

PLANNING COMMITTEE



8 FEBRUARY 2012 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M G Bucknor, D W Connor, Mrs J French, B M Keane, P Murphy, Mrs F S Newell, D R Patrick, K G Peachey, T E W Quince, R E Scrimshaw and D Stebbing.

APOLOGIES: Councillors M I Archer, M J Curtis and H B Wegg.

Officers in attendance: G Nourse (Chief Planning Officer), S Lalor (Area Development Manager), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

Councillor Clark attended the meeting as an observer.

P114/11 MINUTES OF 11 JANUARY 2012

The minutes of the meeting of 11 January 2012 were confirmed and signed.

* FOR INFORMATION OF THE COUNCIL *

P115/11 F/YR10/0904/O (1.12.2010) WHITTLESEY - LAND AT BASSENHALLY FARM, EASTREA ROAD, RESIDENTIAL/MIXED DEVELOPMENT OF 460 (APPROX) MARKET AND AFFORDABLE DWELLINGS, 70-BED NURSING HOME, EXTRA CARE ACCOMMODATION, LOCAL CENTRE, ASSOCIATED LANDSCAPING, OPEN SPACE, WATER ATTENUATION FEATURES AND HIGHWAY WORKS (LARKFLEET HOMES)

Members considered objections and one letter of support.

Officers informed members that a planning condition relating to foul and surface water drainage has been inadvertently omitted from the list of conditions. It is, therefore, appropriate to add the following condition:

'Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times as may be specified and thereafter retained in perpetuity.'

Members received a presentation, in accordance with the public participation procedure, from Mr Edwards, the applicant for the proposal. Mr Edwards informed members that lengthy negotiations have taken place over the last few months with officers and advisers to agree a settled position that maintains the viability of the scheme.

Mr Edwards expressed the view that assessing schemes of this size and nature is not an exact science and certain assumptions on costs and revenues have to be made, with both parties working together to ensure that these assumptions are realistic and credible and founded upon an

evidential basis, thanking officers and the adviser for their tireless efforts to achieve this agreed position. He feels that the site presents a number of abnormal costs including matters such as off-site drainage works, poor ground conditions and the provision of the roundabout and that only some of these costs can be deducted from the purchase price as a minimum land value still needs to be achieved, with these abnormal costs having to be borne by the developer as an additional cost to the scheme that cannot be passed to the landowner.

Mr Edwards expressed the opinion that the baseline affordable housing offer fixes the minimum and each reserved matters submission would be re-assessed to improve on this as market conditions improve, with any increase in values or reduction in costs resulting in additional affordable housing being delivered on future phases of this scheme and not resulting in any additional capital receipt to the County Council in terms of an increased land value.

Mr Edwards made the point that Larkfleet is an investment partner to the Homes and Communities Agency (HCA) and delivering affordable housing is a core part of its business, but in the current market conditions and due to the lack of any HCA grant support this has become increasingly difficult making development proposals unviable. He stated that at the time this scheme was first submitted it was anticipated that there would be HCA grant input, which would have facilitated the target affordable housing provision, however, the National Affordable Housing Programme budget was halved for the period 2011-2014 and is no longer available for Section 106 sites, which is a material change of circumstances of some significance that, in his view, cannot be ignored.

Mr Edwards advised that whilst negotiations have been continuing the first reserved matters submission for the first phase of the development is being prepared for 120 new homes accessed off the new roundabout off Eastrea Road, with the intention to submit this as soon as outline planning permission is issued and to start on site before the end of this year. He stated that he has applied for Get Britain Building funding to kickstart the project, believing that any early delivery of new homes provides economic benefits to Fenland and more importantly valuable New Homes Bonus.

Mr Edwards expressed the opinion that the agreed baseline affordable housing provision is a challenging target for this development, but one that provides vital new affordable homes for local people whilst still maintaining the overall financial viability of the scheme. He made the point that all other Section 106 contributions are agreed and a review mechanism would be built into the legal agreement to ensure that the maximum amount of affordable housing is delivered as this site is built out.

