

PLANNING COMMITTEE



16 JANUARY 2013 - 2.30PM

PRESENT: Councillor P Hatton, Chairman; Councillors M I Archer, M G Bucknor, D W Connor, M Cornwell, D Hodgson, B M Keane, S J E King (substitute), Mrs K F Mayor, A Miscandlon, Mrs F S Newell, D R Patrick, T E W Quince, D Stebbing and W Sutton.

Officers in attendance: G Nourse (Head of Planning), Ms A Callaby (Planning Performance Manager), Ms C Flittner (Area Development Manager), Mrs E Cooper (Member Support Officer), R McKenna (Principal Solicitor (Litigation and Planning)) and I Hunt (Chief Solicitor) for minute No.P147/12 only.

P145/12 MINUTES OF 12 DECEMBER 2012

The minutes of the meeting of 12 December 2012 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P146/12 F/YR11/0775/F COATES - LAND SOUTH OF 180-192 COATES ROAD, ERECTION OF 6 X 4-BED TWO-STOREY DWELLINGS WITH ATTACHED AND DETACHED DOUBLE GARAGES (MR R GREGORY)

Members considered letters of objection.

Officers informed members that:

- one letter has been received acknowledging that this scheme is back with committee to agree conditions and S106 requirements. The site clearly is a development of 13 houses and the new development area is almost completely outside the DAB, the fact that it was an extension to the previously granted development was material in the committee granting the scheme. However, since gaining this approval it now seeks to be a 'stand alone' development. Considers scheme should make provision for community benefit and queries why external legal opinion was sought, the conclusion of this being that there is 'no particular reason why the Council should not seek any affordable housing' and then disregard it. In view of recent problems with planning decisions that led to outside solicitors looking into the legality of decisions made by the Planning Committee does not understand why officers have decided to totally ignore this advice and recommend a decision that requires a 'Nil' requirement for affordable housing. Queries whether the further land available to the south will again be a case of 'stand alone' development if it comes forward
- officers note the above comments, however, it is considered that the basis for the officer recommendation has been fully explored in the updated report.

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

- Councillor Archer sought clarification about whether it is a brand new application for six houses that is being considered? The Chairman advised that it is only the terms of the Section 106 Agreement that is being considered;

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- Councillor Stebbing expressed the view that the officers' recommendation is very clear and he would support it.

Proposed by Councillor Stebbing, seconded by Councillor King and decided to:

Grant, subject to

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

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of his nephew being employed by the applicant's agent, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillors Mrs Mayor, Miscandlon and Stebbing declared their respective Non-Pecuniary Interest in this application, by virtue of Councillor Butcher, who owns the site, being a fellow member of Whittlesey Town Council)

(Councillor King declared a Non-Pecuniary Interest in this application, by virtue of being a colleague and friend of Councillor Butcher, who owns the site)

(Councillor Archer and Cornwell registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of this application at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

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

P147/12 **F/YR12/0723/F**
WHITTLESEY - LAND AT BASSENHALLY FARM, EASTREA ROAD, VARIATION
OF CONDITION 21 OF PLANNING PERMISSION F/YR10/0904/O
(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) TO
ALLOW RELOCATION OF ROUNDABOUT
(LARKFLEET HOMES)

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 agenda report contains an error in the conclusion in that 'unacceptable' in Section 7.1 should read 'acceptable'
- various communications and plans have been put forward by a third party who challenges the legitimacy of the assertions made regarding land ownership. These have been discussed with both the applicant and the parties making representation and appear to have reached an impasse. The applicant maintains that all works are on either highway land or

land within their control and assert that the challenges made are misleading. Highway advice is that 'if engineering works like retaining walls etc are required to construct the roundabout (which of course would become apparent at the S278/S106 Highways Works Agreement stage) then the developer would need to ultimately ensure that such structures are on land within his ownership or is part of the highway. Obviously the onus rests with the applicant to ensure that they have control of sufficient land to implement the consent

- it has been suggested that this application should be considered when the supermarket proposals are debated, however, whilst the applications are linked in a strategic sense involving the principle of development; this application relates to a detailed point on highways access for a consented scheme. Accordingly, it does not mean that it must be dealt with at the same time as the other supermarket applications. The existence or otherwise of these detailed highway questions can be managed through the highway consent process and need not delay consideration today. Indeed there would be procedural complications arising should members seek to defer the decision and it would potentially lay the Local Planning Authority open to challenge from the applicants in terms of non-determination.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws of Whittlesey Town Council. Councillor Mrs Laws informed members that the Town Council reject this application as it feels the initial proposal was perfectly acceptable and having reviewed the revised highway structure feel it would not be conducive to any future applications, which it has to take into consideration. It is the Town Council's understanding that Cambridgeshire County Council Highways were fully supportive of the original layout.

Councillor Mrs Laws stated that the roundabout serving this site has been located to the east of the roundabout approved as part of the original outline consent, with implementation of this design being dependent upon agreement being reached with the 'Tesco' site developers to enable implementation of the roundabout. She feels the new roundabout would allow Larkfleet to control implementation of the residential site whilst at the same time allowing 'Tesco' site to development independently, however, the outstanding Sainsburys application further to the east would, on the advice of Highways, need to be reviewed by the applicants as it is not clear that the location of the Sainsburys roundabout would now be acceptable given that the Larkfleet roundabout would have moved eastwards closer to the Sainsburys roundabout. She stated that this may not be an issue as the planning recommendation on the Sainsburys application is to refuse planning consent unless the Planning Committee resolves to approve this development.

