

PLANNING COMMITTEE



29 MAY 2013 - 1.00PM

PRESENT: Councillor A Miscandlon, Chairman; Councillors M G Bucknor, M Cornwell, D Hodgson, P Murphy, Mrs F S Newell, D R Patrick, T E W Quince, D Stebbing and W Sutton.

APOLOGIES: Councillors D W Connor, B M Keane and Mrs K F Mayor.

Officers in attendance: Ms A Callaby (Planning Performance Manager), Ms C Flittner (Area Development Manager), N Reeves (Senior Development Officer), Mrs E Cooper (Member Support Officer) and R McKenna (Principal Solicitor (Litigation and Planning)).

P1/13 MINUTES OF 1 MAY 2013

The minutes of the meeting of 1 May 2013 were confirmed and signed, subject to amendment to the interest declared by Councillor Sutton under Minute P191/12 to read (Councillor Sutton declared a Non-Pecuniary Interest in this application, by virtue of the applicant being a fellow councillor)

*** FOR INFORMATION OF THE COUNCIL ***

P2/13 F/YR13/0267/F WHITTLESEY - LAND NORTH OF 60 STONALD ROAD, ERECTION OF A TWO-STOREY 3-BED DWELLING WITH ATTACHED GARAGE (MR J KLIMCZUK)

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 a further five letters of objection had been received with concerns including:

- loss of privacy
- overlooking
- parking provision and impact on 'Hammerhead'?
- traffic congestion, access for service vehicles
- over development
- this application does not address earlier refusal reasons other than overlooking issues
- adverse impact on neighbours
- not in keeping with area
- contrary to national and local planning policy.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws, Chairman of Whittlesey Town Council's Planning Committee. Councillor Mrs Laws made the point that numerous applications have been submitted for this site and the Town Council considers that development of this site would be back garden development.

Councillor Mrs Laws referred to the appeal decision issued for the site and since this time there have been applications for semi-detached dwellings to the current proposal for a 3-bed two-storey dwelling, which has been slightly revised but, in her view, is a similar application to the proposal refused in 2012. She expressed the view that the footprint has been reduced to provide greater distance from the adjoining dwelling and the window to the rear have been re-positioned, which highlights the constrained nature of the site, although acknowledging that overlooking to the properties on Stonald Road has been addressed.

Councillor Mrs Laws expressed the opinion that Northgate Close is a known congested cul-de-sac and is already full to capacity with existing on-road parking, with the turning point being already congested. She stated that the Town Council does not feel that the proposal provides a workable and satisfactory parking arrangement.

Councillor Mrs Laws stated the Town Council feels the proposed dwelling is inappropriate, cramped and not in keeping with the surrounding area. She recognised that attempts have been made to overcome the reasons for refusal, but it is not felt that the proposal is consistent with the shape and form of the existing settlement pattern. She asked that members support the officers' recommendation.

Members received a presentation from Councillor Mrs Mayor, the Fenland District Council ward member for Delph Ward which this proposal lies in. She stated that she did not call-in this application, a fellow town councillor did and she disagrees with his reasons for doing so.

Councillor Mrs Mayor expressed the view that she does not feel the proposal would fit in with the area and provide much needed housing as one dwelling has no affect. She referred to the extensive history of refusals on the site, with the original outline application in 2005, agreed on appeal, being for one dwelling, but since that time there have been four applications for two dwellings, with the previous application being for one dwelling.

Councillor Mrs Mayor expressed the opinion that every refusal and the appeal has raised concern with parking provision in Northgate Close and the area, with it suffering from on-street parking and she feels that members would have been able to see from their visit to the site that there is a problem with parking in this area. She feels that since the application for two dwellings, the NPPF has been published and greater importance has been placed on quality development, with a high quality design and sufficient amenity space, and this needs to be taken into account.

Councillor Mrs Mayor expressed the view that despite alterations to the proposal she feels it is over-intensification of the site and she would like to agree officers' recommendation and support refusal of the proposal.

Members received a presentation, in accordance with the public participation procedure, from Mr Klimczuk, the applicant for the proposal. Mr Klimczuk informed members that he brought this plot in 2007 and has attempted to place two 2-bed dwellings on the site, which was dismissed on appeal for the reason that four parking spaces were required.

Mr Klimczuk expressed the opinion that the new proposal has addressed the parking issue, located on one side of the property, and is the same as the remainder of the street. He stated that he did have discussions with officers on a proposal for a 4-bed property, but he received an e-mail from officers saying that it should be a 3-bed dwelling with the provision of parking, making the point that he has undertaken what was asked of him by planners and by the inspector at the appeal, with, in his view, sufficient off-road parking being provided.

Mr Klimczuk expressed the view that there is sufficient distance to the boundary of adjoining properties and he believes the proposal would provide a positive contribution to the street scene and provide adequate amenity space. He expressed the opinion that the proposal is for an average 3-bed house, with overlooking to the neighbouring garden only, and he considers that this proposal addresses all the Planning Inspector and officers' comments.

Mr Klimczuk requested approval of the proposal.

Councillor Hodgson asked Mr Klimczuk if he considers that parking area to be wide enough? Mr Klimczuk advised that there is a garage space and the parking area is 5 metres wide.

Councillor Sutton questioned Mr Klimczuk about his mention of a 4-bed dwelling? Mr Klimczuk informed members that officers' advised him to submit a 3-bed dwelling.

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

- Councillor Patrick stated that from visiting the site he agrees with officers' recommendation;
- Councillor Cornwell referred to the parking space and that he thought the standard was 6 metres and not 5? Officers advised that a 6 metre area should be provided for a parking space, the garage is 2.4 metres wide with a 2.1 metres doorway, which is felt to be sub-standard, with the driveway being only 4.5-5.5 metres at its longest point;
- Councillor Sutton asked officers for their comments on a 4-bed v 3-bed dwelling as referred to by the applicant? Officers advised that a 3-bed was submitted previously in 2012, they did have pre-application discussions with the applicant regarding a 4-bed dwelling, but due to the issues of parking this could not be accommodated on the site.

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

Refused for the following reasons -

1. **the proposed development would result in an inappropriate and cramped form of development, which would be out of keeping with the character of the surrounding area, contrary to the National Planning Policy Framework, Policy CS16 of the emerging Fenland Local Plan - Core Strategy (Feb 2013) and Policy E8 of the Fenland District-wide Local Plan;**
2. **the proposed development would result in an unsatisfactory and contrived parking provision which would be contrary to Policies E8, TR3 and Appendix 2 'Car Parking Standards' of the Fenland District-wide Local Plan (1993), Policy CS15 (Part C) and Appendix A 'Parking Standards' of the emerging Fenland Local Plan - Core Strategy (Feb 2013) and the National Planning Policy Framework.**

(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)

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

P3/13

F/YR12/0682/F

WISBECH - FORMER WISBECH VEHICLE EXCHANGE, LAND WEST OF 22 OLD LYNN ROAD, ERECTION OF 8 X TWO-STOREY 2-BED DWELLINGS AND 1 X 1-BED FLAT OVER TRIPLE GARAGE INVOLVING DEMOLITION OF EXISTING BUILDINGS
(MR J FITT)

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

Officers informed members that the initial part of the recommendation should read 'Grant, subject to the following conditions'.