Councillor Mrs French asked Mr Edwards, that if members are minded to approve this application, when is the development likely to commence? Mr Edwards advised that it is the intention to start before the end of this year if they are successful in obtaining HCA funding.

Councillor Peachey stated that he welcomes the development and he hopes that joined up thinking is used when it comes to the construction of the roundabout, as there is proposed development across from this site and the A605 is a very busy road, and the roundabout needs to be correct from construction. Mr Edwards noted these comments.

Councillor Connor asked when in the phases of development is the roundabout going to be constructed? Mr Edwards advised in the first phase, it would be the first part of the development undertaken.

Councillor Mrs French asked if the nursing home is still planned to be built at some future stage? Mr Edwards confirmed that it was.

Councillor Stebbing asked that when Larkfleet are constructing the roundabout that it is mindful of other developments across the road. Mr Edwards advised that the roundabout is being designed with the County Council and other proposed developers, allowing for either or both developments across the road to be built.

Members considered and commented upon the implications of the confidential papers in private, and thereafter made comments, asked questions and received responses as follows:

- the Principal Solicitor reminded members that there is a previous recommendation for approval of this development, and this proposal relates to the Section 106 and affordable housing provision elements of an approved application;
- Councillor Murphy asked if it can be stated that the nursing home is provided as part of the first phase of the development? Officers advised that it would be unreasonable to request this;
- Councillor Stebbing made the point that the importance, size and location of roundabout should not be underestimated, especially in light of the other applications in the vicinity.

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

Grant, subject to:

1. **prior completion of a Section 106 Agreement to include:**
 1. **pre-school education contribution of £197,400**
 2. **waste contribution of £126,000**
 3. **public open space contribution - to be provided on site with schemes to be agreed at the submission of each Reserved Matters application**
 4. **to provide Fenland District Council with a detailed scheme for the provision of safe and secure public open space within the site**
 5. **public transport contribution of £70,000 (£20,000 bus stop infrastructure/£50,000 community transport contribution)**
 6. **16% of residential dwellings to be affordable dwellings with a review mechanism incorporated to secure additional contributions up to a maximum of 35% in the event of land value increases over the minimum price in the option**
 7. **provision of a cycle route along Drybread Road/Bassenhally Road**
 8. **residential travel plan to achieve a 10% reduction in single occupancy trips within 5 years. To secure a bond of £10,000 to implement further sustainable transport measures, should the travel plan target not be achieved**
2. **the conditions reported to include the foul and surface water drainage condition detailed above.**

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

(Members resolved to exclude the public from the meeting for this item of business insofar as it related to discussions on the appendix to the report on the grounds that it involved the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)

P116/11 **F/YR11/0101/F (3.2.2011)**
TURVES - LAND NORTH OF RED BARN, ERECTION OF 2 X 3-BED TWO-STOREY DWELLINGS AND 3 X 3-BED TWO-STOREY DWELLINGS WITH ATTACHED GARAGES
(MRS A BLEWETT AND MR W ALDRIDGE)

Members considered objections.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicants' agent. Mr Humphrey made the point that there are no objections from the Town Council, Local Highway Authority, Environment Agency and Middle Level Commissioners.

Mr Humphrey thanked officers for being able to devise a workable solution for five dwellings on the site, although the application has been with the Council for a considerable amount of time. He feels that the proposal is an IPPLS site and it rounds off this part of the village.

Mr Humphrey referred to the Planning Inspectors comments relating to a previous appeal, which he feels is a material consideration to this proposal, that "Development in this area would be closely bounded on three sides by existing dwellings and would do no more than consolidate and 'round off' the existing estate. It is also my understanding that it is this area that was originally intended for public open space and I consider it reasonable to assume that if that designation had been elsewhere at the time of the development (as in fact subsequently happened) then this area of land would have formed part of the housing layout".