Councillor Mrs Laws asked:

- as the Harrier (Tesco) and Sainsburys applications are not being heard until Wednesday 23 January, how can this application be determined today?
- as this application was received on 3 August 2012 why was this application not brought to committee when the Harrier (Tesco) and Sainsburys applications were heard previously?
- whatever happens on 23 January, how long is it going to be before the Harrier (Tesco) site is tidied up? In her view, it is in a prime Gateway location to Whittlesey and looks awful; she feels the front hedge should never have been removed and if anyone else had done so they would have been fined.

Councillor Mrs Laws stated that the Town Council feels that this application has an impact and could have serious implications on the three related supermarket planning applications for Whittlesey, which are being revisited/debated on 23 January. She expressed the opinion that, whatever planning decision is made on 23 January, discussions/decision to relocate a roundabout on the A605/Eastrea Road are being made prematurely on 16 January and this could jeopardise delivery of a supermarket or supermarkets for the town.

Councillor Mrs Laws expressed the view that, from a planning perspective, it would be sensible to defer any application near or adjacent to Whittlesey's three related supermarket planning applications, especially any new or revised highway designs until decision have been achieved on 23 January 2013. She stated that the Town Council wants a level playing field for the three related supermarket applications and strongly requested that members defer this application today.

Councillor King asked Mrs Laws, following what officers have said, what evidence does she have to legally defer this application? Councillor Mrs Laws questioned why this application has been brought to this meeting specifically.

Members received a presentation, in accordance with the public participation procedure, from Mr Swann, a representative of Larkfleet Homes. Mr Swann stated that he is a transport planner and access to the site via a roundabout has been in existence since outline planning permission was granted, however, since permission has been granted more detailed plans have been developed and it is normal for minor design changes to be made as a scheme develops.

Mr Swann stated that the size and geometry of the roundabout is in accordance with national guidelines and the highway capacity has no bearing on its relocation, with the details being submitted and agreed as part of the original planning permission. He feels that it is appreciated that the roundabout has sufficient capacity to accommodate other developments, but made the point that none have been granted planning permission and are not committed schemes, and, therefore, in his view, should not be a material consideration.

Mr Swann expressed the view that the relocated roundabout would have sufficient spare capacity to accommodate all three supermarket applications, but it is not the responsibility of Larkfleet Homes to design a scheme on behalf of others. He stated that the design of the roundabout is completely in accordance with requirements and the latest access shows the roundabout ending at the highway boundary.

Councillor King asked Mr Swann why the position of the roundabout is being relocated? Mr Swann advised that his responsibility is transport assessment only in the relocation and he is unable to answer this question.

Councillor Bucknor asked Mr Swann what difference does it make where the roundabout is? Mr Swann advised that he is Transport Engineer and the location of the roundabout as presented would be assessed from a transport point of view and provides adequate capacity for its development. Councillor Bucknor reiterated his question. Mr Swann advised that there is no implication from a transport perspective.

Councillor Archer made the point that Mr Swann is in attendance to speak for Larkfleet, which already has consented permission, he has said that where the roundabout is located is not an issue, but what are the implications for Larkfleet plans? Mr Swann advised that transport remains the same on both roundabout positions and there are many ways to access the site that would work in transport terms.

Councillor Stebbing asked Mr Swann when works are intended to start on the roundabout? Mr Swann advised that he would imagine as soon as possible. Councillor Stebbing asked Mr Swann if the application was deferred what effect would it have and would it delay construction time? Mr Swann advised that any delay would delay implementation of the scheme and whilst from a transport planning and capacity point of view it has no bearing where the roundabout is positioned it may from an engineering perspective and the design has been produced to allow Larkfleet to commence as soon as possible. Councillor Stebbing expressed the view that there does not seem to be an accountable reason to move the roundabout and it is just a whim or a wish and he needs

an accountable reason.

Officers advised that the reason that this application is at committee now is that supporting information was received and the motivations for moving the roundabout cannot be questioned only whether it is acceptable in highway terms. The earlier scheme was in outline with only access reserved and a Reserved Matters scheme will be required for the remainder of the site, which would only be submitted once the roundabout receives approval.

Councillor Archer asked Mr Swann how quickly a roundabout scheme could be re-designed? Mr Swann advised that it could not be undertaken within a week.

Councillor Sutton made the point that members asked unanimously for an overlay plan to see the exact positions of the new roundabouts and how it affect all other roundabouts. Officers advised that this application should be dealt with on its own individual merits, all the roundabouts are at different scale and misleading information did not want to be provided, but a comparison has been provided with the approved scheme and this proposal. Councillor Sutton stated that this was not what was asked for as he wanted to see how this proposal interacts with the other roundabouts for Tesco and Sainsburys.

Councillor Cornwell asked Mr Swann as a transport professional would he agreed that it is better to look at a scheme overall when alternative schemes are within 0.5 miles either way? Mr Swann questioned where you would stop and the master plan approach would look only at your site alone. Although they do not have to, the other sites have been considered and the proposed roundabout would have the capacity to deal with these applications.