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

- Councillor Cornwell stated that he has reservations about the cramped nature of the site and asked if the size of the parking areas at the front of the development comply with the requirements in the Core Strategy, does the size of the amenity areas also comply with the Core Strategy, where is the amenity area for Plot 5 and will this be an allocated parking space arrangement? Officers advised that Plot 5 is a flat above a garage and these normally do not require amenity areas in locations such as this. Councillor Cornwell expressed the view that it does not say this within the Core Strategy. Officers advised that ideally the Core Strategy is the aspiration, but it is emerging policy and officers have to be mindful of the previous consent for the site, which is a material factor, with a parking space of 6 metres being an aspiration in the Direction of Travel. Councillor Cornwell asked if the 6 metre frontage does not apply to this site? Officers advised that it is taken into consideration, but account has also been taken of the site's previous consent and its town centre location. Councillor Cornwell made the point that there are specific comments within the Core Strategy about amenity size as opposed to curtilage size. Officers advised that this application was submitted to the Council on 4 September 2012 and the policy position as it stood then needs to be taken into account, there was much negotiation undertaken when the scheme was submitted and officers have tried to be fair and consistent with the applicant. Councillor Cornwell made the point that it is now May 2013, the Core Strategy is nearly complete and he is struggling to find a reason not to be consistent. Officers made the point that the Core Strategy has not been through the formal inspector process, it has to be given weight but weight also has to be given to other material planning considerations;
- Councillor Stebbing referred to comments about the low profitability of the site, which he did not think was a planning matter, and he is concerned that a development of this size has no contributions attached to it. Officers advised that the NPPF enables local planning authorities to look at viability and solutions to unblock development. A viability assessment has been submitted and been assessed independently and by the Council's relevant officer, which shows that there is insufficient surplus from this development to warrant affordable housing in this instance.

Councillor Stebbing expressed the view that it will be difficult to convince other applicants that this is a sensible way forward. Officers made the point that Planning Committee has considered viability in the past on applications and the rule has to be applied in a fair and consistent manner recognising the economic situation.

On larger schemes there is the opportunity for uplift and review mechanisms, but this scheme does not have a lead in period and the economic situation would not change that quickly for the situation to be significantly altered. As a Planning Authority the Council would wish to provide affordable housing on site, but have to be aware of the NPPF and the circumstances that have been submitted;

- Councillor Patrick stated that he looks forward to the development of this site, there are many blots on the landscape and this development would provide housing. He does have concern though that allowing relaxation of affordable housing would open the floodgates for other applications. Officers advised that each application is assessed upon its own merits and subject to a robust appraisal following an identified model;
- Councillor Sutton made the point that if members cannot deviate from one policy to another this committee might as well not exist. In an ideal world the Council would be looking for Section 106 payments, but it is not an ideal world, the country is in the depths of a recession and this proposal would allow a company to build houses that are needed in the area and support jobs. It has been proven by the applicant that the scheme is not viable for contributions, members have seen the demolition that is required on the site and he feels it is unrealistic to expect the applicant to afford the costs of demolition and Section 106 contributions. He believes that officers' have made the right recommendation;
- Councillor Bucknor referred to officers' comments that a dwelling over a garage does not require amenity space as it is in a town centre location making the point that this site is not in a town centre location. Officers advised that it is in town centre locations or some suburban locations also;
- Councillor Murphy made the point that until the Core Strategy has been signed off by the Inspector there is no Core Strategy and asked if affordable homes could not be provided on site, could contributions be made for something else, such as leisure? Officers advised that contributions can only be required that are firmly written in the policies and Section 106 contributions have to be appropriate to the development and necessary to make the development acceptable. There is no viability in the scheme for affordable homes and it does not meet the trigger for any other requirements;
- the Principal Solicitor acknowledged that this is a difficult decision for members to grant an application where affordable housing contributions should be made, but agreed with Councillor Sutton that if members did not have the possibility of moving away from policies a committee would not be required. He stated that agents know that evidence of viability has to be provided, the figures in this instance do not 'stack up' and as this development is for only 8 houses the uplift provisions do not apply;
- Councillor Hodgson expressed the opinion that he see this application as being more suitable for a town centre location. Officers advised that the site is previously developed, is close to Walsoken centre and is an appropriate site for high density, which would remove a non-conforming use from the locality;

- Councillor Mrs Newell agreed with the comments of Councillor Sutton and that housing is desperately needed;
- Councillor Cornwell made the point that approving this proposal gives the applicant three years to develop, with nothing to stop an extension of time so it could be four years, and is there a mechanism to test viability of the scheme at the end to see if the original argument still stands? The Principal Solicitor advised in the affirmative, but each particular development would need to be looked at and if it was a major development it might be reasonable to apply this, but it may not be reasonable on a development such as this. Officers advised that there is no guarantee that the extension of time process will remain indefinitely and if development did not come forward during its three year consent it could be looked at in relation to the economic climate at that time. It is believed that the applicant is keen to move this site forward and develop it.

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

Granted, subject to the conditions reported, plus a condition in relation to a refuse collection strategy.

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

P4/13

F/YR12/0901/F

WIMBLINGTON - LAND SOUTH OF 42 MARCH ROAD, ERECTION OF 1 X TWO-STOREY 4-BED DWELLING WITH DETACHED DOUBLE GARAGE/HOME OFFICE AND 2 X TWO-STOREY 4-BED DWELLINGS WITH ATTACHED DOUBLE GARAGES
(MR P JONES)

Further to minute P177/12.