Mr Humphrey referred to the officers' conclusion which stated that the "proposed layout does effectively round off the built form of the existing state. The proposed design and layout is considered to be of a good standard..." and feels that these comments, together with the Planning Inspectors comments and the IPPLS policy, means that the proposal should be supported.

Councillor Keane asked what the private drainage arrangements are? Mr Humphrey advised that there would be a private sewage treatment works for the development discharging into an existing watercourse, which is acceptable to the drainage authority. Councillor Keane asked what happens to this private drainage arrangement if the developer goes bankrupt? Mr Humphrey advised that it would be the same as for any other development in the District that have similar sewage treatment plant and it would be subject to a legal agreement.

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

- Councillor Peachey expressed the view that on visiting the site his impression is that the land is redundant, not in good use, in the middle of existing housing development, with no highway issues and he feels this proposal is sensible use of the land;
- Councillor Patrick agreed with the comments of Councillor Peachey.

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

Granted, subject to 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)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

P117/11 **F/YR11/0752/F (13.1.2012)**
MEPAL - LAND AT BLOCK FEN, BLOCK FEN DROVE, TEMPORARY USE OF
LAND FOR A PERIOD OF FIVE YEARS FOR THE PURPOSES OF MOTORSPORT
USAGE INCLUDING SITING OF FOUR PORTABLE BUILDINGS AND USE OF
LAND FOR SITING OF RECREATIONAL MOTOR VEHICLES
(FENLAND RESOURCE MANAGEMENT LTD AND HANSON QUARRY
PRODUCTS LTD)

Members considered letters of objection and 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:

- a noise executive summary report has been received today in respect of the Block Fen site. Discussion with the agent indicated that this related to a substantial report on noise at the site, which was only received prior to the meeting and in the absence of assessment of the main report it is not possible for officers to advise the committee further in relation to noise
- Chatteris Town Council have today advised that it wishes to change its recommendation to the following: "Recommend refusal on the grounds of unacceptable noise pollution, disturbance to neighbours and the local leisure facility Mepal Outdoor Centre and unacceptable illegal activities which have taken place on the site over recent years"
- Mepal Parish Council has submitted a further updated letter of objection concerning; noise nuisance from an unlicensed site, complaints from people living at a 2km distance, no monitoring data has been submitted, bunding is unlikely to contain noise within the Fenland landscape, objection would have been made to the original gravel extraction application had motorsports been envisaged due to potential noise, ecological issues have not been dealt with, concern about importation of inappropriate materials, unable to reconcile a suggested 5 year term with reinstatement which has been agreed between the gravel extractors and the County Council, little or no economic benefit noted within its Parish during the period of use until now and will inhibit sustainable economic growth
- the Wildlife Trust has submitted a further letter stating "The Wildlife Trust, therefore, has no alternative but to object to this current application on the basis that the information submitted does not demonstrate that there would not be adverse ecological impacts, contrary to the guidance and principles set out in PPS9 Biodiversity and Geological Conservation and contrary to local planning policies in Fenland and Cambridgeshire that seek to protect county wildlife sites (sites of substantive local nature conservation importance in PPS9 terminology)"
- Natural England has submitted a further response which is in similar terms to the response summarised in the officers' report.

The Chairman reported that he had received a request for the noise assessment summary to be circulated to members, which he declines due to the lateness of receiving this information, and proposed, which was seconded by Councillor Stebbing, that the application be:

Deferred to enable officers to undertake an assessment of the noise report received.

(Councillors Mrs French and Scrimshaw 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 present at the meeting of Chatteris Town Council at which this application had been discussed but had taken no part)

P118/11 **F/YR11/0775/F (29.9.2011)**

COATES - LAND SOUTH OF 180-192 COATES ROAD, ERECTION OF SIX 4-BED TWO-STOREY DWELLINGS WITH ATTACHED AND DETACHED DOUBLE GARAGES
(MR R GREGORY)

Members considered objections.

