

PLANNING COMMITTEE



21 AUGUST 2013 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor M G Bucknor, Councillor M Cornwell, Councillor D Hodgson, Councillor B M Keane, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor T E W Quince, Councillor D Stebbing, Councillor W Sutton.

APOLOGIES: Councillor D W Connor (Vice-Chairman), Councillor D R Patrick.

Officers in attendance: G Nourse (Head of Planning), Ms A Callaby (Planning Performance Manager), Ms K Brand (Senior Development Officer), Ms R Norman (Senior Development Officer), I Hunt (Chief Solicitor), Miss S Smith (Member Services and Governance Officer)

P48/13 MINUTES OF 24 JULY 2013

The minutes of the meeting of 24 July 2013 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P49/13 F/YR12/0623/F WHITTLESEY - LAND NORTH OF 47 COATES ROAD, COATES, ERECTION OF 11NO DWELLINGS WITH GARAGES COMPRISING OF 5 X 2-STOREY 3-BED (3NO AFFORDABLE), 4 X 2-STOREY 4-BED AND 2 X 3-STOREY 5/6-BED INVOLVING DEMOLITION OF EXISTING WAREHOUSE (MR J THORY)

Officers informed member that:

- the description of the development has been amended to delete the reference to affordable homes;
- one letter of objection has been received which reiterates earlier points made ie there are many empty properties for sale, the site is outside the Development Area Boundary, peace and quiet will be ruined and likely impact on highway safety;
- the objector notes that the scheme can only be driven by financial gain and identifies concerns regarding other parcels of land under the same ownership. In addition concern has been expressed regarding landscaping of boundaries;
- officer comment: these issues have been covered in the officer report save that any subsequent proposals will be considered on their own merits and landscaping is covered by condition 12;
- a view from Cambridgeshire County Council has not been secured regarding Section 106 requirements, however officers propose that this can be taken forward with appropriate committee approval should delegated authority be passed to the Head of Planning.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey referred to officers advice that approved detailed consent had been given to this site in October 2012. Mr Humphrey informed members that significant road improvements have been made to adopt and realign the road. An open book viability assessment has been carried out which shows the affordable housing element has been omitted to allow the scheme to come forward. He stated that with the Growth and Infrastructure Act if an open book assessment is carried out there are no add on costs which could prevent the development.

Mr Humphrey stated that he is happy to negotiate and agree the finer details of the Section 106 with the Head of Planning, the development was complimented last time and it is supported by officers. Mr Humphrey asked Members to support 'Get Fenland Building' and to support the development.

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

- Councillor Stebbing stated that he was apprehensive about the viability situation and was unhappy that this issue is raised meeting after meeting with applications and no viability and he did not agree with this pattern;
- Councillor Cornwell pointed out that he had raised the point about schemes not being viable at the last meeting and he has reservations about developments with no provision for social housing;
- Councillor Sutton requested clarification from officers, he asked if members were just considering the social housing part of the application. Officers responded that the Fenland District Council contributions are the ones that members should be considering as these are within our control. Cambridgeshire County Council agreement would be required to quash and they would be asked to waive their contribution and if they were unable to do so, the agents would be asked if they would like to proceed on that basis;
- Councillor Murphy asked officers if it takes longer than 3 years for a development to begin would there then be a Section 106. Officers explained that if there is an extension of time procedure in place viability would still need to be demonstrated and a new open book assessment would need to be submitted. They explained that the Growth and Infrastructure Act is temporary and there may be a different situation in the future. If a landowner were to come forward with an alternative scheme a new viability assessment would be requested as developments are assessed on the current scheme at the time of submission;
- Councillor Sutton asked if the application were to be approved would the three years be from October 2012. Officers confirmed that it would be from the issue of decision.

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

Granted, subject to the conditions reported.

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a member of Whittlesey Town Council 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)

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

P50/13

F/YR12/0630/F

**CHRISTCHURCH - CHRISTCHURCH MEMORIAL HALL, 11 CHURCH ROAD,
ERECTION OF 4 X 4-BED AND 5 X 3-BED 2-STOREY DWELLINGS WITH
GARAGES INVOLVING DEMOLITION OF EXISTING HALL AND BUILDINGS
(MR W POOLE)**

Members considered letters of objection.