Councillor King made the point that members are comparing two roundabouts and it does strike him that the proposed scheme would be cheaper to construct than other schemes as it has a much shorter additional length of road to construct. Mr Swann advised that the costs would be similar to each other.

Councillor Miscandlon asked Mr Swann if there were any safety issues within moving the roundabout nearer to the access of Gildenburgh Water? Mr Swann advised that the new roundabout location would mean that traffic speeds would be lower around this access and he feels the access would be far safer. He feels that access from Gildenburgh Water is at a better angle with the proposed roundabout. Councillor Miscandlon stated that he knows this junction very well and he would challenge the assertion that it would be safer as he would say being closer makes it unsafe. Mr Swann advised that from a road safety point of view the speeds would be lower being closer and it is not uncommon to have a junction near to a junction of a roundabout.

The Principal Solicitor stated that planners have said that a plan showing the other positions of the roundabouts could be obtained before the end of the meeting, so this application could be deferred until the end of the meeting. He also made the point that there is no Highways Officer present at the meeting so if members did have concerns the person to clarify these concerns is not present, however, the view of the Highways Officer clearly states in the report the various scenarios with the roundabout in this position.

It was proposed by Councillor Sutton, seconded by Councillor Connor and **decided that the application be deferred at 3.20pm to the end of the meeting.**

Members returned to consideration of this application at 5.00pm and made comments, asked questions and received responses as follows:

- officers showed GIS extracts for the individual application sites and the locations of the

roundabouts for each application;

- Councillor Connor asked how many metres is the roundabout being moved? Officers advised 36 metres. Councillor Connor asked is this towards the proposed Sainsburys site? Officers advised that it was;
- Councillor Cornwell asked if the proposed positioning of the Larkfleet roundabout moves towards one of the other proposed roundabouts would it negate some of the tests applied for the other roundabouts? Officers advised this to be the case, however, the Highways Officers has said that for the Sainsburys roundabout to be acceptable further data needs to be submitted. Councillor Cornwell expressed the view that the plan provided by officers shows members the inter-relationship of all the different proposals, which shows members how important it is to ensure the decision is correct. He made the point that the A605 is a local road, but also a strategic road and the amount of traffic will not reduce taking into account any development that takes place;
- Councillor Mrs Newell asked if the situation can be alleviated by traffic lights instead of a roundabout? Officers advised that if traffic lights were considered it would be back to the drawing board for all applications and Highway advice has been consistent that a roundabout should be provided;
- Councillor Archer made the point that officers have said that other applications cannot be considered, but this decision would affect those applications. Officers advised that Sainsburys have been aware of this situation since November. During the course of this application, details have changed which resulted in further consultation with Highways which if had not occurred would have meant this application being considered 1-2 meetings earlier;
- Councillor King expressed the view, from looking at the position of the roundabouts and whether a decision is made today, would it adversely affect the other applications in the pipeline, and he feels the even with this current application access could still be gained to the other sites and it does not compromise any decision in the future;
- Councillor Connor expressed his disappointment that no senior officer from Highways is present at the meeting and if they had been present they could have provided an opinion on the traffic light issue;
- the Chief Solicitor stated that as members are aware the application before them should be considered not on what they would like, whether members think any other scheme or methodology would work all applications have roundabouts. He referred to the written update provided to members and made the point that all these applications need specific highway works consent before they can be implemented and whilst members are looking at the principle of this proposal today, the final detail and agreement would be with the technical officers at the County Council, with the advice being from Highways that each roundabout can work independently;
- Councillor Stebbing stated that he is mindful of the comments made by officers, but he is also very aware that as a Planning Committee the last five months have been a nightmare in the way that the applications have been handled and the decision making needs to be crystal clear at next week's meeting and he feels the decision on this application would make people think that the decision has been made on the other applications. He wants to be sure that the development of Sainsburys is not compromised by the whole development of this site;

- Councillor Archer stated that he cannot see any justification for a need to change the position of this roundabout and he is minded to refuse or if the majority cannot make this decision he thinks it should be delayed as he believes the decision would negatively affect one of the applications at next week's meeting;
- Councillor Sutton showed on the plan his thoughts of where all the roundabouts are located and what he needs is some professional advice that the distance between two roundabouts is acceptable in highway terms and asked how members can make a decision without this professional advice? Officers advised that the Highways Officer has stated that additional data should be submitted from Sainsburys to prove its roundabout works;
- Councillor Cornwell referred to the highways comments within the report and feels that if this application is dealt with in isolation it could put the Sainsburys application at a disadvantage when the committee meets next week.

The Chairman allowed Mr Connolly of Larkfleet Homes to speak in relation to some of the questions that members had. Mr Connolly referred to the question earlier as to why Larkfleet had moved the roundabout and stated that when it obtained consent it was liaising with the people in control of the Harrier application and it was believed that there was co-operation, but it has proved not to be the case. The position of the Larkfleet roundabout involved Harrier closing a field access to their site and they were not prepared to co-operate, therefore, Larkfleet had no option but to move the roundabout by 36 metres.

Mr Connolly expressed the view that this change has caused Larkfleet considerable delay when it wants to be on site and delivering houses, which is now 6-8 months behind, and cannot go ahead without consent for the roundabout. He stated that the reason for moving the roundabout this distance is due to removing the need to close the field access.