Officers informed members that:

- a further revised plan has been received, which proposes a Local Highway Authority adoptable road to serve both phases of the development. The Local Highway Authority was consulted and comments as follows:
 - "I assume this layout plan has been formally submitted in support of the current application. This plan now identifies the provision of an adoptable arrangement for both phases of the development. I cannot, of course, confirm future adoption of the road(s) as this is entirely dependent upon the developer offering the roads for adoption and constructing same to an adoptable standard"
- as both phases of the development are now capable of adoption this part of the refusal reason is no longer applicable
- since the last update, the applicant has responded to the consultation received from Middle Level Commissioners. It is noted that the site area of the current application is 0.468ha and the total site area including the approved application is 0.630ha. In addition, the application site is within a Zone 1 flood risk area. Under PPS25 (Development and Flood Risk), this places the application within a low probability flood zone and within an area where development is "appropriate" in terms of "flood risk vulnerability and flood zone compatibility". The site is also under 1ha and, as such, it is considered that the drainage issues raised by Middle Level Commissioners can be accommodated by way of a planning condition and this part of the refusal reason is no longer applicable
- as the development remains outside the Development Area Boundary the recommendation to refuse remains for the following reason:
 - The proposed residential development would be located outside the Development Area Boundary of Coates and would create a precedent for further development in the vicinity, contrary to Policy H3 of the Fenland District-wide Local Plan 1993.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Edge of Whittlesey Town Council. Councillor Mrs Edge informed members that after lengthy discussions at the Town Council meetings on 23 November 2011 and 10 January 2012 the recommendation was to approve this application as it does not believe there to be any valid reason for its refusal.

Councillor Mrs Edge expressed the view that the access from the proposal onto the A605 would be of a good tarmac finish, with good visibility. She expressed the opinion that the visual impact of the proposal would be minimal and, in her view, not harmful to the character and appearance of the area.

Councillor Mrs Edge referred to the proposal being outside the Development Area Boundary, but made the point that IPPLS was introduced in cases such as this, which rounds off a site and provides executive housing and she feels this proposal is worthy of flexibility, with the Government wanting more brownfield sites to come forward for development. In her view, the Local Plan is grossly out of date, with a balanced view needed on each individual development, and she feels that the majority of development in Coates would be infill or backland, but this proposal is on a disused brownfield site and would only enhance the area.

Councillor Mrs Edge expressed the view that Coates is a thriving village, with active community groups and facilities, and this new development would bring further trade to the village shop, with some development required in Coates to keep the village vibrant and alive. She feels that this proposal is a sustainable development and requested that it be approved.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker advised members that since the deferral in December, he has had constructive dialogue with Planning Officers, which he thanked them for, and most of the concerns have been addressed, with the exception that the site is considered to be outside the Development Area Boundary.

Mr Broker referred to a similar site described as outside the Development Area Boundary, but adjacent to it, and feels this applies in this instance. He expressed the opinion, as stated in the Design and Access Statement, that the proposal complies with IPPLS.

Mr Broker referred to the officers' report, which he feels goes to great length in the principles and policy section to deny a point, and he demonstrated on a map two areas that were part of the 1993 Local Plan showing where a proposed Development Area Boundary was to extend to and this site extends 20 metres into one of these areas, therefore, this proposal is using some land that was allocated or considered suitable for development in 1993. He expressed the view that both of these sites are adjacent to the 1993 Development Area Boundary, have land outside the current Development Area Boundary and were both brownfield in nature when the Plan was produced, with Site B having now been developed residentially, asking now why there is a distinction between the two? He requested, in view of new planning incentives, that the continuity of approach is taken in relation to this application.

Mr Broker referred to the developer of the site being Rose Homes, who are a Whittlesey based firm and used to building market and affordable dwellings.

Councillor Mrs French asked what is the acreage of the site? Mr Broker advised that it is 0.468 hectares.

Councillor Peachey asked if Site B was the old timber yard? Mr Broker confirmed this to be the case.