Officers informed members that:

- the description of the development has been amended: Erection of 9 x 2-storey dwellings comprising of 2 x 2-bed, 3 x 3-bed and 4 x 4-bed dwellings with garages, involving demolition of existing hall and buildings;
- following a third reconsultation on amendments to the housing mix, a further 12 letters of representation have been received, following the latest meeting of the Christchurch Residents Committee. These raise the following concerns:
 - representations at the recent Fenland District Council Planning Committee were made quite clear and broadly supported by committee members at that meeting;
 - only one of the issues raised has been dealt with, namely the mix of houses. Residents are not convinced that the change is adequate in providing more affordable housing, there remain 4 large 4-bed houses on the amended scheme which residents feel are not suitable for village needs;
 - residents remain convinced that seven houses is the maximum that the site could reasonably support - the seven house plan tabled previously is the preferred option. Nine houses is too many for the site;
 - many outstanding issues that have been repeatedly raised were reaffirmed at the previous Planning Committee by the residents representative;
 - residents are not averse to some housing development on this site, but it needs to be appropriate to the needs of the village;
 - owners of the Old School House requested Plots 2 and 3 be moved further forward than indicated on amended plans and residents prefer the original proposal with houses further forward;
 - the acting Chairman has met with the applicants agent on 15 August to attempt to resolve some of the issues raised;
- an Additional Condition (18) - Notwithstanding the details shown on the submitted plans, all first floor bathroom windows on each plot shall be fitted with obscure glaze and fixed shut to a height of 1.7metres above the bathroom floor level before development is occupied and so maintained in perpetuity thereafter. Reason - in the interest of residential amenity.

Members received a presentation, in accordance with the public participation procedure, from Mr Guilford, an objector to the proposal. Mr Guilford informed members that since the letter of representation he has met with Mr Humphrey on 15 August 2013, to clarify discrepancies and have a frank discussion of residents concerns which focus on the mix of houses and the '7 house plan'. He stated that he is disappointed with the minimum changes only to plots 2 and 3 to 2-bed and expectations for plot 5 for a pair of semis. Mr Guilford stated that he had pointed out issues regarding overlooking and Mr Humphrey was confident that positions could be reoriented.

Mr Guilford confirmed that he had requested for 2 semis as opposed to detached properties, he believes that there is more profit in semis and this would provide a better mix of homes. If the '7 house plan' were to be adopted the shortfall could be made up by 2-bed semis making 10 properties as originally applied for. Mr Guilford said that Mr Humphrey had agreed to consult with his client. Mr Guilford pointed out to Mr Humphrey that the access to the rear of the Old School House needed to be vehicle width and in line with the garage of plot 6.

Mr Guilford pointed out that the '7 house plan' satisfied the concerns of residents, he feels that by speaking with Mr Humphrey that some progress has been made but there is still some way to go to address residents issues and concerns and requested that members defer the application to allow Mr Guilford and Mr Humphrey to have a further discussion to resolve them.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that he was concerned that the application had been deferred at the last meeting as he had meetings with officers and was surprised that the application was still not quite acceptable. He stated that it was a struggle to get from members what they wanted regarding changes to the scheme and he had met with the case officer and had written to Mr Guilford following Planning Committee and held a meeting with him. Mr Humphrey stated that members feel that the development required 2-bed houses, stating that it is difficult to please everyone all the time and he had taken instructions to the client and pointed out that there is a development on the other side of the road which is suitable for first time buyers and his client had decided that this development should be 'one up' from that.

Mr Humphrey stated that he has met with the applicant and he is happy to accept conditions regarding the piling foundations and other amendments, the applicant is open to suggestions regarding the scheme however he would like to get it approved and then look at the 7 house scheme. The scheme is supported by the Parish Council with caveats and his client believes that he has gone as far as possible in respect of objectors concerns, a good compromise has been met, officers are happy, members have been listened to the applicant and will comply with their requests. He stated that the client is happy to pay for a village hall with match funding and wants the best for the village and Mr Humphrey requested that members approve the application.

Councillor Hodgson commented that he supported the original deferral decision.

Councillor Bucknor raised concerns regarding Mr Humphreys comments that the proposal may not be built as is, commenting that this is a full planning application. Mr Humphrey confirmed that he had met with Mr Guilford and could not make all the amendments suggested, he would like to see this application approved and then consider a new scheme taking on board residents objections.

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

- Councillor Hodgson requested to see the aerial view of the site. Officers put the aerial view on the screen;
- Councillor Stebbing commented that it was more likely that members would see a new application and it is not likely that the development will be built as per the current proposed application;
- Councillor Mrs Mayor asked why this had not been put forward as an outline application, prior to discussion and then put forward with residents discussion. Officers responded that when the application had originally been submitted it would not be encouraged in an outline format, officers negotiated with Mr Humphrey to arrive at the present scheme.

Officers supported the layout at the last meeting as it was considered it made the best use of the land and gave due regard to heritage assets. The client is prepared to consider other schemes and had commissioned Mr Humphrey to work on a scheme and he has done that and wants the comfort and agreement of the proposal before going forward;

- Councillor Mrs Mayor commented that Mr Humphrey had muddied the waters by making comments about another scheme rather than what is currently proposed. Officers advised that members consider the scheme that is tabled and disregard Mr Humphrey's comments regarding a new scheme. The scheme is acceptable in planning and core strategy terms with layout, form, and design being appropriate;
- Councillor Quince commented that he was happy with the proposal and stated that a lot of time and effort has been put into the scheme.