Officers informed members that:

- the application was deferred by the Planning Committee on 3 April to allow the applicant to conduct a speed survey to see if highway concerns could be overcome, along with a re-design of the planting
- a speed survey was subsequently submitted and the Highway Authority commented as follows:
 - notwithstanding the posted speed limit of 40mph, it has been observed that the 85%ile speed of northbound vehicles is 35mph and southbound vehicles 37mph
 - in the circumstances I agree that the visibility splays contained within Manual for Streets is more applicable
 - consequently, I would require visibility splays of 2.4 x 65 metres to be provided each side of the access. For completeness I strongly recommend that an amended layout plan be obtained from the applicant/agent identifying the now proposed access location together with the required splays
 - in addition, the following conditions should be imposed:
 - the access must be a minimum of 5.0 metres wide for a minimum distance of 10 metres measured from the near channel line of the March Road carriageway

- prior to the first occupation of the development, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification
 - the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved by the Local Planning Authority
- amended plans were subsequently submitted showing visibility splays of 2.4 x 65 metres on either side of the site access and the planting area along the site frontage reinstated
 - as a result the amended proposal is now considered to comply in part with guidance contained in Policies H3 and E8 of the saved Fenland Local Plan (1993) and Policy CS15 of the emerging Fenland Core Strategy (2013), which seeks to ensure that new development does not impact on highway safety
 - notwithstanding the resolution of the highway safety comments, the positioning of the proposed housing development on this site would introduce additional ribbon development. As the area is currently open and has a strong relationship with the countryside, it currently provides an important visual gap between existing areas of sporadic housing development in this part of March Road and Bridge Lane. As a result it is not considered as being an appropriate location for residential development on the grounds that it would lead to the loss of this important visual gap and result in a form of development that would not properly relate to the overriding form and character of the developed footprint of Wimblington
 - the recommendation remains to refuse with the deletion of refusal reason 2.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey referred to the aerial photo shown by officers and that they failed to inform members that on the junction of Bridge Lane and March Road there have been two large bungalows approved, which are currently being built, detracting from the openness that officers are trying to imply.

Mr Humphrey expressed the view that members at their meeting on 3 April inferred that this was a good scheme, providing executive housing to fit in with the quality houses in this area and that this site would enhance and provide additional quality housing. He made the point that the traffic survey shows there are no issues and this site would provide a continuous frontage from Bridge Lane almost up to the roundabout.

Mr Humphrey expressed the opinion that the site provides plenty of space and he is concerned that members are re-visiting the whole principle when it has been before them previously, with members asking for a traffic survey that has been undertaken and shows no problems. He feels that members need to be consistent as there is no point agents undertaking additional work and asked members to support the proposal as they did at the meeting on 3 April.

Councillor Mrs Newell asked Mr Humphrey if he would agree with officers that this part of Wimblington is not sustainable? Mr Humphrey advised that he did not. Councillor Mrs Newell stated that she agrees with him.

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

- Councillor Murphy expressed the view that when looking at the area on the aerial photograph this is the only piece of land left to develop and Bridge Lane is a natural barrier. He feels that it is ideal to join up this development with the ones being built in Bridge Lane and that the dwellings will fit in with the area.

Officers advised that in relation to consistency, officers have been consistent in their report in relation to concerns about sustainability, however, the reasons for refusal on highway grounds has been removed due to the result of the traffic survey;

- Councillor Quince stated that he likes the scheme and feels it is quality housing;
- Councillor Sutton stated that he was not happy with this proposal on grounds of highway safety and he is still not happy with it so he is being consistent;
- Councillor Hodgson referred to the comments of the Parish Council regarding a footpath? Officers advised that there is a footpath on the opposite side of the road;
- Councillor Cornwell asked if there is a footpath on Bridge Lane? Officers advised that there is not, there is a grass verge on both sides. Councillor Cornwell expressed the view that there is more development down Bridge Lane than there is on March Road and he feels that this proposal would provide a lovely gateway to Wimblington adding to the other substantial properties in this area.

Proposed by Councillor Mrs Newell, seconded by Councillor Bucknor and decided to:

Grant, subject to the following conditions:

- **the development permitted shall be begun before the expiration of 3 years from the date of this permission**
- **prior to the first occupation of the development hereby approved, visibility splays shall be provided each side of the access and shall be 2.4 x 65 metres and maintained thereafter free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway**
- **prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5 metres for a minimum distance of 10 metres measured from the near channel line of the March Road carriageway and thereafter maintained in perpetuity**
- **prior to the first occupation of the development, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification**
- **the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme to be submitted to and approved by the Local Planning Authority**
- **all hard and soft landscape works including any management and maintenance plan details shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plans which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority**

- prior to the commencement of use hereby approved, the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:
 - park clear of the public highway
 - enter, turn and leave the site in forward gear
- shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity
- 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
- 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 time(s) as may be specified in the approved scheme and thereafter retained in perpetuity
- no development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site
- prior to the commencement of any works or storage of materials on the site, all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes
- prior to the commencement of the development hereby permitted an Arboricultural Impact Assessment and Method Statement relating to any works that are proposed within the root protection zones of any trees on or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details
- approved plans.

Members do not support officers recommendation of refusal of planning permission as they feel that the proposal does lie in a sustainable location.

P5/13

F/YR12/0903/F

ELM - THE DALE, BEGDALE ROAD, ERECTION OF 21 X TWO-STOREY DWELLINGS COMPRISING OF 14 X 2-BED AND 7 X 3-BED, 2.1 METRE HIGH FENCING AND LANDSCAPING INVOLVING DEMOLITION OF EXISTING SHELTERED ACCOMMODATION AND GARAGE AND ALTERATIONS TO THE GARDENS OF SIX EXISTING BUNGALOWS (MS F COULSON, RODDONS HOUSING ASSOCIATION)

Further to minute P187/12. Members considered objections and one letter of support.

Officers informed members that the reason this application is before committee is that officers' recommendation is contrary to the views of the Parish Council and not as specified within the report.

Members received presentations, in accordance with the public participation procedure, from Ms Hodson, on behalf of the applicant, and Mr Nelson, the applicant's agent. Ms Hodson informed members that she is Managing Director of Roddons Housing Association and since deferral of the scheme at the last meeting she has looked closely, with colleagues, at the proposal in terms of mix and design.

Ms Hodson stated that when a scheme is designed many factors are taken into account and the housing register has 3,000 people on it, with 70% wanting this type of development. She stated that there are 67 properties for social rent in Elm and the majority are bungalows so family properties have been proposed to give a balance to a lack that exists in the locality.

Ms Hodson referred to a scheme whereby Roddons pays people to give up their properties where they are not using bedrooms, with 30 applicants on the register last year which has risen to 80 now and there is only one person on this list that wants to downsize to a 1-bed property in Elm. She stated that Roddons are looking on a case by case basis on other schemes at the number of bedrooms proposed in their properties and needs to ensure that development meets the demand in an area.

Mr Nelson informed members that he has been involved in the design of the scheme and the design of the houses closest to the bungalows has attempted to be as respectful as possible to these bungalows, but there are constraints on the site due to underground cables that cross the site. He stated that the existing bungalows have had the size of their gardens increased and refuse access to these back gardens, with security hopefully improved to these dwellings.

Mr Nelson made the point that these two proposed plots are 1.5 storeys and the bedrooms look onto the road and not across to the bungalow. He referred to the plan which showed Planning for Daylight, which, in his view, demonstrates that the proposal is well within this standard and there are no overlooking issues.

Councillor Bucknor noticed that Mr Nelson had a sample of the cladding material that was be used and asked to see it. Mr Nelson passed it to members to circulate.

Councillor Miscandlon asked Ms Hodson to comment on the bedroom tax. Ms Hodson stated that the official title is Under Occupancy Penalty and it only applies to people of working age.