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

- Councillor Murphy questioned the roadway as on maps the proposed roadway is to adoptable standards, but the Local Highway Authority comments are contrary to this and he cannot understand why the roadway is not adoptable? Officers advised that the information has been updated on Page 78 of the agenda, which now proposes a roadway all the way to the end of the site, which would be to adoptable standards and is acceptable to the Local Highway Authority;

- Councillor Mrs French referred to the two further letters of objections that had been received yesterday and asked what had happened to the 21 days consultation period? Officers advised that objections can be taken into consideration up to the day of decision;
- Councillor Mrs French asked if the site that gained planning permission for 7 dwellings on appeal is linked to this proposal and what is the expiry period for these 7 dwellings? Officers advised that the appeal site is at the front of this site and would share the same access to the A605. Discussion had been held with the applicant as to whether the appeal site was still live and officers have been advised that a material start has been made on the site and, therefore, the application is still valid;
- Councillor Mrs French endorsed the comments of Councillor Murphy in relation to unadopted roads and stated that she is pleased the applicant has agreed to make the road up to adoptable standard, however, she believes the County Council will not adopt any new roads whatever the standard. She stated that she does not have a problem with this development on a former coal yard;
- Councillor Peachey expressed the view that this is a brownfield site, it proposes quality homes, the Local Highway Authority has approved the access, the flood risk is low probability, the site is adjacent and slightly outside the Development Area Boundary, so he feels that most of the objections have been addressed;
- Councillor Newell asked if a contaminated land condition would be added? Officers advised that it would if members were minded to approve the application;
- the Principal Solicitor asked if members are minded to approve the application what is the potential for a Section 106 on the site? Officers advised that the County Council has indicated that they require an education contribution for pre-school education based on a net gain of six dwellings;
- Councillor Peachey asked if the Section 106 would cover just the current site or both sites? Officers advised just the current site. The Principal Solicitor questioned whether this site and the adjacent site could be viewed as piecemeal development and whether further Section 106 requirements could be obtained?

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

Grant, subject to:

1. **prior completion of a Section 106 Agreement in relation to pre-school education contributions**
2. **suitable conditions.**

Members further requested that the Principal Solicitor checks whether this proposal constitutes a piecemeal development for Section 106 Agreement contributions and if a contribution was required above the pre-school education requirements that the application be referred back to committee with the proposed details of the Section 106 for determination.

Members do not support officers recommendation of refusal of planning permission as they feel that the proposal is a brownfield site and would provide quality homes in accordance with the Interim Planning Policy Leadership Statement.

(All members present declared a personal interest in this application, by virtue of one of the land owners being a fellow councillor)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

(Councillors Bucknor, Mrs French, Patrick, Quince and Scrimshaw registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P119/11 **F/YR11/0779/F (3.10.2011)**
WISBECH - WARDEN AND SON, 150 BARTON ROAD, ERECTION OF THREE
WIND GENERATORS (14.97 METRES TO HUB)
(MRS G WARDEN)

Members considered objections.

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

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

- Councillor Mrs French stated that she does not agree with the officers' recommendation. In her view, the proposal is too close to the nearest residential properties, the generators could ice up like the one at Whittlesey and this is not acceptable;
- Councillor Murphy agreed with Councillor Mrs French stating that on seeing where these generators were to be placed on the site inspection he cannot support making 16 people's lives a misery and made the point that nobody in the committee would want to live next door to them;
- Councillor Connor stated that he will not be supporting the proposal;
- Councillor Patrick asked what the biggest majority of objections to the generators are? Officers went through the list of objections as detailed in the report advising the main objections are impact on the landscape and noise;
- Councillor Peachey expressed the view that looking at photographs of the site it looks like an average brownfield site, but the construction yard is within a residential area and he feels that Wisbech Town Council have got the position correct.