Proposed by Councillor Quince, seconded by Councillor Newell 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 the applicant being a good friend, and retired from the meeting for the duration of the discussion and voting thereon)

P51/13

F/YR13/0280/F

MARCH - LAND WEST OF THIRTIES FARM, UPWELL ROAD, ERECTION OF A 2-STOREY 4-BED DWELLING AND DETACHED WORKSHOP FOR B1, B2 AND B8 USE, INVOLVING DEMOLITION OF EXISTING BARN AND OUTBUILDINGS (MR AND MRS J POOLEY)

Officers informed members that this application had been deferred from the June Planning Committee meeting to allow for the applicant to provide a business plan to justify functional and financial need for a dwelling on the site and advised that the business plan had been circulated to members under separate cover.

Members received a presentation, in accordance with the public participation procedure, from Mr Bevens, the applicant's agent. Mr Bevens pointed out that members would remember the application from the June Planning Committee, members had provided positive comments. Mr Bevens stated that the new dwelling is required as part of the business for groundwork. Mr Bevens pointed out that members had requested a business plan, this had been provided which shows a viable business, which will provide new jobs and asked members to support the application.

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

- Councillor Hodgson commented that the business should be supported, it is shown to be increasing and viable;
- Councillor Sutton commented that he had seen the business report and acknowledged that members need to be consistent and the business plan had provided all the information he needed to know, there was nothing missing and the application should be supported;
- Councillor Mrs Mayor stated that she supported the application last time, she continues to support the application, there is a need for an additional building of residence for a couple who want to stay in the business;

- Councillor Cornwell commented that the business plan is a 'bit light' and suggested that guidance on the submission for business plans should be considered to make sure that both members and officers are happy with what is in them and that business plans be prepared in accordance with the advice that is available. Officers informed members that the recognised format is in the NPPF and concentrates on financial and functional need, the purpose being to demonstrate why an essential dwelling is required on the site, officers consider in planning parlance whilst members consider the wider economics;
- Councillor Quince commented that he supported the application last time and still supported the application;
- Councillor Mrs Mayor commented that the application is supported by the Town Council and this is the reason why she would like to support it.

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

Granted, subject to the following conditions:

1. **Start date on site;**
2. **Materials;**
3. **Highways;**
4. **Contaminated Land;**
5. **Surface Water Drainage;**
6. **Landscaping Implementation;**
7. **Approved plans.**

Members do not support officers recommendations of Refusal of planning permission as they feel that the proposal supports an existing business and on-site security issues.

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

(Councillors Cornwell, Keane and Quince stated that they are Members of March Town Council, but take no part in planning matters)

P52/13

F/YR13/0311/F

CHATTERIS - LAND EAST OF 134 LONDON ROAD, ERECTION OF A 2-STOREY 4-BED DWELLING AND DETACHED GARAGE/CARPORT WITH STORAGE AREA ABOVE AND ERECTION OF 2M HIGH SECUTIRY FENCE AND GATES (MR D WHITE)

Officers informed members that the application had been deferred to allow the applicant to provide a business plan to justify the functional and financial need for a dwelling on this site. Officers confirmed that a business plan had been submitted, there had been an opportunity, with agreement from the applicant to provide the business plan to members, however this had not happened on this occasion.

Members received a presentation, in accordance with the public participation procedure, from Mr White, the applicant. Mr White apologised that members had not seen the business plan, he stated that he had tried to get advice regarding its format which delayed its production he was sorry that it had not been circulated to members and commented that he was a novice in planning matters and would have welcomed more guidance.

Mr White confirmed that the business belongs to him and his wife, he is looking to semi-retire after 31 years on site and would like to build a more energy efficient, low carbon footprint property. He stated that the business is run by his son and following a double dip recession and two bad years of weather it has been decided that they should sell of the house, pay off the mortgage and inject money into the business. He informed members that the business plan shows viability and a house in this position would provide 24 hour security for the site. Mr White informed members that his daughter is a tenant and is not involved with the business and stated that the garden centre needs 24 hour supervision.

Members received a presentation, in accordance with the public participation procedure, from Mr George, the applicant's agent. Mr George stated that there are reasons why Mr White needs to do this, he is downsizing taking into consideration outgoings, finances and size of property. He stated that Mr White has a substantial extended family, downsizing means a small house and it is difficult to come to terms with when considering family needs. Mr George informed members that Mr White is intending to install a number of sustainable features, the house will be less expensive to run and he is considering outgoings ie mortgage and day to day running costs of the house. He confirmed that rain water harvesting will supply the garden centre and reduce running costs and heat source pumps are planned. Mr George requested that members support the application.