Mr Connolly expressed the opinion that costs do not come into the equation and it is about being able to deliver their scheme. He believes that both roundabouts would cost about the same, but the considerable delay in delivering the scheme is a considerable cost to them when they should have been on the site and delivering houses to the community.

Mr Connolly stated that the new position of their roundabout allows access to their site, Harrier site and the distance between its roundabout and Sainsburys also works, but it is the County Council who are the controlling people at the end of the day. He feels that if Sainsburys needs to adjust their roundabout slightly they would do so and accord with County Council requirements, and, in his view, the Larkfleet proposal does not prejudice access to the Harrier or Sainsburys development.

Councillor Stebbing asked Mr Connolly, bearing in mind the adverse weather conditions, if a slight delay in permission would compromise the development? Mr Connolly advised that it would compromise, as following today's decision work cannot start on site until approval is obtained of the first phase of 120 units and it is a number of months to prepare drawings and work up details before commencing on site, which is already 6-8 months behind.

Members made comments, asked questions and received responses as follows (including at the Chairman's discretion responses from Mr Connolly and Mr Swann of Larkfleet Homes):

- Councillor King made the point that planning has had a difficult few months and officers have expressed concern about a deferment asking for a reminder of these concerns as members need to make sure the decision made today is watertight? Officers advised that members have to determine the proposal as it stands and officers feel there is no reason to

delay it and it is capable of being determined today. The application could be challenged on non-determination if it is not determined today and it could not be considered at the meeting on 23 January 2013 as the Statement of Community Involvement states that 7 days notice of committee has to be given to consultees. This is a stand alone scheme, it can be looked at in isolation and would not prejudice the other applications, although there may need to be adjustment to those applications. Officers advice is to proceed to determination today, but if it is deferred reasons would need to be provided;

- Councillor Bucknor asked what if Sainsburys put in an amendment to their roundabout? Officers advised that two different permissions can exist and it would be for them to agree with Highways which one gets approval from them. Members would need sufficient planning reasons to refuse this proposal and officers feel that there are insufficient justifiable planning reasons for refusal;
- Councillor King stated that given the advice from officers and the Legal Officers he would be supporting this proposal;
- Councillor Archer asked for clarification that if this application is not determined that it is open to appeal for non-determination, asking if today is the last day for this application to be determined? Officers advised that the applicant could appeal for non-determination at any stage and it is not known if Larkfleet would take this action, but it needs to be highlighted to members;
- Councillor Archer expressed the view that members need all the facts and he does not feel that all the facts have been provided as the Highways Officer is not present. He made the point that it has been stated that Sainsburys knew about this change and have had plenty of time to revise its plans, so he feels that the applicant must have prepared themselves for a refusal and can change their plans. Mr Connolly advised that if this application is refused, Larkfleet is back in the hands of Harrier and the development of this site would go nowhere. Larkfleet does not wish to consider this as it is not in control of its own destiny;
- the Principal Solicitor stated that due to the comments in the report from the Highway Officer there is enough to say the Highways Officer should be present at the meeting to explain herself and the proposal could be deferred for this reason;
- Councillor Bucknor stated that the location of the roundabout is being moved due to land being in the ownership of someone else and asked if Larkfleet now has the rights to the land it is moving to? Mr Connolly advised that it lies within highway land or land they control so there is no third party land involved;
- Councillor Sutton asked Mr Connolly to clarify his belief that his scheme would work with the Sainsburys scheme? Mr Connolly advised that highway experts believe that the distance between the two works. Councillor Sutton stated that members need a guarantee and to be certain. Mr Swann advised that the two roundabouts have been considered, with traffic figures being put into a model, which shows an upload capacity and it shows that the closeness of these two roundabouts does not make much difference and is within the range of approval for highways. He made the point that it is not in their interests for this area to be congested as nobody would buy their houses and they are satisfied that the two roundabouts would not cause an issue, believing that if Sainsburys were concerned it would have commented before now;
- Councillor Cornwell felt he was faced with a dilemma as the expert for Larkfleet is telling members one thing, but the Highway comments are saying there clearly may be a problem

and as this Highways expert is not present at this meeting he does not feel he has enough information to make a proper decision;

