

PLANNING COMMITTEE



20 AUGUST 2014 - 1.00PM

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

APOLOGIES: Councillor P Murphy, Councillor C C Owen, Councillor D R Patrick, Councillor D Stebbing (Vice-Chairman),

Officers in attendance: G Nourse (Head of Planning), B Young (Area Development Manager), R McKenna (Principal Solicitor - Litigation and Planning), Mrs S Jackson (Senior Development Officer), Miss S Smith (Member Services and Governance Officer)

P41/14 MINUTES OF THE MEETING OF 23 JULY 2014

The minutes of the meeting of 23 July 2014 were confirmed and signed.

Members were informed that Agenda Item number 9, Planning Application number F/YR14/0343/F - Newhaven Estate, Commons Road, Whittlesey had been withdrawn from the Agenda and would not be discussed at this meeting.

The Chairman announced an additional item and read a statement with regard to 'The Openness of Local Government Bodies Regulations 2014'

"Since the introduction of The Openness of Local Government Bodies Regulation 2014 came into force on 6 August 2014 Fenland District Council are required to allow any member of the public to take photographs, film and audio record the proceedings and report on all public meetings. This must be done in a respectful and not a disruptive manner.

I therefore suspend the Standing Orders within the Council's Constitution entitled photography and audio visual recording of meetings as it does not accord with the new law - Part 4, Rule 1 (Council Procedure Rules (Standing Orders)) Section 21 of the Constitution."

*** FOR INFORMATION OF THE COUNCIL ***

P42/14 F/YR14/0478/F WISBECH - 24 WISTARIA ROAD - ERECTION OF A 2-STOREY SIDE EXTENSION WITH BALCONY TO EXISTING DWELLING INVOLVING DEMOLITION OF UTILITY/STORE

Officers informed members that:

- An amended plan has been received which shows the eastern side of the balcony to be fitted with a timber panel to prevent any overlooking to the side and the garden of the adjacent dwelling. As such the proposal is now considered to be acceptable and is recommended for approval with the conditions as listed on pages 23 and 24 of the Agenda.

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

Granted, subject to the conditions reported.

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

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

P43/14 **F/YR14/0494/O**
GUYHIRN - LAND SOUTH WEST OF ROSE LODGE, SELWYN CORNER -
ERECTION OF A DWELLING

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

Granted, subject to the conditions reported.

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

P44/14 **F/YR14/0509/O**
CHATTERIS - LAND SOUTH EAST OF 6 ALBERT WAY - ERECTION OF A
WORKPLACE HOME

Officers informed members that:

- Middle Level Commissioners commented that ground conditions are not conducive to soakaways and the applicant has not demonstrated that a viable scheme for surface water disposal exists;
- Officers commented that the comments of Middle Level Commissioners are noted and have been sent direct to the applicants agent by the Commissioners. Surface Water Disposal can be addressed under Building Regulations.

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

Granted, subject to the conditions reported.

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

(Councillor Mrs Newell stated that she is a Member of Chatteris Town Council, but take no part in planning matters)

P45/14 **F/YR14/0547/RM**
FRIDAYBRIDGE - LAND EAST AND SOUTH OF FIVEWAYS, MAIN ROAD -
ERECTION OF A SINGLE-STOREY 3-BED DWELLING

Officers informed members that:

- Middle Level Commissioners have commented that ground conditions are not conducive to soakaways and the applicant has not demonstrated that a viable scheme for surface water drainage exists;
- Officers have commented that the comments of Middle Level Commissioners are noted and have been sent direct to the applicants agent by the Commissioners. Surface Water Disposal can be addressed under Building Regulations. Notwithstanding this the current submission relates to reserved matters approval and matters of surface water disposal cannot be revisited as part of the current evaluation of the reserved matters detail.

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

Granted, subject to the conditions reported.

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

P46/14 **F/YR14/0343/F**
WHITTLESEY - NEWHAVEN ESTATE, COMMONS ROAD - EXTENSION OF THE
EXISTING MOBILE HOME PARK TO PROVIDE A TOTAL OF 31 MOBILE HOMES
(REVISED FORMAT TO F/YR11/0337/F)

The Chairman informed Members that this Item had been withdrawn from the Planning Agenda and would not be discussed as this meeting.

(Councillor Mrs Mayor stated that she is a Member of Whittlesey Town Council, but takes no part in planning matters)

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct of Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

P47/14 **F/YR14/0403/F**
WHITTLESEY - 301 NEW ROAD - ERECTION OF BOARDING KENNELS FOR UP
TO 40 DOGS (TO BE CONSTRUCTED IN 2 PHASES) AND USE OF LAND FOR
DOG AGILITY/EXERCISE AREA

Members considered 3 letters of representation.