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

- Councillor Murphy made reference to the settlement boundary, it is 0.3 miles to Stocking Drove and not as per the site description, another application has been passed 0.5 miles away, it is 0.7 miles to Ferry Hill which is a natural stop line for development. He stated that there are 20 developments up to the site in question, 5 have been passed beyond this site, a total of 26 developments in total and this can hardly be called sporadic development. He stated that plans have been submitted for 1,000 dwellings 0.2 miles from this site. Councillor Murphy quoted from Policy CS1 which favours growth for all in the community, Policy CS3 a strategy for sustainable growth, new housing and job creation and H16 principles associated with horticulture and this does not apply to two other applications which have been passed and are ordinary buildings. Councillor Murphy stated that this development is close to the criteria and referred to another that has been passed recently which is three times further away and has nothing to do with agriculture, horticulture or forestry. There is justification for this development, the current house is for sale, this will raise funds for investment into the business, the business needs security, it is sustainable, the town council and local residents have no objections. Councillor Murphy stated that this is the highest point in Chatteris and he did not agree with Middle Level Commissioners that this area is a flood risk and he recommends approval of the application.

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

Granted, subject to the following conditions:

1. **Start date linked to business;**
2. **Boundary, 1.8metre high fence amended to accord with Police Artchitectural Liaison;**
3. **Officer comments, Gates;**
4. **Reserve suitable parking and turning area;**
5. **Construction access;**
6. **Drainage;**
7. **Visibility splays;**
8. **Approved plans.**

Members do not support officers recommendations of Refusal of planning permission as they feel that the proposal supports an existing business and on-site security issues, and has an acceptable visual impact and design.

(Councillors Mrs Newell and Murphy stated that they are Members of Chatteris Town Council, but take no part in planning matters)

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

P53/13 **F/YR13/0352/F**
WHITTLESEY - 37A GRACIOUS STREET, ERECTION OF 4 X 2-STOREY 2-BED
DWELLINGS INVOLVING DEMOLITION OF EXISTING DWELLING AND
OUTBUILDINGS
(AJB HOLDINGS (PETERBOROUGH) LTD)

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 received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Jolley, Vice-Chairman of Whittlesey Town Council Planning Committee. Councillor Mrs Jolley thanked members for the opportunity to speak. Councillor Mrs Jolley stated that Whittlesey Town Council has raised strong objections, they have local knowledge and this site does have a planning application history dating back to 2007 which has expired.

Councillor Mrs Jolley pointed out that planning permission has previously been granted, this is a brand new application which does not take into consideration the increased volume of traffic and changes to the highway, especially with traffic travelling at speed on the B1040. She stated that this proposal constitutes over-intensification of the site, providing 2.5 vehicle spaces per household and does not adhere to the existing street scene and she believes that the width of the low level planting impedes the view.

Councillor Mrs Jolley made reference to St Marys House for elderly residents with regular traffic from doctors, visitors, carers and emergency vehicles. She pointed out that the Ivy Leaf Club is opposite and has regular functions and a huge amount of traffic comes from this site and the off-road parking causes congestion of the B1040. Councillor Mrs Jolley requested that members support Whittlesey Town Council and requested that they support refusal of this application.

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

- Councillor Cornwell asked for clarification regarding the layout and is the amenity area separate from the building. Officers confirmed there are paths and hardstanding with pedestrian access to the front and side of the properties;
- Councillor Mrs Mayor made reference to the Highways response to consultation regarding adequate visibility from the roundabout. She stated that to the south of the proposed development there is an access from Whitmore Court, this faces the roundabout and is a terrible access. Councillor Mrs Mayor stated the proposed access is one that she can never remember being used, she has concerns about highway safety and there have been issues around who owns and is responsible for the landscaping and there are always problems when it needs cutting back. She stated that she is not in favour of the development with the proposed access as it is and could not support it;
- Councillor Hodgson commented that there are two accesses on either side of the road;

- Councillor Sutton commented that he is sure that some times it will be difficult to get out of the site and although Councillor Mrs Mayor does not remember use of the access to the site someone could come along and use this access tomorrow and he supports the application;
- Councillor Keane made reference to the site inspection and confirmed that he agrees with the views of the Town Council;
- Councillor Stebbing commented that from Gracious Street to the roundabout there are three exits all on a bend, stating that traffic does not adhere to the 30mph speed limit from the A605 to the B1040;
- Councillor Bucknor said that the view from the corner would be impeded and cause problems if the foliage is not addressed and cut back;
- Councillor Miscandlon requested information regarding who maintains the vegetation. Officers confirmed that Cambridgeshire County Council has control of the vegetation and a condition can be put in place to ensure visibility splays are maintained. Comments from the Local Highway Authority confirm that they do not feel that refusal of the development on highway safety grounds could be upheld at appeal;
- Councillor Mrs Mayor referred to the pedestrian exit for the Ivy Leaf and Gracious Street and this should be taken into consideration as this causes difficulty for the crossing with traffic turning right. She stated that she knows the area and Whitemore Court is already developed with small front gardens, if this were a similar development this would improve the access but she sees a problem making the proposed access useable;
- Councillor Cornwell commented that the land is close to the town centre and is appropriate for use, the dwellings are marketable and asked if there are any options that could be considered to change entry to the site, suggesting sharing access adjacent to number 22 for further examination, taking into consideration unforeseen problems. Officers advised that if the Local Highway Authority had recommended refusal they would have tried to negotiate with the applicant and requested that members be mindful and consider the development as presented as it is acceptable and there are no problems regarding highway safety;
- Councillor Sutton asked officers if the speed limit is 30mph. Officers confirmed that it is;
- Councillor Mrs Newell made the observation that six properties had been granted approval previously and it did not make sense to turn down a development of less, 4 properties. Officers confirmed that the approval for six properties had expired in September 2012 and highways have been reconsulted for this application.