Councillor Cornwell made the point that working age might be different to working people. Ms Hodson advised that it is pension credit age, people deemed as not earning an income and she believes that it will also include those that are classed as vulnerable.

Councillor Hodgson stated that he has no questions, no objections and thanked the speakers for their comments.

Councillor Quince asked where the cladding material has been used? Mr Nelson advised in Elsworth, north of Cambridge. Councillor Quince asked how long does it last? Mr Nelson advised that it has a design life of 60 years and is maintenance free. He stated that cladding is being used as the design of the houses provides a car port to provide 2 car parking spaces for the properties and to span a bedroom over this car port light weight cladding is required to support this and reduce the cost of the build.

Councillor Bucknor asked Mr Nelson if there will be any colour variation to the cladding or will it just be black? Mr Nelson advised that there are a range of colours and he hopes that the right shade can be agreed with officers.

Councillor Sutton referred to the mention that only one person wants to downsize to a 1-bed dwelling. Ms Hodson advised in the affirmative, to a 1-bed bungalow. Councillor Sutton asked Ms Hodson if she is telling him that there is no-one in Fenland that would want to move to a 1-bed bungalow in Elm? Ms Hodson advised that she is saying that there is one person registered on the Easy Move Scheme that is actively asking for help to move into a 1-bed property, which is not just in the Elm area but various locations. She stated that Roddons have 67 properties in Elm and 50 are bungalows, with there being 31 two-beds and 19 one-bed.

Councillor Sutton stated that he is a little frustrated due to the fact that this proposal was deferred for the applicant to review the scheme and he does not feel that it has been reviewed at all and does not feel that any other decision can be made than as last time.

Proposed by Councillor Bucknor, seconded by Councillor Hodgson and decided to:

Grant, subject to

1. **prior completion of a Section 106 Agreement on the following terms:**
 1. **the provision of 25% affordable housing - equivalent to 5 dwellings**
 2. **education contribution**
 3. **strategic waste contribution**
 4. **public open space contribution**
 5. **a monitoring contribution**
2. **the conditions reported.**

(Councillor Murphy declared a Non-Pecuniary Interest in this application, by virtue of being a Board member of Roddons Housing Association, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Patrick declared a Non-Pecuniary Interest in this application, by virtue of residing in close proximity to the site, and retired from the meeting for the duration of the discussion and voting thereon)

P6/13 **F/YR12/0980/F**
MARCH - LAND WEST OF OLD COUNCIL DEPOT, GAUL ROAD, VARIATION OF
CONDITION 12 OF PLANNING PERMISSION F/YR09/0648/F (ERECTION OF 135
HOUSES WITH ASSOCIATED GARAGES AND PARKING) IN RELATION TO
CONSTRUCTION TIMETABLE OF ROUNDABOUT
(CANNON KIRK (UK) LTD)

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

- Councillor Mrs Newell asked how many properties have been built on the site to date? Officers advised that in the application it stated 4 units up to Christmas;

- Councillor Cornwell expressed his disappointment in this application as this is the only large live development in March and whilst he acknowledges that roundabouts cost a lot of money, there is development occurring at present and he would be happier if someone counts the amount of development that is taking place as a roundabout is desperately required at this dangerous junction. He feels that update completion figures should be provided before the variation is agreed;
- Councillor Patrick requested clarification that the roundabout should be developed by the building of the 50th dwelling? Officers advised in the affirmative, which maintains the position of the original permission. Councillor Patrick asked that once the 50th dwelling is built there would be no further building until the roundabout is built? Officers advised that it is hoped that the roundabout would be in progress and operational by the 50th dwelling;
- Councillor Sutton stated that in an ideal world the 50th house would have been built and constructed within two years, but the construction industry in Fenland is worse than anywhere else;
- Councillor Mrs Newell referred to previous discussions about traffic lights at the junction and not a roundabout. Officers advised that members have to consider what is before them at this time, there has been muted talk about a different traffic management scheme for this junction, but this would need to come back to committee for consideration if anything was submitted;
- Councillor Cornwell asked how the problem of imbalance is overcome, with the recommendation as it stands being that if the developer gets to the 49th house there could be a wait for a roundabout, which is very much required, and if there is a move away from a time position to a number position how is the momentum maintained? Officers advised that there is still a fall back position for the proposal, with it either being two years from the date of issue of consent or the 50th dwelling;
- Councillor Quince asked if there is any form of bond that can be placed on the permission as a guarantee? Officers advised that there is no such mechanism in planning, but there will be a Section 106 obligation.

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

Grant, subject to

- **variation of the original Section 106 Obligation**
- **the conditions reported.**

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by residing in close proximity of the application site)

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

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

Members took a 10 minute break following determination of this application.

P7/13 **F/YR12/1001/O**
ELM - LAND SOUTH OF 188 FRIDAYBRIDGE ROAD, ERECTION OF FOUR
DWELLINGS
(MR AND MRS B & J INGHAM)

Members considered letters of representation.

The committee had regard to its inspection of the site (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 Cornwell expressed the view that this seems to be an ideal location for this proposal, providing outline consent for four substantial plots. He feels the access may be an issue due to the fact that traffic calming exists in the vicinity, which may have to be moved, and it may be that a joint access onto the main carriageway is a safer way forward, but apart from this he thinks it is an ideal site for development;
- Councillor Patrick expressed the opinion that he does not think the traffic calming is a problem to the access.

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

Granted, subject to the conditions reported.

P8/13 **F/YR13/0011/F**
WISBECH - LAND SOUTH-WEST OF 241 NORTH BRINK, ERECTION OF A TWO-
STOREY 4-BED DWELLING
(MR AND MRS WAKEFIELD)

Further to minute P170/12.

Members received a presentation, in accordance with the public participation procedure, from Mrs Wakefield, one of the applicants for the proposal. Mrs Wakefield referred to the previous meeting on 6 March 2013, with the original application being in relation to both her mother and father, but now the application is in relation to her mother as her current health status makes it so that she needs to live with her family to enable her to care for her current needs.

Mrs Wakefield stated that a 4-bed house is required to accommodate the needs of her family and a stair lift is essential, with her current property not being able to accommodate one. She expressed the view that her mother requires care day and night, confidential medical information has been obtained from the GP, and an annexe would divide her family.

Mrs Wakefield made the point that the proposal would be a family home, with the intention to maintain farming activity on the land which maintains security. She referred to three executive dwellings that have been granted further along North Brink.

Mrs Wakefield stated that she home educates her two children, currently has to travel daily to her mother's bungalow and it is essential, due her health, that she lives with them so that she is able to care for her needs and maintain the close family unit.

Councillor Sutton asked Mrs Wakefield to confirm that it is her intention to sell her current home and move into this new property? Mrs Wakefield confirmed this to be the case.