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:

- Network Rail have no objections to the proposal;
- Neighbours and the Town Council were consulted on the submitted Noise Acoustic Survey (Deadline 19 August 2014) and no further comments had been received at the time of writing this update.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Laws, Whittlesey Town Council. Councillor Mrs Laws asked officers for clarification, had she heard it correctly and did officers say that there were no objections by neighbours and was this correct. Officers confirmed that there were no objections from neighbours and County Highways.

Councillor Mrs Laws informed members that she was at the meeting as Chairman of Whittlesey Town and District Council Planning Committee and as representative for the Town Council. She pointed out that the Town Council unanimously recommend refusal of this application on the grounds of noise pollution due to nearby residents and the Nature Reserve; the track forms part of the major cycle route 63 and there are serious concerns over the stability and ownership of the bridge.

Councillor Mrs Laws stated that the road is classed as a BOAT (Byway Open to All Traffic) and it falls to Cambridgeshire County Council (CCC) to maintain the existing surface which is classed as an unsealed track, when necessary they fill in pot holes but the surface will never be finished to highway standard due to the classification of the road. Traffic will be increased down the road that is not really fit for purpose. She asked Members to consider the additional needs for a boarding kennel business with the facilities including a grooming and washing area, kitchen for the preparation of meals for the dogs and staff, office and cleaning stores, with further noise from early morning starts and disruption to the dogs.

Councillor Mrs Laws asked Members to consider the close proximity to the adjacent neighbours property and for them to consider what it would be like to have kennels erected in close proximity of their boundary with possibly 40 dogs being boarded. She stated that these pets would be missing their owners and she has it on good authority that it can take some pets over 48 hours to settle down and stop whining, maybe longer. She pointed out that this was originally an agricultural and working farm. She pointed out that Partridge Farm has successfully expanded and residents of New Road have been very tolerant to the number of vehicle movements, condition of the road and the noises expected from a busy stable but the boarding kennels are a step to far.

Councillor Mrs Laws stated that the existing business offers riding lessons and livery, how many times do vehicles enter the property 7 days a week. She pointed out that horses and ponies require everyday care, probably twice a day, take into account feed deliveries and horse boxes and the list is endless when running this type of business. Every time a vehicle goes onto the property this will automatically start the dogs barking.

Councillor Mrs Laws stated that she had carried out a poll of local residents asking where they kennel their pets and she could provide a list of 13 kennel facilities in close proximity and they do not need another kennel. CCC have confirmed that the bridge is on Public Byway 256/40 and it has been confirmed by Fenland District Council Planning Department that the old brick rail siding and the bridge is not owned by CCC. CCC were previously ready to infill the old bridge under the highway act but were stopped by the adjacent land owner and no one seems to be in ownership of the bridge. CCC did try to find out who owns the bridge by contacting both Mr Forster and Hanson Brick who owned the area as a brick pit with a private rail siding. Both parties claim to have sold or do not have the bridge on their deeds and Development Services need to establish ownership of the bridge and Councillor Mrs Laws asked for consistency and common sense to prevail.

Councillor Mrs Laws stated that going down the route of neighbours having to keep logs and diaries of noise disturbance and pollution or equipment being installed to measure decibel readings leading to planning enforcement or the involvement of Environmental Health or Legal would be a long expensive process. Councillor Mrs Laws stated that Whittlesey Town Council ask Members to support refusal of this application for another business on this site as there is already a good stabling business and another business is not necessary.

Members received a presentation, in accordance with the public participation procedure, from Ms C Kirby, the applicant's agent. Ms Kirby thanked members for the opportunity to speak in support of the application. Ms Kirby stated that the business had been a Livery stables for the last 17 years and pointed out that this is a natural extension to the business, many users of the livery facilities have dogs and there is a need to provide this service.

Ms Kirby confirmed that a survey had been carried out ahead of designing the kennels, in addition there had been a dog agility facility on site for the last 12 months. She pointed out that this is a high quality boarding kennels, built using a sustainable methods of construction. The design follows good practice as set out by the RSPCA and Dogs Trust. There will an indoor and outdoor run with the layout designed so that dogs will be able to avoid seeing one another. Internal rooms will be shut in accordance and as recommended by the Noise Report. The exercise paddocks will be divided into three and there will only be three dogs outside at any one time, mixing dogs will be avoided to control infection. Ms Kirby stated that there will be a 3 metre high acoustic fence/barrier on the western boundary, with trees in front of the fence for enhancement. Ms Kirby pointed out that the building will have minimum impact on neighbours and the comments by neighbours on the state of the highway have been taken into account. Ms Kirby confirmed that Highways do carry out pothole repairs as and when necessary. Ms Kirby thanked members for allowing her to speak.