- Councillor Stebbing asked if the model that was used to determine that there would be no problem with the two roundabouts is the same model that the County Council would use? Mr Swann advised that it is a recognised industry standard that they used and if the County Council had a problem with the method it had used it would have challenged it, so as far as they are concerned the method used by them would be acceptable to the County Council. He has read the comments from Highways to mean that as the roundabouts have moved closer together it would require more information to see if these roundabouts conflicted;
- Councillor Sutton asked, bearing in mind that concern has been raised by a particular member that the roundabout is moving closer to the access of Gildenburgh Water and, therefore, he could recommend that the application be refused today, would it not be a better scenario for it to be deferred? Mr Swann advised that it has been proved beyond reasonable doubt that the roundabout would be safe, it has not been raised in road safety procedures as a problem and, in his view, roundabouts are used as gateway features to slow traffic down. He feels that the benefits outweigh any perceived disbenefits, making the point that any junction increases the risk of accidents;
- Councillor Sutton asked, given that Legal Officers have said that a deferral could be justified, is there any way that this application could be considered at the meeting next week, especially if all parties are happy for this to happen? The Chief Solicitor advised that the statutory five clear days notice has been given for next weeks meeting, there is a process for late items, but this should be used rarely and does present its own risks. The Council does have its own policy of Statement of Community Involvement which states that it will contact relevant people in relation to planning applications and requires a seven day period. If members consider it appropriate and reasonable they can deviate from this policy, but it creates more risk than being considered at the next meeting of this committee;
- Councillor Hatton agreed with Councillor Sutton in that he cannot see any reason for it not to be considered next week, but he has to take on board the Legal advice;
- Councillor Archer expressed the view that some members want to hear from the Highways Officer, with this being a justifiable reason for a deferral and he would propose the application is deferred to the next normal Planning Committee meeting;
- Councillor Mrs Newell made the point that the report contains two pages of highway comments and it could be said that they have made their recommendations, which are being ignored. Councillor Sutton made the point that what the Larkfleet experts are telling members is different to what the County Council is saying and clarification is required. Councillor Hatton stated that the people who have the end say is the County Council;
- Councillor Sutton expressed the view that a valid reason for deferral to next weeks meeting is that for the benefit of the applicant it needs a speedy resolution, which cannot be made today;
- Councillor Hatton questioned whether deferral has to be to next week's meeting as the next meeting is on 6 February, which is only three weeks away. Councillor King agreed that trying to compress this application into next weeks meeting is fraught with trouble.

Proposed by Councillor Archer, seconded by Councillor Connor and **decided that the application be deferred to the meeting on 6 February 2013 to enable a Highways Officer to be present.**

(Councillor Stebbing declared a Non-Pecuniary Interest in this application, by virtue of a friend living in close proximity to this site)

(Councillor Mrs Mayor declared a Non-Pecuniary Interest in this application, by virtue of the report referring to the supermarket applications, and retired from the room for the duration of the discussion and voting thereon)

(Councillor Patrick retired from the room for the duration of the discussion and voting on this application as he does not want to be involved in the supermarket applications and the report for this application refers to these applications)

(Councillor Miscandlon registered, in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he took part in the discussion of this application at the meeting of Whittlesey Town Council at which it was discussed and stated that he will consider all relevant matters before reaching a decision on this proposal)

(Councillor Stebbing stated that he is a member of Whittlesey Town Council, but takes no part in planning matters)

(Councillors Archer and Cornwell registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P148/12 **F/YR12/0815/F**
WISBECH - 30 NORWICH ROAD, CHANGE OF USE FROM RETAIL TO 3 X 1-BED
FLATS
(MR F WATSON)

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 Patrick stated that, having visited the site, he is disturbed by the amount of refuse that was at the back of the premises and he asked what is going to be done to ensure that refuse would be collected with the extra properties in this location. He also feels that the distance from the roadside to the collection point would constitute over-development. Councillor King responded that he did send an e-mail to Councillor Patrick and the refuse was not collected on the previous day's collection and was collected the next day. He stated that people do dump rubbish in this location, but this proposal would not affect this and he feels the rubbish problem is being addressed;
- Councillor Mrs Mayor expressed the view that the passageway leading to the refuse collection from the rear of all of these properties is not acceptable and she will not agree to this proposal at this moment in time;
- Councillor Miscandlon asked if this is a partial retrospective application as there seemed to be work being carried out at the premises? Officers advised that works that are being undertaken is refurbishment of the existing building, Building Control are looking into the position of the works, but being retrospective is not a material consideration to withhold consent;
- Councillor Hodgson expressed the opinion that the building is in a terrible state and works should be undertaken as soon as possible, but questioned whether it should be via this

application or another scheme;

- Councillor Archer stated that he is happy to see the building brought back into use, but expressed concern over the nature of the use and the lack of parking for three potential properties;
- Councillor Patrick stated that he would welcome this building being brought back into use, but he feels this scheme is over-development;
- Councillor Quince stated that he has no objection to this proposal, but is concerned about whether Building Control have been and inspected the property;
- Councillor Mrs Mayor stated that she would like to see the building re-used as one dwelling, she referred to the buildings opposite this property which look in keeping and she feels that three is too many;
- Councillor Bucknor stated that the property is near to the town centre and there are people who do not want to have a car. He is concerned about the property being turned into three dwellings, but something does need to be done with the building as it is a dilapidated site;
- Councillor King made the point that there is not only parking in the town centre, there is a lot of on-street parking and he does not feel there is a shortage of parking at all. He has been assured that the building has been inspected by Building Control and is safe, although he has queried this information. He stated that regardless of these issues, this is a derelict building, it needs a lot of work doing to it, with most other properties in the location, although looking like single dwellings, being multi-occupied, and he feels that this proposal creates something that people want as there are many people who do not have anywhere to live. He expressed the view that creating a single dwelling would fetch far less money and the cost of refurbishment needs revenue generated from three flats. He feels that if the proposal is not accepted the property would become another Wisbech derelict building;
- Councillor Cornwell asked if the rear access is for all three dwellings? Officers advised that only one flat would have access from the rear;
- Councillor Stebbing expressed his concern at the rubbish that was witnessed on the site inspection, with bags spilling out and surrounding three large wheelie bins, which had been accumulating over a period of time. He asked why there are three large wheelie bins for one property, raising concern for the future and especially as there is a primary school in close proximity;
- Councillor Sutton stated that he wants to see this building brought back into use, but he is yet to be convinced by three or that one is viable and feels it is a question of what members want; a building gets refurbished with three flats or it is left to deteriorate further?;
- Councillor Archer made the point that the Town Council is opposed to this proposal and he is not concerned whether the development is profitable for a developer or not;
- officers advised that from a planning perspective they need to look at whether adequate refuse provision is made for these dwellings and it is ultimately the responsibility of Environment Health and the Refuse Collection Team if there are any shortcomings. Mixed type developments are encouraged as it is recognised that people want to make individual choices;