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

Granted, subject to the conditions reported.

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a member of Whittlesey Town Council 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)

P54/13 **F/YR13/0361/O**
MURROW - LAND SOUTH OF 88 MURROW BANK, ERECTION OF A 2-STOREY
DWELLING INVOLVING DEMOLITION OF OUTBUILDING
(MR VANHINSBERGH)

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 commented that this proposal abides with the Council's policies.

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

Granted, subject to the conditions reported.

P55/13 **F/YR13/0407/F**
WISBECH - PINNACLE HOUSE, NENE PARADE, FORMATION OF A NEW
ACCESS AND ERECTION OF 2.43 METRE HIGH IRON GATES TO EXISTING
UNITS
(MR B SKOULDING)

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.

Officers informed members that:

- the applicant has provided the following information for clarification:
 - the width of the proposed access is designed to mirror that from the neighbouring property, allowing access for a full variety of commercial vehicles;
 - it is looking likely that a single tenant will not be found to take on the whole of the previously let units. Subject to this application being approved four tenants could be in occupation in the units;
 - an in/out access is not proposed. The aim is to make access flexible to allow Pinnacle House to be subdivided if necessary.

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

- Councillor Bucknor asked if there are any time restrictions when the gates can be used. Officers confirmed there is not;
- Councillor Hodgson asked if the possibility of one way in, one way out had been considered. Officers confirmed that there are no plans to close off any of the accesses as the plan is to subdivide the site;
- Councillor Bucknor explained that the perimeter shows entry into Mount Pleasant and explained that this is in his catchment/ward area and he has received complaints of disturbance late night and early morning from local residents and asked how these problems could be alleviated. Officers explained that this is an existing access and agreed to look at previous history for the site and would urge neighbours to approach Environmental Health if there are issues of noise pollution.

The proposed new location would not make problems worse and may even improve the stopping and starting movements;

- Councillor Cornwell commented that there are problems with Mount Pleasant and Nene Parade is isolated for large vehicles and around the Boathouse riverside. He pointed out that there is signage from the Sessions House to keep traffic out of this area, encouraging traffic to use the Mount Pleasant entrance and raised concerns of creating a new entrance;
- Councillor Hodgson commented that problems with noise are part of the nature of business and he has no objection to the proposal;
- Councillor Stebbing commented that the distance from the boundary to the building would be less with this proposal and would discourage HGVs as they would struggle to get in and out of the property;
- Councillor Murphy commented that this is an entrance in a commercial area.

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

Granted, subject to the conditions reported.

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

(All Members present declared a Non-Pecuniary Interest in this application, by virtue of the site being in the ownership of a fellow Councillor)

P56/13 **F/YR13/0414/F**
MARCH - LAND NORTH OF 69-73 WEST END, ERECTION OF A 2-STOREY 2-BED DWELLING
(MRS V AYRES)

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 - comments received in respect of a lack of evidence to demonstrate surface water drainage and flood risk management;
- these comments are similar to those put forward under previous consent ref: F/YR12/0727/RM;
- the comments are noted and the outstanding issues, which the applicant will be made aware of, will need to be resolved through the Building Regulations process. It is noted that the Internal Drainage Board can invoke their by-laws to require further information;
- the recommendation is to Grant with conditions and advise of the Middle Level Commissioners' comments via an informative.

Members received a presentation, in accordance with the public participation procedure, from Mr Hall, the applicant's agent. Mr Hall stated that the site has permission for a bungalow with approval at Outline and Reserved Matters. His client has had no success selling the site, problems with sewers have been overcome with Anglian Water, the dwelling is in a sustainable location, is not in a flood zone and there are no concerns with overlooking. Mr Hall informed members that two parties have raised concerns, one being 12 metres away and the other 13 metres. He confirmed that he has worked with officers regarding suitable rooflights which have been raised to 1.8 metres which addresses any overlooking issues and he thanked officers for their support of a suitable scheme. Mr Hall pointed out that the plan area is no larger, the main change is the raised height of the room by 30cm and he requested that members approve the application.