Councillor Hodgson asked Ms Kirby if there will be any impact on the Nature Reserve. Ms Kirby confirmed that there will be no impact on the Nature Reserve.

Councillor Mrs Mayor asked Ms Kirby to clarify the statement regarding 'only 3 dogs outside at one time'. Ms Kirby responded that the dogs will be put into the extension paddock when the runs are cleaned, resulting in only 3 being outside at any time, one dog to each run.

Councillor Bucknor asked Ms Kirby if the dogs would be walked. Ms Kirby confirmed that the dogs will be put in the runs for exercise and will not be walked.

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

- Councillor Hodgson asked officers for confirmation of how close is the nature reserve to the nearest neighbour. Officers responded that the nearest neighbour is 100 metres away, the Nature Reserve is 300 metres away and there will be no impact on the nature reserve;
- Councillor Mrs Mayor commented that the ownership of the bridge is a concern and asked if this should be determined before more traffic goes along the road. She commented that it does not make sense to allow more traffic, there will be one dog in every car being 40 in total and requested that the bridge and roadway problems be addressed before a decision can be made;
- The Legal Officer confirmed that he had considered the plan and the applicant would not be required to include the bridge as it is a number of metres away, any concerns raised would require evidence and he reminded members that the bridge was not a material planning consideration. Officers confirmed that the issues regarding the bridge were not a material consideration and should not be the reason used by members to refuse the application;
- Councillor Sutton asked officers to clarify where the fence would be situated. Officers referred to the overhead and pointed out that the acoustic fence would be on the western boundary of the tree belt as a complete barrier and would be in place prior to occupation of the kennels. Officers agreed that the condition would be changed to read 'the acoustic fence would be along the whole of the western boundary. Officers clarified Phase 1 and Phase 2 of the proposal, Phase 1 would be the 20 Kennel block to the left of the main building and Phase 2 would be to the east;

- Councillor Bucknor reiterated a point made at previous Planning Committees that an aerial view be available for all applications to enable members to put the proposal into perspective. Officers provided an aerial photo and view and agreed that they will try to get better overhead views for applications and confirmed this is a work in progress for future meetings ie Google Earth;
- Councillor Mrs Mayor commented that the closeness of neighbours should be taken into consideration;
- Councillor Mrs Newell asked officers to clarify page 65 which refers to 'no more than 8 dogs in the play area at any one time' and the comment by Ms Kirby which says no more than 3, is it 8 or 3. Officers confirmed that there would be a safeguarding condition and a Management Plan concerning the use of the dog recreation area;
- Councillor Mrs Mayor raised concerns that the owner stated that she has 5 dogs of her own which would be in addition to the 40 on site, a total of 45, not 40;
- Councillor Bucknor asked officers if Phase 1 for 20 dogs is monitored and if there is a problem what happens on Phase 2. Officers responded that a noise assessment had been carried out and the purpose of the Management Plan is to ensure that the site is properly managed, if there were any serious issues there would be measures of control through planning conditions;
- Councillor Quince commented that the site was an ideal place for kennels and he would be mindful to grant the recommendation to approve the application;
- Councillor Mrs Mayor commented that she would be mindful to defer the decision and would rather consider it as two applications, with Phase 1 as the first application and then if there are any problems the issues can be addressed.

Proposed by Councillor Quince, seconded by Councillor Mrs Newell, there were equal votes cast both for and against the proposal, resulting in the requirement for a casting vote by the Chairman and decided that the application be:

Granted as recommended, subject to additional Conditions:

1. **The establishment of a Management Plan concerning the use of the dog recreation area;**
2. **Second part of Condition 5 - Acoustic fence to be erected along the whole of the Western boundary and to be in place prior to occupation of the Kennels.**

(Councillor Mrs Mayor stated that she is a Member of Whittlesey Town Council, but takes no part in planning matters)

(Councillor Miscandlon registered in accordance with Paragraph 15 of the Code of Conduct of Planning Matters, that he is a Member of Whittlesey Town Council Planning Committee and stated that he will consider all relevant matters before reaching a decision on this proposal)

(Councillor Bucknor abstained from voting on this application)

P48/14

F/YR14/0454/O

WISBECH - LAND NORTH EAST OF 6 CLARKSON AVENUE - ERECTION OF A DWELLING

Members considered 6 representations 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:

- The following comments have been received from CCC Highways:
 - Providing the number of bedrooms does not exceed 3 then the proposal will comply with Fenland District Council parking standards. On site turning is not essential as Nelson Gardens is an unclassified road cul-de-sac. The proposed visibility is acceptable given the location. No highway objections subject to conditions relating to the provision of visibility splays and gates, the retention of the parking spaces and the construction of the access;
- RESOLUTION – Grant as per page 75 of the agenda and with the following additional conditions:
 - Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. Reason: In the interests of highway safety;
 - Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety;
 - Prior to the first occupation of the development the proposed on-site parking shall be laid out in accordance with the approved plan and thereafter retained for that specific use. Reason: To ensure the permanent availability of the parking in the interests of highway safety;
 - Prior to the first occupation of the development (or prior to the commencement of the first use) the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Reason: In the interests of highway safety and to ensure satisfactory access into the site;
 - The driveway/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 LPA. Reason: In the interests of highway safety.