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

- Councillor Murphy stated that he supports the officers' recommendation and his reason for this is that there are no planning reasons why this proposal should be accepted and members should not be ruled by their hearts;
- Councillor Sutton questioned if this proposal could be supported due to quality design? Officers advised that the NPPF places a great deal on exceptional quality and they would not say the property is exceptional or that the requirements are proportionate to the policy basis. Officers would be happy to talk to the applicant about an annexe, although the applicant has highlighted that it does not meet their needs, this has not been explored with the family. By allowing this proposal, it could result in another substantial dwelling in the open countryside and it will set a precedent for any others that come forward. If members want to move away from the recommendation, they need to have firm planning reasons and take into account future decisions that they will be called upon to make. Officers questioned whether it is right that this size of dwelling is appropriate for someone's care needs?;
- Councillor Sutton expressed the view that members should be listening to the Town Council and they are supportive of it. He feels what is exceptional and nice is in the 'eye of the beholder';
- Councillor Quince made the point that the Flood Risk Assessment states that bedrooms should be on the first-floor and asked how they would get to the first-floor with an annexe?;
- Councillor Stebbing stated that the committee accepted a separate property on Barton Road, Wisbech to allow a person who was losing his sight to remain next to his existing property;
- Councillor Murphy expressed the opinion that Barton Road is in a built up area and this is the middle of nowhere. Councillor Sutton disagreed, making the point that the site is surrounded by others;
- Councillor Mrs Newell suggested that the application be deferred as members seem to be unsure;
- Councillor Sutton reiterated that he believes a reason for supporting the proposal is that it is a nice design within a built up area. Officers advised that they do not consider the design to be exceptional, granting the application would deviate from professional guidance, could set a precedent that is contrary to policy framework and put the Council in a difficult position to deal with further applications;
- Councillor Sutton expressed the view that he believes the sites does lie in a sustainable location given the circumstances of the family. The Principal Solicitor advised that the question of whether sufficient justification has been made to overturn officers' recommendation is a judgment call for members;

- Councillor Bucknor stated that it appears that members are manufacturing reasons to go against officers' recommendation and he cannot support anything that does this.

It was proposed by Councillor Murphy that the application be refused as per officers' recommendation, but this proposal did not receive a seconder, and, therefore, the proposition fell.

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

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

Refused for the following reason -

the proposed development, which is located outside the main settlement of Wisbech, will be situated within open countryside which forms the rural character of this area, and has not been supported by sufficient justification for the introduction of a dwelling within an isolated and unsustainable location, contrary to the provisions of the National Planning Policy Framework Paragraph 55, Policies E1, E2, H3 and H16 of the Fenland District-wide Local Plan and Policies CS12 and CS16 of the Fenland Local Plan Core Strategy February 2013.

(Councillor Patrick stated that he called-in this application, but does not have a pre-determined view)

(Councillors Cornwell, Hodgson, Miscandlon, Murphy, Quince, Stebbing and Sutton registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

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

P9/13

F/YR13/0063/F

WISBECH - LAND SOUTH-WEST OF DUNROAMIN, LORDS LANE, ERECTION OF TWO-STOREY 4-BED DWELLING WITH ATTACHED DOUBLE GARAGE (MR M R LARGE)

Further to minute P172/12.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker stated that his reason for representing this application today in relation to one of consistency in decision.

Mr Broker referred to the meeting of 6 March 2013, where he and the applicant's daughter gave a detailed account of the application for this dwelling, with his client having invested heavily in the venture and the application was deferred for the provision of a business plan and a Flood Risk Assessment, with both having been successfully submitted and officers now recommending approval.

He questioned the need for an agricultural occupancy restriction, identifying the reason for this in the report as always being applicable in the open countryside and making the point that when the question was asked at the meeting on 6 March 2013 about it being an agricultural tied building officers responded that it would have to be, but an application for a dwelling 100 metres on the opposite side of the road was approved without any such restriction, with members being informed that approval of that application should be granted without any restrictions as there were no justification for this. He feels that these are two similar applications, but have received differing advice from officers.

Mr Broker stated that he does not disagree with the agricultural occupancy restriction, but asked for fairness with other applications given the implications on the value of the property with such a restriction.

Officers advised that from recollection, the property referred to did not have any agricultural justification and the officer recommendation was for refusal therefore officers were correct in recommending that it not be linked to an agricultural holding as there was no business case made to do so, they did not recall members' reasons to go against officers' recommendation. Officers made the point that development in the open countryside should be exceptional in design, innovative or be required for an agricultural holding and each application is dealt with on its own merits. Members deferred this application previously to give the opportunity for the applicant to strengthen his case and on this basis it is being recommended for approval with an agricultural restriction.

Proposed by Councillor Mrs Newell, 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)

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

P10/13 **ELM - ALL SAINTS CHURCH HALL, MAIN ROAD**
F/YR13/0069/EXTIME - CHANGE OF USE OF CHURCH HALL TO 2 X 2-BED AND
1 X 3-BED DWELLINGS INVOLVING PART DEMOLITION OF BUILDING AND
DEMOLITION OF OUTBUILDING (RENEWAL OF PLANNING PERMISSION
F/YR09/0535/F)
F/YR13/0070/EXTIME - DEMOLITION OF PART OF EXISTING BUILDING AND
OUTBUILDING (RENEWAL OF CONSERVATION AREA CONSENT
F/YR09/0536/CA)
(MR D HOUSDEN)

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 it is not the most ideal development with its lack of amenity space, but he would agree with the officers' recommendation to allow a one year extension;
- Councillor Murphy made the point that the proposal would tidy up the site, which has deteriorated further and requires tidying up, and it could be a nice development. He stated that the extant permission does not bother him, believing there will be more and more as people cannot sell properties or build them due to the economic climate, and he would have allowed a three year extension;
- Councillor Sutton questioned how the proposal gained permission for three in the first place as it would have been ideal for only one. He cannot support the proposal as he thinks it is wrong and will abstain;
- Councillor Cornwell expressed the view that the Parish Council have got the situation correct and if an extension has to be given he would like to give it a month. He does not feel the site is sustainable, cannot see how it got permission in the first place and cannot support it;
- Councillor Quince stated that he would like to see the porch removed from the building. Officers advised that the existing porch is part of the main unit;
- Councillor Bucknor asked if the porch would be brought up to standard as it looks like it is falling down? Officers advised that there is the requirement to ensure the development falls in line with current building regulations and safety would be one of those reasons.

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

Granted, subject to the conditions reported.

(Councillor Sutton requested it be recorded that he abstained from voting on this application)

P11/13 **F/YR13/0188/F**
GOREFIELD - LAND WEST OF PEAR TREE HOUSE, HIGHSIDE FRONTING
BLACK LANE, ERECTION OF A TWO-STOREY 5-BED DWELLING WITH CAR
PORT AND ASSOCIATED POLY TUNNEL, WOOD STORE/POTTING SHED,
GREEN HOUSE AND CHICKEN COOP AND FORMATION OF POND/REED BED
(MS S CALDWELL)

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 condition 3 of the recommendation should be amended to read: Prior to occupation of the dwelling a Quality Assured Passivhaus Certificate, or equivalent, shall be submitted to and approved in writing by the Local Planning Authority to show that the dwelling has achieved the requirements of the Passivhaus Building Certification. Thereafter the development should be carried out in accordance with the approved details.