- Councillor Hodgson stated that the bin situation has improved since the site visits and if it needs improving further the Council should address it. He would like to support the proposal;
- Councillor King asked members to understand that refuse, even if the proposal is refused, would still be there as it belongs to the neighbouring properties and if a refuse strategy could be put in place it could be a huge benefit. He feels that works to the building cannot be delayed in the hope that something better comes forward and he would propose approval of the application;
- Councillor Mrs Newell stated that she seconds this as there are lots of homeless people that require housing;
- Councillor Cornwell made the point that there is no access from two flats to the rear of the property and a refuse strategy is required for the occupants of these flats as they would have to walk round to the rear to dispose of their rubbish. He feels that the area is becoming a ghetto and it needs something to control it;
- Councillor Mrs Mayor expressed the view that it does not seem practical for the two front flats to use a refuse container at the rear, questioning how these large wheelie bins were able to access the rear in the first place?;
- Councillor Sutton asked if it known how the other properties on the front access refuse bins? Councillor King stated that these properties in Norwich Road who do not have rear access use bins on the other side of the road next to the funeral directors.

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

Granted, subject to the conditions reported, plus a condition requiring the submission of a Refuse Collection Strategy.

(Councillor Archer requested it be recorded that he wished to make a complaint on a point of order as, in his view, he feels that he made a proposition to refuse on the grounds of over-development prior to the proposition that was accepted)

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

**P149/12 F/YR12/0825/F
LEVERINGTON - LAND SOUTH-WEST OF 101-103 GOREFIELD ROAD,
ERECTION OF 2 X 4-BED TWO-STOREY DWELLINGS AND 1 X 3/4-BED TWO-
STOREY DWELLING WITH ASSOCIATED GARAGES
(MR AND MRS M MCINERNEY)**

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 North Level District Internal Drainage Board has no objections, providing advisory comments. These comments have been noted, however, are not considered to affect the recommendation set out in the agenda.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicants' agent. Mr Broker stated that the previous applications for the site were poorly presented, which is why they were refused, and he has taken time to negotiate with officers on this scheme, therefore, receiving a recommendation for approval.

Mr Broker referred to the comments of the Parish Council who object to the proposal for three reasons. He does not agree with these reasons as there has been no objections from adjoining dwellings to the proposal, the proposed access of the proposal would be designed to adoptable standard and extensive views from all the dwellings would remain across open farmland.

Mr Broker expressed the opinion that the 3D montage provided shows that this is a good development and in a sustainable location.

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

- Councillor Archer asked on the previous applications what was the common reason that these were refused? Officers advised the due to the size of the site it was felt that a comprehensive scheme would be the best use of the land;
- Councillor Bucknor expressed the view that this is a good site, the proposal has been well thought out and he is minded to recommend approval;
- Councillor Mrs Mayor referred to the conditions on the officers' recommendation and she cannot find anything that mentions drainage. She asked what the comments were from the North Level District Internal Drainage Board and were there any issues that needed to be addressed? She does not have any objection to the proposal, but feels that the comments from North Level should have been provided to members. Officers read the comments in full from the North Level to members;
- Councillor Hodgson stated that his only concern is the effect on neighbours, but as there are no objections from neighbours he would support the proposal;
- Councillor Miscandlon referred to the history section of the report, where it refers to a 2 x 3-bed and 2 x 4-bed dwellings, making the point that members were told that all single dwellings had previously been proposed on the site. Officers advised that the most recently refused application was poorly designed and consisted of much larger dwellings constituting over-development of the site;
- Councillor Archer complimented the agent on the provision of the 3D plans, which makes it easy to envisage what the site would look like.

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

Granted, subject to the conditions reported.

(Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of his nephew being employed by the applicant's agent, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor King declared a Non-Pecuniary Interest in this application, by virtue of the applicants being friends)

(Members took a 10 minute break following determination of this application)

P150/12 **F/YR12/0837/F**
LEVERINGTON - LAND NORTH OF SALUD, CHURCH END, ERECTION OF A
TWO-STOREY 3-BED DWELLING
(MR I ESGATE)

Members considered objections and one letter of support.

The committee had regard to its inspection of site on 5 December 2012 (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 feel that the proposal is replacing a bungalow, therefore, it is not in keeping with surrounding properties; too large for site giving light problems to other properties and entrance is near road junction
- the Highways Authority state that the proposal is now acceptable from a highways point of view. An amended plan has been submitted and shows the required 2m x 2m visibility splays requested and the applicant has served notice on the landowner of Caerhays Cottage (to the east of the site) as the site visibility splays required will cross third party land
- four letters of objection have been received from parties whom have previously made comments, these submission letters reiterate previous concerns outlined in the officers' report
- one letter of support has been received
- a letter from the applicant has been received expressing surprise at the recommendation and referring to other approvals in the area. Questions have also been raised by the applicant regarding the distance of those 'objecting' from the building plot and that the list of different reasons provided have not been challenged or questioned.