Councillor Murphy pointed out that this application already has approval and could be built, this is just an amendment and agreed that it should be approved.

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

Granted, subject to the conditions reported.

(Councillors Cornwell, Keane and Quince stated that they are Members of March Town Council, but take no part in planning matters)

P57/13 **F/YR13/0422/F**
WIMBLINGTON - LAND SOUTH WEST OF 32 EASTWOOD END, ERECTION OF A
6-BED 3-STOREY DWELLING INVOLVING DEMOLITION OF OUTBUILDINGS
(MR AND MRS W KING)

Members considered six 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.

Officers informed members that:

- following the members site visit a query was raised in respect of the use of the land being amenity land. This has been questioned and the Local Planning Authority hold no records of it being amenity land, however this would not affect the planning status of the land and is not considered material to the determination of the application;
- Cambridgeshire County Council, Countryside Access Team made comments originally in respect of the existing byway which runs along the side of the application site and that it must not be used for access to the site unless the applicant is sure they have lawful authority to do so;
- comments from the Countryside Access Team were relayed to the agent who produced information that the existing access has occurred over the byway to the site for numerous years. This information was forwarded to the Countryside Access Team to be considered and they have confirmed that their original comment should be ignored because it is a byway open to all traffic it can be used by vehicular traffic to access the site. Therefore there is no issue in this respect.

Members received a presentation in accordance with the public participation procedure, from Mr Burton, the applicant's agent. Mr Burton referred to the letters of support from the local community. He stated that Mr King, the applicant has longstanding family members in the village, the family have owned the site since 1962 and resided on the site in a mobile home which is supported by the marriage licence.

Mr Burton pointed out that the site is previously developed brownfield and has not been used for agriculture since 1962. The site previously housed a mobile home, workshops and nissen hut, the nissen hut being the only remaining building on the site. The site abuts the built form and three dwellings support the land to the north west of the site, it will connect to the sewer and it will form infill to complete the streetscene/plug the gap. Mr Burton stated that the development is similar to neighbouring dwellings, it will step down to number 32, it is in flood zone 1 and will have a suspended deck.

Mr Burton pointed out that highways have no objection to the proposal, visibility is good, there is evidence to prove right of access and the applicant is willing to accept a condition for archaeology. Mr Burton summarised that the dwelling abuts the built form, is in flood zone 1, on brownfield land, it completes the streetscene and requested that members support the application to allow Mr and Mrs King to return to their village.

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

- Councillor Cornwell requested clarification as to planning approvals to the North West and asked where they are. Officers confirmed that these applications have been approved up to the byway. Councillor Cornwell asked if they are approved why does this one not comply with CS12. Officers confirmed they have checked the history of the three approved plots and this application does not form part of the built up frontage and infill in depth does not meet the terms of the policy;
- Councillor Murphy commented that there is no infill, stating that the falls and levels on this site are astronomical, it does not accord with Policies CS12 and 16, E1, 2 and 8 and paragraph 55 of the National Planning Policy confirms that new homes should be avoided in the countryside. Councillor Murphy said he agreed with officers that there is a natural stop where the byway begins;
- Officers referred to page 121 of the report evaluating that the proposal is not adjacent to the footprint of Wimblington, it encroaches into open countryside and meets agricultural fields to the east;
- Councillor Hodgson asked for clarification regarding the application being in all three flood zones. Officers confirmed that the sloping land is the reason for this;
- Councillor Sutton commented that there are many dwellings around this site, he believes it finishes the built form and is not convinced of the decision to refuse;
- Councillor Bucknor asked which flood zone plain the house starts in, is it 1, 2 or 3. Officers confirmed that the dwelling would have to be built in flood zone 1 and commented that they did not go back to the agent regarding the levels due to the principle concerns of the application;
- Councillor Miscandlon suggested that the application could be deferred to allow the applicant and agent to return with engineering information regarding the land levels;
- Councillor Cornwell commented that the issues of levels could be resolved by officers liaising with the agent and he believes that it does comply with Policy CS12.

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

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

Refused for the following reasons:

- 1. the proposed development, which is located outside the main settlement of Wimblington, 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 unsustainable location. As a result the proposal is 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 1993 and Policies CS12 and CS16 of the emerging Fenland Local Plan Core Strategy Proposed Submission February 2013;**
- 2. the proposal will result in new development in the open countryside which will have an adverse impact on the character of the area by virtue of encroachment into the countryside thereby changing the character of the area to its detriment. The proposal is therefore considered to be contrary to Policies E1, E2 and E8 of the Fenland District Wide Local Plan 1993 and Policies CS12 and CS16 of the emerging Fenland Local Plan Core Strategy Proposed Submission February 2013.**

(Councillor Mrs Newell declared a Non-Pecuniary Interest in this application, by virtue of her daughter living next door to the proposed site, and retired from the meeting for the duration of the discussion and voting thereon)