Members received a presentation, in accordance with the public participation procedure, from Mr Burton, the applicant's agent. Mr Burton expressed the view that this proposal recognises the impact of the construction industry and dwelling emissions on the environment, with dwellings accounting for around 25% of the UK's carbon emissions and the proposal's driving ethos is of carbon neutrality and longevity of construction, setting out to exceed the Government's targets.

Mr Burton stated that this proposal is for the creation of a single detached dwelling that mitigates the occupant's impact on the environment, both locally and globally, with the design process following a five step approach with the overall aim of creating Fenland's first fossil fuel free environmentally responsible exemplar project that strives to meet the Passivhaus standard and achieve carbon neutrality in occupation. He expressed the opinion that this approach would also eliminate the occupants from the threat of fuel poverty and minimise the project's embodied energy whilst maximising the robustness and longevity of the construction.

Mr Burton stated that the site is currently amenity land to Pear Tree House and is located between Pear Tree House and Red Barn, which is approved for residential conversion, and the site has not been used for agriculture since at least 2003 and for the most part is located within Flood Zone 1. He noted the objection from the Parish Council with regard to development in the open countryside, but stated that he was unable to attend the Parish meeting to present the proposals during the public forum and he feels that if he had been able to attend he could have allayed the Parish Council's reservations as the site is located between and opposite residential development within a hamlet on the outskirts of Gorefield, with the sustainability and principle of residential development in this location being accepted by the Council through the recent granting of three residential approvals to convert existing barns in this area.

Mr Burton expressed the opinion that the neighbouring property at Dorrell objects on the grounds of open views, but these do not currently exist due to the height of the existing hedge. He feels that the positioning of this proposal and landscaping has been informed by the location of Red Barn and the sight lines generated from Dorrell allowing them views through to open countryside.

Mr Burton expressed the view that this proposal recognises the importance of reducing operational energy and carbon as well as embodied carbon and seeks through intelligent design to achieve the required internal conditions with minimal artificial input. He stated that this is being achieved by combining passive and active design strategies and amalgamating these with Passivhaus design principles and traditional site analysis design strategies, which is embodied in first low carbon design approach consisting of five stages, which he explained to members.

Mr Burton expressed the opinion that this proposal results in an evolving architecture informed by its site, climatic conditions and context, which respects its location and interacts with the existing street scene, which has led to this contemporary interpretation of a barn development with a large footprint and large gaps between the structure allowing views through to open countryside. He stated that the external materials have been selected to pick up on the neighbouring agricultural buildings, with a mixture of brick, vertical cladding and aluminium on the roof.

Mr Burton asked members to support officers' recommendation for, according to officers, an innovative exemplar project, currently unique to Fenland, which would raise the general standard of design within the district.

Councillor Cornwell asked Mr Burton why has this property been proposed in an open countryside plot and not on the edge of a village? Mr Burton advised that the principle of this development is acceptable in any location, but this plot allows other activities to take place on the site, with this size of site not existing anywhere else. Councillor Cornwell asked if there is a business plan to support this proposal? Mr Burton advised not.

Councillor Quince asked Mr Burton what he intends to do in relation to energy efficiency? Mr Burton advised that the building has been designed around the path of the sun, incorporating super insulation and renewable technology to reduce carbon efficiency of the building by 80%. Councillor Quince asked what construction materials are to be used? Mr Burton advised that externally it would be brickwork, cedar cladding and aluminium.

Councillor Bucknor asked Mr Burton to clarify some terms that he mentioned in his presentation. Mr Burton provided such an explanation.

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

- Councillor Murphy referred to Red Barn making the point that this is a proper barn conversion and this proposal, in his view, looks nothing like a barn. He does not believe it is innovative and adding other items to the application, such as the chicken coop, will, in his view, result in a blot on the landscape. In his view, this proposal is not for Fenland;
- Councillor Cornwell expressed the view that the proposed vision of a barn is pushing the boundaries and the material usage is slightly odd. He feels there is no justification for the viability of all the bits, which would be required on other applications. He feels that the location is against what the Council stands for and if this was located on the outskirts of a village it could be acceptable, but he has reservations about putting it in this location, which is out of keeping with anything in this area;
- Councillor Sutton expressed the opinion that he can see merit in this application, but does have concern over setting a precedent. On balance he agrees with officers recommendation, but asked if this application is granted would every other piece of land that cannot obtain planning permission come forward with a Passivhaus application? Officers advised that there is no innovation in a second application for a Passivhaus dwelling. Officers have undertaken much research and a dwelling is exceptional and innovative if it the first of its kind and it is not felt that it would "open the door" to every piece of land for an application such as this;
- Councillor Bucknor asked how much would a Passivhaus put on the cost of a dwelling? The Chairman allowed Mr Burton to respond that figures show between 5-10% of a standard build cost;
- Councillor Patrick expressed the view that if this proposal was in a different location he would support it, but, in his view, it is another property in the open countryside;
- Councillor Sutton acknowledged the comments of members, but made the point that cost of a piece of land this size would make the proposal unviable on the edge of a village.

Proposed by Councillor Hodgson, seconded by Councillor Sutton and decided that the application be:

Granted, subject to the conditions reported.

Members took a 5 minute break following determination of this application.

P12/13 **F/YR13/0191/F**
ELM - LAND SOUTH OF 19 OLDFIELD AVENUE, ERECTION OF 2 X TWO-STOREY DWELLINGS COMPRISING OF 1 X 2-BED AND 1 X 3-BED WITH PARKING AND TEMPORARY SITING OF A MOBILE HOME (MR P DALLIDAY AND MS T ABLETT)

Members considered letters of support.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Swann, the applicants' agent. Mr Swann informed members that the site has outline planning permission for two semi-detached dwellings on land which was formerly a garage site for the Council and part of 19 Oldfield Avenue.

Mr Swann stated that the applicants live at 14 Oldfield Avenue and have done so for many years, wanting to remain in this area and the intention is for them to live in Plot 2 and Ms Ablett's son would live in Plot 1. He expressed the view that the proposal would allow the applicants to be financially stable and their son a route onto the property ladder.

Mr Swann referred to the numerous letters of support to the proposal from immediate neighbours and made the point that the NPPF allows local people can shape their own community, with the Parish Council voting in support of the application and the owner of the field to the rear of the site also supporting. He expressed the opinion that the proposal is in line with Core Strategy policies and, in his view, the scheme has 40% amenity space so does comply with Policy CS16.