Members received a presentation, in accordance with the public participation procedure, from Mr Watt, an objector to the proposal. Mr Watt informed members that he lives opposite the site and, in his view, Church Lane contains mainly bungalows and only a few two-storey houses, which were built some time ago. He feels that the houses in Perry Road are much further apart and do not impact as this proposal would with their house.

Mr Watt referred to the gates to his property and that he finds it difficult currently to manoeuvre vehicles in and out of his gateway with vehicles parked opposite, with this proposal adding to the congestion. Mr Watt made the point that light is important to him as he has an old house with small windows and the new dwelling would be in close proximity meaning that he would be in total shadow in his lounge with its two small windows.

Mr Watt referred to the cross section diagram, which states that 'shadow would reach 'Old Post Office' during winter months when sun is at its lowest, but would not cast shadow or block natural light high enough to affect existing windows', he disagrees with this as the sun angle would be 14 degrees and not 16 as shown on this diagram meaning that the shadow would reach the upstairs windows and to confirm this point he showed a photograph showing where the shadow appeared at Noon on his house using a 7.84 metre pole and flag. He further showed a superimposed picture of the proposal, which, in his view, is not exaggerated in size.

Mr Watt stated that he agrees with the officers' that the proposal would be over-development and set a precedent.

Councillor Archer asked Mr Watt, in relation to his slide showing the pole and flag, is he saying that the flag is the height of the proposed building? Mr Watt confirmed this to be the case.

Members received a presentation from Councillor King, in support of the proposal. Councillor King stated that he wants to address whether the proposal is out of keeping or not as the refusal reason suggests. He understands Mr and Mrs Watt's concerns, but their house is on the other side of the road to this proposal, with the road not being narrow and not used as a through road.

Councillor King expressed the opinion that there are two-storey houses in the area and the bungalow that actually existed on the site filled the whole site, with this proposal creating a substantial garden area for this proposal. He has known the applicant for many years and knows he is a man of detail, therefore, the design of the proposal would not have been arrived at impulsively and a great deal of thought and research would have gone into it and in a subjective view it could be seen as an executive dwelling.

Councillor King expressed the view that he does not feel the proposal is out of keeping with the area, with there being two-storey houses on three sides of this site, and the original building having a much bigger footprint, with the remains of the dropped kerb still existing. He feels that as members had made a site visit to the area they would have seen houses of similar design in the immediate area and he does not think it is adequate to describe the proposal as out of keeping.

Councillor King asked members to consider approving the application as there are a shortage of these types of houses in Fenland.

Councillor Archer asked Councillor King if he had no consideration to the loss of light of the objector? Councillor King acknowledged that there would be an impact, but feels that many applications have been approved that impact upon neighbours. He stated that he always applies the test of how he would feel if he lived where the objectors live and he would not have a problem.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that he is pleased to see that Highways are happy with the proposal now as has been confirmed by officers, but expressed the view that the history fails to mention that planning permission was granted for a two-bed house on this site, with it only referring to refusals and an appeal decision, not the grant of permission.

Mr Humphrey made the point that this site was covered with a single-storey dwelling, which covered almost 100% of the site as detailed in the Design and Access Statement, and this dwelling was demolished 15 years ago. He stated that the data for the shadowing shown on the cross section was taken from the Pilkington Glass Manual, therefore, a respected glass manufacturer was used to obtain this data.

Mr Humphrey expressed the view that this site is a larger plot than the two houses to the east and is in character with the houses in the vicinity, simplistic in nature which is what the applicant wants. He accepts that the site is not the biggest plot in the market, but it has received approval in the past and, in his view, properties have been built on smaller plots.

Mr Humphrey expressed the opinion that the site is in a fantastic location within the village and Development Area Boundary and close to the school and church, with officers accepting the principle of development within the report. He believes that the proposal would create a family house not dissimilar to those in the area, but asked for members to give him a steer as to what would be acceptable on the site should the proposal be refused.

Councillor Archer asked Mr Humphrey if he accepts, that whilst he did not mislead the objectors, the shadow information is incorrect? Mr Humphrey advised that the information is not incorrect on the plans as it is in accordance with the Pilkington Glass Manual.

Councillor Archer referred to the comments of Councillor King that in a subjective view the proposal could be classed as an executive dwelling and Mr Humphrey has referred to it as simplistic. Mr Humphrey advised that it is not an executive dwelling, it is a simplistic design which fits in with the street scene.

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

- Councillor Mrs Newell asked for clarification on officer comments that there were four letters of objection as the report says eight? Officers advised that four additional letters have been received since the report was published and detailed in the update to committee;
- Councillor Hodgson expressed the view that loss of light is an issue, but he also feels that the site can be developed asking why it cannot be replaced with a bungalow?;
- Councillor Archer referred to the agent mentioning that the two adjoining properties as being acceptable forms of development and asked officers if they agreed? Officers advised that these properties would not meet planning standards today due to issues with amenity space, access and their relationship;
- Councillor Cornwell asked if this proposal meets the Council's parking standards? Officers advised that the application does provide adequate parking, the issue is how the property relates to its surroundings and sits on the site;
- Councillor Miscandlon referred to the Local Highway Authority comments and that 2 metres of the visibility splay is on a neighbouring property who objects to this proposal and asked if this land is not available does this negate the application? Officers advised that the applicant has served notice on the owner of the adjoining land and the onus would rest on the applicant to obtain agreement from this owner in perpetuity;
- Councillor Mrs Mayor expressed confusion as the agent stated that the property on site was demolished 15 years ago, which would tie in with an application approved in 1997, but a 2003 application in the history of the report refers in the description to demolition of existing dwelling, which would have already been demolished. She feels that officers' recommendation should be supported;
- Councillor Quince expressed the view that the proposed dwelling is too large for this site.

