved the proposal but the updates states it has concerns? Mr Feary advised that the Parish Council have changed its views from what they stated on previous applications for the site.

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

- Councillor Curtis expressed the view that this is a development that in the past members would have expressed concern about due to garden grabbing and the changes to PPS3 should be taken into account. He feels that the developments to the south are before the changes to PPS3 and make a difference to the acceptability of this development. He feels officers have got the recommendation right on this proposal;
- Councillor Mrs French stated that she agrees with the comments of Councillor Curtis.

Proposed by Councillor Curtis, seconded by Councillor Mrs French and decided that the application be:

Refused for the following reasons -

1. **the proposal development by virtue of its location would appear incongruous, cramped and would relate poorly to the predominate linear development along the road frontage of Doddington Road. Accordingly the proposed development would unacceptably harm the character and appearance of the area contrary to Policies H3 and E8 of the Fenland District-wide Local Plan 1993 and to Planning Policy Statement 3: Housing, which seek to secure development which respects and is sympathetic to the character of the area**
2. **the proposed development would give rise to unacceptable noise and disturbance to the occupiers of 36 and 36A Doddington Road due to the proximity of the proposed access, parking and turning arrangements, as such the proposal is contrary to Policies H3 and E8 of the Fenland District-wide Local Plan 1993**
3. **the application fails to demonstrate that a full ecological impact assessment has been undertaken in accordance with Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, and to the advice in PPS9: Biodiversity and Geological Conservation.**

**107/11 F/YR11/0891/F (15.11.2011)
MURROW - LAND NORTH-EAST OF 2 GORE VILLAS, MILL ROAD, SITING OF A
MOBILE HOME AND STORAGE CONTAINER (RETROSPECTIVE)
(MR B BOSTON)**

The committee had regard for 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 Parish Council recommend refusal as the buildings have been sited over the drain.

Members received presentations, in accordance with the public participation procedure, from Mr Beel and Mr Barker, the applicant's agents. Mr Beel advised members that he is an independent water and environmental consultant and stated that a mobile park home used for residential purposes all year round would be classed as highly vulnerable by the Environment Agency, however, if the dwelling was a bungalow it would not be highly vulnerable, so a differentiation exists between types of dwelling.

Mr Beel expressed the opinion that the Environment Agency flood zone maps do not take into account existing defences and, in his view, the site specific Flood Risk Assessment demonstrate that the site is safe from present day and future flooding. He feels that this type of development has been permitted in other areas against the advice of the Environment Agency.

Mr Beel expressed the view that the 900mm culvert is the legal responsibility of the applicant and the proposal does not prevent maintenance of this culvert as in the situation of a blockage or collapse of the culvert, the land drainage authority have powers to serve notice to resolve any problems at the applicant's expense or by charging the applicant. In his view, there is no risk of flooding or any drainage issues.

Mr Barker demonstrated on a plan that housing has been approved opposite the site and this proposal does not, in his view, extend the village anywhere, it is not in the open countryside and the existing built form of the village surrounds the site. He is of the opinion that this proposal is exactly the type of site referred to in IPPLS and the emerging Core Strategy and, in his view, would not harm the area or its appearance, with the mobile home being easily modified to change its appearance if necessary.

Mr Barker stated that drainage concerns are understandable, but, in his opinion, there is no danger of flooding or blockage of the drain. He expressed the view that the access to the site has been used for decades and there are no objections from the Local Highway Authority.

Mr Barker stated that the applicant is a Murrow person, he suffers from ill health and is unable to look after himself in his current home, and this proposal is adequate for his needs, which he requires for when he loses his current job and the home that goes with it. He made the point that the application can be conditioned so that it is for the use of the applicant only.

Councillor Mrs French asked if a Flood Risk Assessment has been submitted with the application? Mr Beel responded in the affirmative.

Councillor Mrs French asked what the storage container is used for? Mr Beel stated domestic storage.

Councillor Mrs French asked what the special circumstances of the applicant are? Mr Barker advised that the applicant is a diabetic and as a consequence he is losing his eyesight, which is a progressive condition, and he also has Parkinson's Disease. His current accommodation is too small and cramped and the applicant needs better accommodation where his wife can help him to wash and dress himself.

Councillor Peachey asked how long has the mobile home has been on the site? Mr Barker advised nearly two years. Councillor Peachey asked why there has been a delay in submitting an application as the proposal is retrospective? Mr Barker advised that when the mobile home was initially put on the site it was not the applicant's intention to live on site, but his medical condition has deteriorated. The intention was initially for a day room/summer house and the applicant understood that to put a caravan on your own garden as a summer house you did not need planning permission, but he did not realise that it had to be the garden of your house and not garden land he had purchased. Due to the change in the applicant's medical requirements, he needs to find somewhere more suitable to live and, therefore, this application has been submitted.