Mr Swann stated that the building line of 19 Oldfield Avenue is respected by Plot 1, which reflects the semi-detached nature of other properties in this locality, and Plot 2 is to rear of Plot 1 and cannot be seen from Oldfield Avenue thereby respecting the existing character of the site. He made the point that the site is located in Flood Zone 1 and development is encouraged in areas not prone to flooding.

Mr Swann expressed the view that other applications have been granted on garage sites and he feels that this proposal would tidy up a site that has become a dumping ground. He asked members to support the proposal to provide two new dwellings to support infrastructure in Elm and that all neighbours and the Parish Council are supportive of.

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

- Councillor Hodgson stated that he has mixed feelings about this proposal and, in his view, if the application was for one property he would have no issues, but the one behind the front property is causing him a problem and members did look at the other corner of the estate to see if this was similar and this was just a single property;
- Councillor Sutton stated that he feels the new dwellings fit where the old garages were and follow the built line. There is no objection, in terms of overlooking, from 19 Oldfield Avenue and the Parish Council support the proposal. He thinks members should consider supporting the application;

- Councillor Mrs Newell made the point that the Middle Level Commission are not happy due to the maintenance strip and has the applicant provided any details to it? Officers read to members details contained in the letter from Middle Level Commission and that there may be an issue with Plot 2 as the garden land may fall within land that it may not give permission for;
- Councillor Stebbing stated that he finds it strange that the Middle Level Commission want to make a decision later, questioning whether they are going to let the applicants use that strip or not? Officers advised that the Middle Level Commission has highlighted this as an issue from its perspective and it is for the agent to investigate. Officers' recommendation is one of refusal so it would not ask the agents to incur unnecessary expense in addressing this issue;
- Councillor Quince expressed the view that the issue of Middle Level Commission insisting on a 9 metre maintenance strip is a common occurrence. Officers advised that they can inform the agent and in planning legislation it is material as they may not be able to provide the approved scheme, but consent could not be withheld on this basis;
- Councillor Quince expressed the opinion that the application proposes one dwelling too many and he would prefer to see one dwelling on the site;
- Councillor Cornwell expressed the view that he finds the layout of the site strange and asked if the previous application for a semi-detached dwelling was covering the same area as this application? Officers advised in the affirmative. Councillor Cornwell made the point that consent has been given for dwellings on this site, but in his view they are now detached and one is located in a peculiar position;
- Councillor Sutton made the point that the layout of the dwellings is dictated to some extent by the pumping station.

It was proposed by Councillor Sutton and seconded by Councillor Bucknor that the application be Granted, subject to suitable conditions, but this was not supported on a majority vote by members.

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

Refused for the following reasons -

1. **the proposed development would result in a form of development that is out of keeping with the character and core shape of this area, making the development of this site unacceptable and contrary to Policy E8 of the Fenland District-wide Local Plan (1993), Policies CS12 and CS16 of the emerging Fenland Local Plan Core Strategy (2013) and the requirement for 'good design' within Paragraph 56 of the National Planning Policy Framework;**
2. **the proposed development by virtue of design, layout and siting of the dwellings on the site would result in an undesirable and poor relationship between both the existing and proposed dwellings, which would impact upon the amenity of the existing and future residents in terms of both the proposed and neighbouring properties, contrary to Policy CS16 of the emerging Fenland Local Plan Core Strategy (2013), Policy E8 of the Fenland District-wide Local Plan (1993) and would not meet the requirement for 'good design' as outlined within Paragraph 56 of the National Planning Policy Framework.**

P13/13

F/YR13/0195/F

WISBECH - 41-43 CRAB MARSH, FORMATION OF A VEHICULAR ACCESS RAMP AND FOOTPATH LINK IN ASSOCIATION WITH CHANGE OF USE OF AGRICULTURAL LAND TO OPEN STORAGE AREA FOR PONTOONS AND CRANES AS SUBMITTED TO KINGS LYNN AND WEST NORFOLK BOROUGH COUNCIL

(MR R SAYER)

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 recommendation requires amendment to read at 8.1 "It is recommended that the relevant Corporate Director devolves its decision making authority to Kings Lynn and West Norfolk Borough Council in respect of this cross boundary application"
- an e-mail has been circulated to members from Councillor Mrs Bucknor, which states:
 - "When this application first came to the notice of residents - particularly those living in the Park Homes in Osborne Road - they raised their concerns to me with regard to access. At that time, the application clearly only showed egress along Crab Marsh so I was able to allay residents concerns. However residents would be opposed to access along Osborne Road. Cllr Michael Bucknor and I undertook a street surgery in this street in 2012 and the amount of heavy vehicles and general cars along this road was a major concern then. There is no off street parking and there is already heavy parking along this road which causes difficulties for access, particularly should an emergency vehicle be required. Almost opposite the proposed development are park homes with over 200 residents, all with at least one vehicle. Osborne Road is maintained by Cambridgeshire County Council. The road then leads into the responsibility of King's Lynn and West Norfolk Borough Council and is extremely poorly maintained. Vehicles using the proposed development are unlikely to use this access because the condition of the KL&WNBC road. Therefore whilst there is no objection to the development in principal, access into Osborne Road is not supported. Equally I see no justification in FDC devolving decision making to KLWNBC since access to this site would be through and the responsibility laying with CCC".

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey informed members that Drake Towage undertake marine works, salvage items from rivers and North Sea works, with its operation being all water related. He stated that the company is looking for storage for pontoons and cranes in association with boats.

Mr Humphrey advised members that the piece of land is owned by Prins and has become available to Drake Towage. He made the point that officers have confirmed that one of the issues currently is the access, with vehicles having to reverse all the way down to Crab Marsh as there is no turning facility on the site, and the proposal intends to provide a one-way loop for two lorry movements a day, coming in on Osborne Road and exiting on Crab Marsh.

Mr Humphrey stated that proposal would allow Drake Towage to expand into enough land for a bigger storage area.

Councillor Stebbing asked Mr Humphrey that due to the possible fears on Osborne Road can there not be a system whereby vehicles come in, turn round and exit on Crab Marsh? Mr Humphrey advised that he could ask his client to look at this possibility.

Councillor Hodgson asked Mr Humphrey if the proposal would stop vehicles reversing down a public footpath? Mr Humphrey confirmed that it would.