**P58/13 F/YR13/0440/0
LEVERINGTON - LAND NORTH OF COTTAGE TWO, RINGERS LANE, ERECTION
OF 4 DWELLINGS
(MR AND MRS R LITTLECHILD)**

Members considered letters 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:

- Leverington Parish Council have responded and have no comments to make in relation to the application;
- two additional letters of objection have been received from a neighbour concerning:
 - the development will have an impact on the happiness and wellbeing of existing residents;
 - the dwellings will be large and out of keeping with the surrounding area;
 - traffic noise will increase;
 - overlooking and loss of privacy;
 - the road is in poor condition;
- the Local Highways Authority have responded with the following points:

- no objection in principle;
- the provision of adequate visibility will require the removal of all of the frontage trees (which is proposed);
- the provision of 2.4metre x 43metre visibility splays should be provided;
- there is no requirement for a footpath as no adjoining footpath exists and there is adequate pedestrian infrastructure on the opposite side of Ringers Lane;
- suggests conditions relating to the siting of any gates required, the provision of visibility splays, verge provision, the provision of parking and turning areas for each dwelling and guidance for the location of the accesses for the 2 northernmost plots.

Members received a presentation, in accordance with the public participation procedure, from Mr Maxey, the applicant's agent. Mr Maxey stated that the scheme does meet Policy CS12, it joins two sides of an existing development area. He pointed out that the north east corner is in flood zone 3, however, this land is not in the proposal, all dwellings will be built in flood zone 1 area. Mr Maxey confirmed that this is a twin carriage roadway there is space on the site for turning and he has worked with officers and requested that members approve the application.

Councillor Stebbing commented that this is a good application and he agreed that it should be supported.

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

Granted, subject to the conditions reported.

**P59/13 F/YR13/0445/F
TYDD GOTE - LAND WEST OF GREENACRES, HANNATH ROAD, ERECTION OF
1 X 3-STOREY 5-BED DWELLING AND 3 X 3-STOREY 4-BED DWELLINGS
(MR J ELLIS)**

Members considered letters 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:

- consultation results update:
 - Ramblers - no comments received;
 - North Level Internal Drainage Board - no comments received;
 - South Holland District Council - no comments received;
 - Local Residents/Interested Parties: In addition to the 2 letters of objection received at the time of report writing a further 5 letters of objection have been received from local residents with concerns including those below and within the officers report:
 - contrary to Policy H3 and CS3 - 'Not infill';
 - proposal would destroy the character of the area;
 - sustainability issues - it is in a rural village with limited services and would be car dependent;
 - impact on trees;
 - design not of a scale or design that is typical or in keeping with the character of the area - 4 x 3-storey executive dwellings are not in keeping with the area;

- flood risk and failure to demonstrate the acceptability of the site in sequential terms when compared with other sites;
- road, access and highway safety, single track with no footpath and no passing places and concerns over visibility in the area;
- noise, disturbance and visual impact;
- set precedent.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that the application had been called-in by Councillor Hatton as he felt that the development would enhance the area. Mr Humphrey referred to the officers report quoting "it is considered that the site is not located in or adjacent to the existing developed footprint of the village" and stated that the overhead shows shaded areas of residential curtilage that are adjacent to this, proving that this site is not in isolation and is close to existing development.

Mr Humphrey stated that the site is attractive for executive houses on the edge of Tydd Gote and a large part of the village is in South Holland, the village has 150 houses, Tholomas Drove has 40 houses in the local plan and dwellings have recently been approved, which he feels is inconsistent, Tydd Gote has a shop, pub, village hall and is on a main bus route. He pointed out that the land is grade 2 agricultural land, he has spoken to the client who states that this is the worst field he has for farming, with it either being in the damp or shade and crops do not grow properly.

Mr Humphrey stated that Tydd Gote is a sought after area, people are buying and he urged members to 'Get Fenland Building' and asked members to look outside the box. He asked officers to give guidance regarding the 4 plots if it is considered too many.

Councillor Hodgson asked Mr Humphrey if the quality of the road is acceptable for the number of dwellings planned. Mr Humphrey responded that the four houses will not impact on the roads as there is adequate access in both directions.

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

- Councillor Mrs Newell asked if any comments had been received from South Holland District Council in respect of the application. Officers confirmed no comments had been received;
- Councillor Cornwell commented that he has concerns regarding the boundaries and location and he agreed with officers that this proposal does not comply with the Fenland emerging Core Strategy and could not support it.