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

- Councillor Curtis asked officers to confirm that they have asked for the special circumstances connected to this application to be submitted but they have not been forthcoming and officers have not had a chance to evaluate them? Officers confirmed that

this was the case, however, there is a confidential letter on file relating to the applicant's illness;

- Councillor Mrs French stated that she wanted to know what the special circumstances were as they could possibly be used as a material consideration and she would prefer the application to be deferred so that members do not make a decision that is incorrect;
- Councillor Peachey questioned whether health is a material planning consideration? Councillor Curtis made the point that health issues are rarely a factor according to legislation. Officers advised that members need to ask if there is a specific reason why the applicant needs to be on this specific site?;
- Councillor Murphy expressed the view that members are losing sight of the fact that this proposal is retrospective and the mobile home was put on the site two years ago, and now ill health issues are being cited. He asked why someone should be allowed to get away with a retrospective proposal for two years? Councillor Curtis made the point the fact that the proposal is retrospective is not a material planning issue;
- Councillor Mrs French expressed the opinion that if this applicant had submitted an application two years ago there could have been a possibility that the proposal would have been approved. She asked that if members do not feel it appropriate to defer the application she would suggest a temporary permission for three years. Officers advised that they would be concerned about setting a precedent in this regard;
- Councillor Curtis expressed the view that in similar circumstances elsewhere if an application had been received for a house a condition would have been put on the proposal preventing the ground floor from being used for sleeping accommodation and he feels that this is a significant consideration for this site. Officers advised that according to the Environment Agency comments the nature of a mobile home is classed as highly vulnerable, however, they acknowledged that the Environment Agency would not have the same concern with a bungalow;
- Councillor Mrs French requested that if the application is refused the applicant is given time to move as he has ill health and that enforcement action is not taken immediately. Officers advised that the proposal would be subject to enforcement action for siting of a mobile home if it is refused and asked what members considered a reasonable time limit to take action? Councillor Mrs French suggested 9-12 months as being reasonable. The Principal Solicitor advised that he believes this time period to be reasonable.

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

Refused for the following reasons -

1. **by virtue of the proposal being a mobile home, it would result in a highly vulnerable development which is inappropriate to the flood zone on which it is sited. The application is, therefore, contrary to PU1 of the Fenland District-wide Local Plan, WAT4 of the East of England Plan and Planning Policy Statement 25**
2. **the scheme appears as an incongruous feature which is detrimental to the character of the area by virtue of its temporary appearance. The application is, therefore, contrary to Policy E8 of the Fenland District-wide Local Plan and Planning Policy Statement 1**
3. **the proposal would result in an unjustified development beyond any settlement area boundary, contrary to Policy H3 of the Fenland District-wide Local Plan, SS1 of the East of England Plan and Planning Policy Statement 7.**

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Members requested that enforcement action be delayed for a 12 month period due to the circumstances of the applicant.

(Councillor Hatton declared his personal and prejudicial interest in this application, by virtue of knowing the applicant personally, and retired from the meeting for the duration of the discussion and voting thereon. Councillor Curtis took the Chair for this application)

(Councillor Scrimshaw registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Wisbech St Mary Parish Council at which this application had been discussed but had taken no part. Councillor Scrimshaw also advised that he was approached by the applicant to call-in the application to committee, which he declined)

108/11 **F/YR11/0900/F (16.11.2011)**
MARCH - LAND NORTH OF 178 ELM ROAD, ERECTION OF 3 X TWO-STOREY 4-BED DWELLINGS WITH DETACHED SINGLE GARAGES
(MR AND MRS D AND J COE)

Members considered one objection.

The committee had regard for 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 agent has queried the requirements of Condition 5 (contamination land) as recommended in the report. The Council's Scientific Officer has reviewed the application file and advised that whilst the Agent has provided a lot of useful information about the site it would not be sufficient to fulfil the condition. Given the previous use of the site (according to Government Guidance) and the proximity of a former pond an element of site investigation is required to establish the suitability of the soil quality. A small investigation should be carried out by a qualified person to address this query, therefore, on this basis the condition remains
- a letter has been received from the occupier of a property in close proximity to the site expressing concerns that the applicant's site is in the green belt, querying how planning permission was obtained for the MOT building, raising concerns with the noise and flood lights from Network Rail to the back of the occupiers property and the existing sewer smell problem in the area. As this relates to the existing situation in the locality it is not material to the consideration of the application.