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

Refused for the following reasons -

1. **the visual impact of the proposal would be detrimental to the surrounding area and residential properties in close proximity to the site**
2. **the noise impact of the proposal would be detrimental to the residential properties in close proximity to the site.**

Members do not support officers' recommendation of grant of planning permission as they feel the proposal would be detrimental to the surrounding area.

(Councillor Hatton declared his personal and prejudicial interest in this application, by virtue of being a friend of the applicants, and retired from the meeting for the duration of the discussion and voting thereon. In the absence of the Vice-Chairman, Councillor Mrs Newell took the Chair)

P120/11 **F/YR11/0925/F (29.11.2011)**
WISBECH - LAND SOUTH-EAST OF PIPERS FARM, BARTON ROAD, ERECTION
OF 3 X 14.97 METRE HIGH (HUB HEIGHT) WIND TURBINES
(MR R DAVIS, ROBERT DAVIS POTATOES)

Members considered objections.

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 Ministry of Defence has no objection to the proposal
- NATS/NERL Safeguarding (responsible for the management of en route air traffic) states that the proposed development has been examined from a technical safeguarding aspect and does not conflict with its safeguarding criteria and, therefore, NATS (en route) public limited company (NERL) has no safeguarding objection to the proposal
- Anglian Water has no concerns from a groundwater perspective
- Chatteris Airfield has no objection to this application as it is outside its area of concern
- the consultation period for this application does not expire until 15 February 2012, accordingly the recommendation is made in light of the responses already received, subject to no significant objection being raised in the remaining consultation period.

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

- Councillor Patrick made the point that this proposal is 250 metres from the nearest property and, in his view, comes within the boundaries of what is acceptable and he would support it;
- Councillor Peachey asked for further details about the caravan touring park that is 100 metres from the proposal? Officers showed the location of the caravan park on the plan, which is a site for touring caravans;
- Councillor Murphy expressed the view that this site is completely different from the previous application further along the road as it is in the middle of the countryside. He questioned why Chatteris Airfield were consulted as it is over 20 miles away from this site and asked if any responses had been received from the numerous consultees that state "Awaited"? Officers advised that nothing has been received from these consultees;
- Councillor Mrs French agreed with Councillor Murphy that this is a totally different application and is not near residential properties;
- Councillor Quince questioned why three wind turbines are required?

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

Granted, subject to the conditions reported.

(Councillor Hatton declared his personal and prejudicial interest in this application, by virtue of friendship with the applicant, and retired from the meeting for the duration of the discussion and voting thereon. In the absence of the Vice-Chairman, Councillor Mrs Newell took the Chair)

P121/11 F/YR11/0938/F (5.12.2011)
TURVES - LAND SOUTH-WEST OF THE THREE HORSESHOES PUBLIC HOUSE,
BURNTHOUSE ROAD, ERECTION OF A TWO-STOREY 4-BED DWELLING AND
DETACHED DOUBLE GARAGE
(MR I BEDFORD)

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:

- further information has been received from the Environment Agency with regard to the contamination of the site. It considers that the conditions recommended in its original response are no longer required and as such do not object to the proposal
- the Council's Scientific Officer has recommended the following condition if consent is given:
 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy. Reason - To control pollution of land and controlled waters in the interests of the environment and public safety.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that the Town Council recommend approval and the Local Highways Authority and Environment Agency have no objections.

Mr Humphrey questioned whether this proposal accords with the IPPLS, with officers saying that it is backland development and does not accord, but, in his view, it abuts the Development Area Boundary being 4 metres further into the open countryside than the property to the South and there being further properties to the South over the railway line that extend beyond this site and he cited inconsistency. He made the point that five properties in Turves have been approved at this meeting, but officers are refusing this proposal on unsustainability grounds and questioned how can this be?

Mr Humphrey expressed the opinion that the proposal does accord with IPPLS, it is sustainable and decisions should be consistent.

Councillor Peachey asked why it is necessary to have this long lead into this plot and not place the new building up to building line? Mr Humphrey advised that permission for two semi-detached properties on the site currently exists and has recently been renewed, which is why two separate applications have been made, although this proposal is in the same ownership. An amended application could be made, but this area of land would still be required to fulfil what is trying to be achieved.