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

Refused for the following reasons:

1. **the site and proposal does not consist of a single dwelling infill site within an otherwise built up frontage. Therefore, the principle of developing this site is considered to be unacceptable and contrary to Policies CS3 and CS12 of the emerging Fenland Local Plan – Core Strategy (February 2013), Policy H3 of the Fenland District Wide Local Plan 1993 and the NPPF;**

2. **the proposal by virtue of its location, siting, form, scale and layout would have a significant adverse impact upon the character and rural context of Hannath Road and it is considered that the proposal would be contrary to Policies E1, E2 and E8 of the Fenland District Wide Local Plan 1993, Policies CS12 and CS16 of the emerging Fenland Local Plan – Core Strategy (February 2013) and the NPPF;**
3. **the location and characteristics of the site form a key and important landscape feature within the village, the development of or loss of such an important gap in the settlement would have a significant harmful impact upon the settlement’s character. Therefore, it is considered that the proposal would be contrary to Policy E2 of the Fenland District Wide Local Plan 1993, and Policy CS12 of the emerging Fenland Local Plan – Core Strategy (February 2013);**
4. **the proposal would exceed the 10% threshold set out in emerging Policy CS12 of the Fenland Local Plan Core Strategy (February 2013) and no thorough or proportionate public consultation has been undertaken to demonstrate that there is public support for the proposal contrary to Policy CS12 of the emerging Fenland Local Plan - Core Strategy (February 2013). The scale of the proposal is therefore out of keeping with the character and built form of the village and is contrary to emerging Policies CS3 and CS12 of the emerging Fenland Local Plan - Core Strategy (February 2013);**
5. **the existing highway network and associated highway infrastructure is not suitable in its current form to provide access to the proposed residential development. Therefore, it is considered that the proposal would be contrary to CCC Highway advice and Policy CS13 and CS15 of the emerging Fenland Local Plan – Core Strategy (February 2013);**
6. **no evidence has been put forward to justify the loss of Grade 1 Agricultural Land and therefore the proposal is contrary to Policy CS12 of the emerging Fenland Local Plan – Core Strategy (February 2013) and the NPPF;**
7. **the site is located within Flood Zone 2 and partly within Flood Zone 3. The proposal is considered to have failed to demonstrate the acceptability of locating a housing development on this site in sequential terms when compared to other sites in the district which have a lower probability of flooding and it has not been demonstrated that the proposal meets an identified need. Therefore, the proposal is considered to be contrary to Policy CS14 Part B of the emerging Fenland Local Plan – Core Strategy (February 2013) and the NPPF.**

P60/13

F/YR13/0453/F

WHITTLESEY - LAND NORTH OF 28 SNOOTS ROAD, FRONTING OXFORD GARDENS, ERECTION OF A 1-BED SINGLE STOREY DWELLING (MR R GREGORY ROSE HOMES (EA) LTD)

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.

Members received a presentation, in accordance with the public participation procedure, from Mr Broker, the applicant's agent. Mr Broker stated that the application was before members as he is a Councillor and had this not been the case the decision would have been delegated by officers. He stated that he had negotiated with officers, the application had been withdrawn and resubmitted. Mr Broker referred to the 3D drawings which show that this is a small site which can provide a good one bed bungalow which are required in Whittlesey and asked that members support officer recommendations.

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

- Councillor Stebbing commented that this dwelling will finish off the estate and fits in with the streetscene and supports the application;
- Councillor Mrs Mayor asked officers why this area had not been landscaped within the original application. Officers agreed to look into the background of the site to provide an answer;
- Councillor Quince commented that the dwelling fits the plot and he agreed with the recommendation of approval;
- Councillor Murphy asked if it was necessary to go through the process of considering applications every time it is associated with a Councillor and cannot be delegated. The Chief Solicitor explained that it is the requirement of any planning application that is before the planning authority where a member is an owner, applicant or agent that the decision cannot be delegated to officers. He explained that if members wanted to change this process it would require changes to the Scheme of Delegation and the Council's Constitution to make it lawful. He reminded members that they need to take into account the public perception, and it may show that it could be an advantage to being a Councillor if all such decisions were delegated to officers.

Proposed by Councillor Quince, seconded by Councillor Stebbing 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 Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct on Planning Matters, that he is a member of Whittlesey Town Council 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)

P61/13 **F/YR13/0470/F**
WIMBLINGTON - MADDISON LODGE CARAVAN, HORSEMOOR ROAD,
ERECTION OF A 2-STOREY 3-BED DWELLING AND DETACHED DOUBLE
GARAGE
(MRS J JONES)

Members were informed that this application had been withdrawn from the agenda and would not be considered at this meeting.

P62/13 **F/YR13/0503/F**
MARCH - LAND EAST OF 20 PEYTON AVENUE, ERECTION OF 2-STOREY
BUILDING CONSISTING OF 2 X 1-BED FLATS
(MR A BROWN)

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 comments received from the Council's Environmental Health Team confirm that there are no objections to the proposal in respect of the effect on local air quality or the noise climate and from the information provided contaminated land is not considered an issue.

Officers explained that the report HISTORY 2.1 should read 'Granted on 8 August 2011' not 2013 as recorded.

Mr Broker declined the opportunity to speak on this application.

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

Granted, subject to the conditions reported.

3.55pm

Chairman