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

- Councillor Patrick suggested that it might be preferable to defer the application so that the agent could go back to Drake Towage for them to build some form of turning area into the proposal so all vehicle movements would be via Crab Marsh. Officers advised that if the applicant comes up with a scheme that satisfies turning on the site and does not use Osborne Road, the power could be devolved to the Corporate Director, but if this scheme does not come forward it would have to come back to committee;
- Councillor Cornwell made the point that if this route was followed it would depend upon the agent's co-operation. Mr Humphrey, who was allowed to speak by the Chairman, stated that members had his co-operation, but he wants to achieve the best for his client;
- officers requested clarification that members are seeking that Osborne Road access is deleted from the scheme? Councillor Stebbing responded in the affirmative, but as a condition not a request. The Principal Solicitor informed members that this proposal is asking members to devolve powers to Kings Lynn and West Norfolk Borough Council (KLWNBC), which is an approach that was used by them to this Council and is good practice where the majority of the application falls within another local authority area. All members are being asked to do as far as this Council is concerned is approve the access and it would seem appropriate to devolve powers with that recommendation. Councillor Stebbing stated that members would have to live with circumstances on Osborne Road that they might not agree with if powers were devolved to KLWNBC. Officers advised that they have spoken to the Case Officer at KLWNBC and they also have concern over access, so the same issues have been identified;
- Councillor Cornwell made the point that if the powers were devolved to KLWNBC and they decided it would prefer the Osborne Road access, does this Council have the ability to appeal? The Principal Solicitor advised that the Council would not have the ability to appeal, but could challenge the decision by way of a judicial review. Councillor Cornwell asked why the committee cannot approve access where it relates to the Fenland boundary and ensure that KLWNBC do not accept the other access? The Principal Solicitor stated that officers would advise that the power is devolved, but it is members' decision;
- Councillor Cornwell stated that it would provide members with some form of security if permission could be given for an access that would not allow use of Osborne Road in case KLWNBC wanted to take a different approach. Officers advised that the only element that can be considered is that which falls within Fenland's area and traffic could only be governed on Osborne Road by a traffic order. Councillor Cornwell expressed the view that the committee can make it clear that it would support a regulation order on Osborne Road, working with the County Council, or some other kind of traffic regulation that has the same effect;

- Councillor Patrick reiterated that he would like to see a deferment to see if some arrangement can be made for a turning area. Officers advised that it might be appropriate for Fenland's Case Officer, KLWNBC's Case Officer and Mr Humphrey to get together and agree a scheme. The Principal Solicitor made the point that as things stand at the moment KLWNBC can determine its application using delegated powers and if agreement can be reached it would give confidence that the application would remain determined under delegated powers;
- Councillor Sutton questioned whether power should be devolved to the Planning Committee rather than a Corporate Director, so that the ward councillor can make representation to KLWNBC? The Principal Solicitor advised that constitutionally the Planning Committee does not have the right to devolve powers, but it does have the power for a Corporate Director to take action of this nature;
- Councillor Stebbing pointed out that the issue is not regarding devolving power, but regarding the Osborne Road access, which if taken out of the equation would not be a problem, so he believes a deferral is the correct course of action. Officers advised that it is in the applicant's best interest to resolve the Osborne Road issue and there is merit in having a conversation with KLWNBC and the agent/application. The application could be brought back to committee, but if the only issue is that the scheme deletes the Osborne Road access there would be confidence in devolving powers;
- Councillor Sutton asked if the recommendation be that powers are devolved, subject to the Osborne Road access being deleted from the scheme. Mr Humphrey advised that his client has confirmed that he is happy not to use the Osborne Road access. Councillor Patrick asked that in light of this can the powers be devolved subject to the closing of the Osborne Road access?;
- Councillor Bucknor made the point that the Council needs to see this confirmation from the applicant in writing as it still needs the security that this access would not be used.

Proposed by Councillor Patrick, seconded by Councillor Stebbing and **decided that the relevant Corporate Director devolves its decision making authority to Kings Lynn and West Norfolk Borough Council in respect of this cross boundary application, subject to receipt of amended plans showing the deletion of the Osborne Road access from the scheme.**

(Councillor Bucknor stated that he does not have pre-conceived views on this application)

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

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

P14/13

F/YR13/0218/F

WISBECH - LAND SOUTH OF 198 LYNN ROAD, ERECTION OF A SINGLE-STOREY 2-BED DWELLING WITH INTEGRAL GARAGE INVOLVING DEMOLITION OF EXISTING GARAGE (MR AND MRS HARRIS)

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 Williams, the applicants' agent. Mr Williams stated that this application is for a small two-bed bungalow with attached garage, accessed via the existing driveway and, in his view, would have no more impact than the existing garage, with there being a garage on a neighbouring property that is larger than this proposal.

Mr Williams referred to 202 Lynn Road which sits in the rear garden of a property and has no vehicular access to it, only pedestrian access through the driveway of 204 Lynn Road. He expressed the view that local residents are happy with this scheme as no objections have been received and Wisbech Town Council recommends approval referring to their comments within the officers' report.

Mr Williams stated that there is parking for the existing dwelling, 198 Lynn Road, at the front of the property and the proposal is a standard bungalow design within the main settlement core. He showed photographs of the bungalow in the garden of 204 Lynn Road and the pair of semi-detached houses at the end of the access road to this proposal. He stated that his client would be prepared to upgrade the access roadway with gravel if it was felt necessary.

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

- Councillor Hodgson asked if there would be a problem collecting bins from this property? Officers advised that the distance would be outside the RECAP guidelines of 30 metres, which would be another adverse element to the scheme, however, other fundamental issues have been identified;
- Councillor Mrs Newell asked how the bungalow in the garden of 204 Lynn Road obtained permission and was this a delegated permission? Officers advised that they are not aware of the history to this bungalow, but believe it would have been a decision made when PPS3 was in existence;
- Councillor Bucknor asked Mr Williams if he had a solution to the bin collection issue? The Chairman allowed Mr Williams to respond that he feels that bin collection would not be any further than that at 202 Lynn Road and would not be a problem;
- Councillor Murphy made the point that bin lorries would not access the driveway to this property and bins would have to be pulled down to Sandringham Avenue. He believes that this proposal would set a precedent for all the other properties that have an access along this track and he cannot see any reason for allowing development in this location;
- Councillor Cornwell expressed the opinion that 202 Lynn Road is a red herring, making the point that 'two wrongs do not make a right'. He feels that this proposal goes against many policies and should not be allowed.

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

Refused for the following reasons -

1. the proposal is contrary to Policy H3 of the Fenland District-wide Local Plan and Policy CS16 of the Fenland Local Plan Core Strategy - February 2013 in that it would result in a form of development which is out of keeping with the established form of frontage development prominent in the surrounding area and accordingly the proposal fails to respect the character of the locality;
2. the proposal is contrary to Policy E8 of the Fenland District-wide Local Plan and Policy CS16 of the Fenland Local Plan Core Strategy - February 2013 in that the location of the dwelling and existing uses which surround the site would result in living environs which would be unsuitable for residential occupation.

(Councillor Patrick declared that he would take no part in this application and retired from the room for the duration of the discussion and voting thereon)

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

P15/13 START TIME OF MEETINGS

The Chairman proposed that the start time of future meetings of the committee remains at 1.00pm in view of the fact of the length of recent meetings.

Proposed by Councillor Miscandlon, seconded by Councillor Murphy and **decided that future meetings of the Planning Committee commence at 1.00pm.**

5.15pm

Chairman