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

Refused for the following reason -

the proposed development would result in a cramped form of development, which is out of keeping with the character of the surroundings, and the dwelling, by reason of its height and bulk, would constitute a dominant feature in relation to adjoining dwellings. As a result, the proposal would cause harm to the visual amenities of the area and the residential amenities of nearby properties, contrary to CS14 of the emerging Fenland Communities Development Plan, Policy E8 of the Fenland District-wide Local Plan, Policy ENV7 of the East of England Plan and the National Planning Policy Framework.

(Councillor King declared a Non-Pecuniary Interest in this application, by virtue of him asking for the application to be considered at committee and speaking in support of the application, and retired from the meeting for the duration of the discussion and voting following his presentation to committee)

P151/12 **F/YR12/0870/F**
WISBECH - 11 CROOKED BANK, ERECTION OF A TWO-STOREY 4-BED
DWELLING WITH INTEGRAL GARAGE INVOLVING DEMOLITION OF EXISTING
DWELLING AND GARAGE
(MR J EDINBURGH)

Members considered one letter of objection.

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

Officers informed members that:

- Middle Level Commissioners comment that the dwelling is positioned within 9m of the nearby drain. As a buffer zone from the edge of the drain is required for maintenance purposes it is imperative that the dwelling is positioned 9m from the edge of the drain. Other comments relate to the provision of information relating to design methods, ground conditions, design calculations and proposed devices
- the Environment Agency state that the Flood Risk Assessment (FRA) is acceptable. The development should be carried out in accordance with the FRA and a condition is required to secure the foul water drainage details
- one letter has been received from a neighbour highlighting the potential disturbance caused by construction vehicles blocking Crooked Bank and preventing residents from gaining access
- a further site survey has been carried out by the agent which has confirmed that the dwelling is not within the 9m buffer zone and an updated site plan which includes dimensions has been provided. The provision of information relating to design methods, ground conditions, design calculations and proposed devices can be secured via Middle Level Commissioners own legislation and, therefore, no further action is required
- the comments received from the Environment Agency have been noted and a foul water drainage condition is recommended accordingly
- the comments received from the neighbouring residents have been noted and the narrow width of Crooked Bank is acknowledged. An additional condition to ensure that a space is provided for the parking of construction vehicles and loading and unloading is, therefore, considered necessary.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey expressed the view that this is an interesting application, with the position having been summed up well by officers, and he feels members need to be bold enough to support a statement building, referring to a contemporary building at Benwick which won the Building Design Awards two years ago.

Mr Humphrey expressed the opinion that this proposal would make a statement as you approach Wisbech, with the only requirement not being strictly complied with is the replacement dwelling criteria. He stated that his client is going to build the property to Code 5 building standards and it would be zero cost to run and heat.

Mr Humphrey requested that members support this one-off property and see what it looks like when it is finished.

Councillor Archer expressed the view that he is supportive of the design of this proposal and asked Mr Humphrey how sustainable is the property going to be and has micro-generation been considered? Mr Humphrey advised that it would be a green construction with as many sustainable features that can be worked into it.

Councillor Cornwell expressed the opinion that he thinks the property is fantastic, but asked Mr Humphrey if it would pass the CS14 test in relation to shape and form of existing settlement pattern? Mr Humphrey advised that he thinks that CS14 has been read out of context and it is relating to form and pattern within a Development Area Boundary, with this property being in isolation and not related to anything else.

Councillor Hodgson agreed that he thinks the property would be wonderful and asked Mr Humphrey if construction is going to be a problem? Councillor Humphrey advised that a hardstanding area would be created and whilst Crooked Bank is a narrow road and there may be times where there is conflict there are not many properties along road and construction would only be for a short period of time.

Councillor Quince stated that he likes the design and asked Mr Humphrey to confirm that the cedar boarding would not be treated? Mr Humphrey confirmed that it would not.

Councillor Miscandlon referred to the entrance to the existing bungalow and asked Mr Humphrey if there are any plans to replace the hedge to close off this entrance? Mr Humphrey advised that he is not aware, there is nothing on the plan, but he is sure that the gap would be filled in.

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

- Councillor Archer made the point that officers did say that buildings of an exceptional nature can override the requirements of CS14;
- Councillor Bucknor expressed the view that this property has got everything and been upgraded to hi-tech status;
- Councillor Mrs Mayor expressed the opinion that she feels this is an absolute fantastic design and superb, although it is contemporary.

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

Granted, subject to the conditions reported plus the following two conditions:

- **prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development) shall be provided clear of the public highway for the parking, loading and unloading of all vehicles visiting the site during the period of construction. Reason - to minimise interference with the free flow and safety of traffic on the adjoining public highway**
- **prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. Reason - to prevent the increased risk of pollution to the water environment.**

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

6.10pm

Chairman