Members received a presentation, in accordance with the public participation procedure, from Mrs Holland, the applicants' agent. Mrs Holland thanked the Case Officer for a comprehensive report and for working with her on this proposal since pre-application stage.

Mrs Holland expressed the view that this proposal fulfils all the criteria of the interim planning policy leadership statements and would provide good quality housing immediately adjacent the Development Area Boundary in a sustainable location. She asked that the officers' recommendation is supported, but questioned the request from the County Council for an archaeology condition.

Mrs Holland expressed the opinion that the archaeology condition request is based on the fact that archaeological evidence in the form of crop markings is known around the prison to the north-west of the site and Flaggrass Hill to the east and also the fact that the line of the Roman Fen Causeway lies to the south, however, she feels that all these areas are some distance away from the site of this proposal. She stated that she contacted the County Archaeologists at pre-application stage, referring to its comments quoting that it stated "there is nothing known that would act as a show

stopper and we would have no objection to development here, no designated sites are present apart from a listed water tower in the old railway sidings".

Mrs Holland expressed the opinion that based on these comments the likelihood of anything being found on the application site is minimal and she asked, if members support officers' recommendation to grant permission, to consider whether this condition is necessary for such a small application site?

Councillor Mrs French asked if a bed and breakfast business is still running at the premises? Mrs Holland advised not and that a business, Anglia Communities, is based on the site. Councillor Mrs French expressed concern about intensification of a commercial business having an effect on these dwellings. Mrs Holland explained where this business is on site and it is just office accommodation.

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

- Councillor Mrs French stated that she feels that this is a well thought out scheme and fits in well with the area;
- Councillor Peachey referred to the site having a history of refusals and asked what is different about this application? Officers advised that the current status of the Local Plan, the move to the Core Strategy and other material considerations, such as the need to look at growth, characteristics of the development, have contributed to formulating the recommendation for approval. It was also acknowledged that whilst the IPPLS was not adopted planning policy it did seek to illustrate where development may be found appropriate from a growth perspective.

Proposed by Councillor Mrs French, seconded by Councillor Connor and decided that the application be:

Granted, subject to the conditions reported.

(Councillors Mrs French, Keane and Quince registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of March Town Council at which this application had been discussed but had taken no part)

109/11 F/YR11/0907/EXTIME (24.11.2011)
MARCH - LAND SOUTH OF 7-13 BADGENEY ROAD, ERECTION OF TWO
CHALET BUNGALOWS (RENEWAL OF PLANNING PERMISSION F/YR08/0109/O
AND RELATED APPEAL D0515/A/08/2072834)
(C HUDSON, K FLETCHER AND MR AND MRS B GARNER)

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

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

- Councillor Mrs French expressed her disappointment that when members visited the site they were unable to access it. She stated that she has concerns regarding this development as she feels that it is a dangerous precedent opening up backland development and accessing onto a very busy road, and whilst she is not happy with the proposal she does acknowledge that the proposal was won on appeal and that the changes to PPS3 do not make a material change to the proposal;

- Councillor Curtis stated that he has difficulty with the original decision on the site and asked if the appeal for three dwellings, which was dismissed, prevent further backland development in this area? Officers advised that they feel that the appeal does 'close the door' in relation to other schemes, with the Inspector on the appeal for this proposal stating that the impact of this development on the character of the area is not sufficient to withhold consent.

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

Granted, subject to the conditions reported.

(Councillors Mrs French, Keane and Quince registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of March Town Council at which this application had been discussed but had taken no part)

110/11 **F/YR11/0913/F (24.11.2011)**
WISBECH - LAND SOUTH-WEST OF 120 NORTH BRINK, ERECTION OF 2 X 4-BED THREE-STOREY DWELLINGS AND 1 X 5-BED THREE-STOREY DWELLING WITH ATTACHED DOUBLE GARAGE
(MR N TYSTERMAN)

Officers informed members that:

- the Council's Section 106 Officer comments following consultation with the County Council that as the site area is over 0.4ha (in line with the Supplementary Planning Guidance) the County Council require the following Education contributions to be made:
 - Pre-School Education Contribution - according to County Council guidance the development is expected to generate a net increase of 0.5 pre-school places. In terms of pre-school education, there is insufficient spare capacity to accommodate the places generated by the development (2011/12 - there is a severe shortage of 9 spaces, 2012/13 - there is a severe shortage of 8 spaces, 2013/14 - there is a severe shortage of 11 spaces), therefore, a contribution for pre-school education is sought at £8,400 x 0.5 = £4,200
 - Primary School Education Contribution - according to County Council guidance the development is expected to generate a net increase of 1.5 primary school places. The catchment primary school is Peckover, which does not have sufficient capacity in the next five years to accommodate the places being generated by the development, therefore, a contribution for primary school education is sought. The primary contribution is calculated as follows:
 - 2 x 4-bed @ £2,000 = £4,000
 - 1 x 5-bed @ £2,000 = £2,000
 - Total = £6,000
 - Secondary School Education Contribution - the development is expected to generate a net increase of 1.1 secondary school places. The catchment school is Thomas Clarkson Community College, which has sufficient space over the next five years to accommodate the places generated by the development, therefore, no contribution for secondary education is sought.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey thanked officers for the pre-application discussions following refusal of the previous scheme, with the proposal attempting to provide quality executive dwellings to the fringes of Wisbech.

Mr Humphrey made the point that the Town Council recommend approval and there have been no representations from local residents. He referred to the previously refused application for five dwellings, which members refused as there is no other backland development in the area only frontage, and stated that this proposal takes those comments on board proposing three frontage quality dwellings on better sized plots.

Mr Humphrey expressed the view that the existing residential nursing home driveway is the stop line to any further development. He referred to the comments of officers within the report, who state that "the proposed designs are considered of high quality and would enhance the character of this prominent site on the edge of Wisbech" and "this site provides an opportunity to effectively round off the existing built up frontage of the settlement in a manner which will provide a high quality of development".

Mr Humphrey asked for consistency and that the proposal be approved as it is now only frontage development as members requested.

Councillor Curtis stated that he feels that this proposal is now acceptable.

Proposed by Councillor Curtis, seconded by Councillor Murphy and decided to:

Grant, subject to

1. **prior completion of a Section 106 Agreement relating to contributions for pre-school and primary education**
2. **the conditions reported.**

(Councillor Mrs French declared her personal and prejudicial interest in this application, by virtue of using the agent for the application herself, and retired from the meeting for the duration of the discussion and voting thereon)

112/11 FYR11/0917/FDC (25.11.2011)
WISBECH - PUBLIC CONVENIENCES, CHURCH TERRACE, REFURBISHMENT OF PUBLIC CONVENIENCES TO FORM FIVE SELF-CONTAINED CUBICLES (2 MALE, 2 FEMALE AND 1 UNISEX DISABLED CUBICLE) INCLUDING RE-ROOFING AND ELEVATIONAL ALTERATIONS
(MR T WATSON, FENLAND DISTRICT COUNCIL)

Further to minute P99/11, members considered this application further following the objection received from Wisbech Town Council.

Councillor Hatton stated that he disagrees with the Town Council comments regarding crime, he feels that individual outward facing cubicles are safer than the current situation as CCTV is able to cover what is happening with these cubicles.

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

Granted, subject to the conditions reported.

(Councillor Murphy declared his personal and prejudicial interest in this application, by virtue of being Portfolio Holder for the Environment, and retired from the meeting for the duration of the discussion and voting thereon)

(All remaining members present declared a personal interest in this application, by virtue of the applicant being Fenland District Council)

(Councillors Bucknor and Oliver registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were present at the meeting of Wisbech Town Council at which this application had been discussed but had taken no part)

113/11 MARCH - FOOTPATH BETWEEN THE CAUSEWAY AND GAS ROAD

Members considered the outcome of the consultation regarding the stopping up under Section 257 of the Town and Country Planning Act 1990 of an existing footpath between Gas Road and The Causeway, March. Members were informed that:

- planning permission was granted by Planning Committee (F/YR08/0460/F refers) for a development on the site of 43 to 47 The Causeway fronting Gas Road, which required the stopping up of an existing footpath that ran across the site;
- the order has been prepared and advertised, with the deadline for any objections being 22 December 2011, and one objection has been received on the grounds that the alternative highway is neither a footpath or an alternative;
- one further representation has been received from the Definitive Map Officer at the County Council noting that it has no objection to the stopping up;
- having received an objection the Council must now submit the Order to the Secretary of State for determination, who, before confirming the order, will either:
 - cause a local inquiry to be held, or
 - give any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose
- the Secretary of State may then, after considering the report of the process outlined above, confirm the Order with or without modification.

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

- Councillor Quince asked who the footpath belongs to? Officers advised that it is highway, but the wider site would be in private ownership;
- Councillor Mrs French made the point that it is only a short walk to reach the alternative footpath.

Proposed by Councillor Curtis, seconded by Councillor Stebbing and **decided that the Order be submitted to the Secretary of State for determination.**

(Councillor Mrs French declared a personal interest in this item, by virtue of being Portfolio Holder for Planning Improvements)