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

- officers advised that the proposal was not considered to accord with IPPLS as it is outside the Development Area Boundary and not an infill site. When planning applications are

considered the Development Plan is the baseline that officers work to and this site is clearly outside the Development Area Boundary. 100% perfection can never be achieved and each application should be considered on its own merits in accordance with planning policy. The other application for Turves for 5 dwellings was approved as it was surrounded by residential development, with an explanation provided of why this was acceptable and this proposal cannot be regarded as a similar planning application in this regard. This proposal is inappropriate due to the character of the area and it being outside the Development Area Boundary;

- Councillor Patrick made the point that the property to the South that is positioned back had to be in this position due to a gas pipe on the site;
- Councillor Murphy stated that he cannot see anything wrong with this application, it joins the Development Area Boundary, it is not detrimental to the visual impact or character/appearance of the area and he would support approval;
- Councillor Mrs Newell stated that she cannot see that a contamination survey has been undertaken and another condition is being suggested by Scientific Officer. Officers advised that it is a safeguarding condition in case anything is found on the site;
- the Principal Solicitor questioned whether this proposal is piecemeal development in light to the other approved application for the site and that there may be, if members are minded to approve, an education contribution if both areas of land exceed the required area for Section 106 requirements.

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

Granted, subject to suitable conditions.

Members further requested that the Principal Solicitor checks whether this proposal constitutes a piecemeal development for Section 106 Agreement contributions and if a contribution was required that the application be referred back to committee with the proposed details of the Section 106 for determination.

Members do not support officers recommendation of refusal of planning permission as they feel that the proposal has no detrimental impact on the area.

(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)

(Councillor Stebbing registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he was present at the meeting of Whittlesey Town Council at which this application had been discussed but had taken no part)

P122/11 **F/YR11/0976/EXTIME (14.12.2011)**
WISBECH - FENLAND PARK, LEROWE ROAD, ERECTION OF 83 HOUSES
COMPRISING 19 X 4-BED HOUSES, 35 X 3-BED HOUSES, 18 X 2-BED HOUSES,
6 X 2-BED APARTMENTS AND 5 X 1-BED APARTMENTS INCLUDING PUBLIC
OPEN SPACE INVOLVING DEMOLITION OF EXISTING FOOTBALL STANDS AND
BUILDINGS (RENEWAL OF PLANNING PERMISSION F/YR07/0322/F)
(MR J VANNER)

Members considered one objection.

Officers informed members that further information has been received from Wisbech Town Council confirming that the original comments had been an objection and that:

"Members feel the changes in traffic management on Lynn Road since the original application are significant enough to object to the application and call for refusal of the application and a re-application or re-assessment be made".

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey made the point that this application is just a renewal or extension of time application, with a previous approval existing for the site. He advised that there was a problem with the Environment Agency, which resulted in a previous refusal, which has now been addressed. He expressed his disappointment at the objection of the Town Council on highway grounds, when the Local Highway Authority is happy with the proposal and he feels that this proposal should have been a delegated decision.

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

- Councillor Hatton stated that he cannot understand the comments of Wisbech Town Council as he feels that no changes have been made on Lynn Road, apart from the traffic lights on the De Havilland Road junction with Lynn Road;
- Councillor Patrick stated that he supports officers recommendation, the area is in decline and the sooner it is developed the better;
- Councillor Peachey asked if the terms of the Section 106 had been drafted yet? Officers advised that the Section 106 would be exactly the same terms as previously agreed;
- Councillor Keane referred to the parking spaces for 1.5 vehicles and asked if this was for one car and a cycle? Officers advised that this is the average within the site, with some properties having 1 space and some 2.

Proposed by Councillor Patrick, seconded by Councillor Scrimshaw and decided to:

Grant, subject to:

1. **prior completion of a supplemental Section 106 Agreement**
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)