Members received a presentation, in accordance with the public participation procedure, from Mr West, the applicant. Mr West informed members that he was the owner of 6 Clarkson Avenue from 2002-2006 and has owned the plot since 2002. He stated that an application for a two-storey dwelling had been granted in 2005 but the site has remained undeveloped. Mr West stated that he has listened to planners and considered legislation, policies and neighbouring dwellings and has incorporated planning guidance into the development of the scheme. He pointed out that the plot is a disused wilderness, it is a residential neighbourhood and would be better with the proposal put forward.

Proposed by Councillor Mrs Mayor, seconded by Councillor Bucknor 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)

P49/14

F/YR14/0474/F

WISBECH - 55 RAMNOTH ROAD

ERECTION OF 4 DWELLINGS COMPRISING OF 1 X 2-STOREY 3-BED, 2 X SINGLE STOREY 3-BED AND 1 X SINGLE-STOREY 2-BED INVOLVING THE DEMOLITION OF EXISTING DWELLING

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 speed and traffic survey has been submitted to support the visibility splay distances;
- The Local Highway Authority comments are as follows:
 - Agree that speeds are not likely to be higher than those captured in the survey;
 - The required visibility can be achieved;
 - Therefore no objections subject to the following conditions:
 - Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. Reason: In the interests of highway safety;
 - 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 LPA. Reason: In the interests of highway safety;
 - Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety;
 - Prior to the first occupation of the development the proposed on-site parking /turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use. Reason: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety;
 - Prior to the first occupation of the development (or prior to the commencement of the first use) the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Reason - In the interests of highway safety and to ensure satisfactory access into the site.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that this is a town centre site and is similar to other developments in Ramnoth Road, however the Town Council see the proposal differently and object. Mr Humphrey stated that there are bungalows to the rear of this development and pointed out that out of 100,000 approvals only 300 have been for bungalows. He stated that bungalows are required and asked for members to adopt a commonsense approach and approve the proposal and requested members support.

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

Granted, subject to the conditions reported, subject to an additional detailed safeguarding condition for a Refuse Strategy for wheelie bins to avoid overlooking/infringement to be in place prior to occupation, to protect neighbouring residential amenity.

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

**P50/14 F/YR14/0488/F
WIMBLINGTON - 14 EASTWOOD END - ERECTION OF 3X2-STOREY 4-BED
DWELLINGS AND THE FORMATION OF NEW ACCESSES INVOLVING
DEMOLITION OF EXISTING DWELLING**

Members considered 8 letters of support and 7 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:

- Additional consultee responses have been received:
 - CCC Archaeology: Site lies in an area of high archaeological potential and should be subject to a programme of archaeological investigation which should be secured by condition;
 - Middle Level Commissioners: Applicant has not provided evidence that a viable scheme for surface water disposal is achievable within the limited site area;
 - Interested Parties: Three further letters of support have been received which may be summarised as follows:
 - Development would achieve 3 nice family homes and bring business to the area;
 - Would make Eastwood End a more pleasurable street;
- Three additional representations have also been received from earlier contributors as follows:
 - The issue of access has not been adequately addressed and the scheme will result in road congestion and will impact on access by emergency vehicles. Queries who will monitor on street parking etc;
 - Noted that road used as a shortcut to miss the bypass;
 - Vehicle count between 7:30 and 8:30am, during school holidays, totalled 66;
 - Vehicles; including 5 lorries, 3 tractors and trailers. Traffic and speed survey necessary;
 - Approximately 75 vehicles per hour use the road;
 - Size and scale of development out of keeping, issues of overlooking and overshadowing;
 - Property should be retained and renovated as part of village heritage, new housing will be at odds with the area;
 - Queries the motivation of the writers expressing support for the proposal, given some do not live in the immediate locality;

- Other issues: The archaeological and surface water issues could be dealt with via condition. Although noting the comments raised by Middle Level Commissioners regarding scheme density Members may consider that these details should be agreed at the outset.

Proposed by Councillor Miscandlon, seconded by Councillor Keane and decided that the application be:

Deferred, subject to further discussions between officers and developers regarding further details in respect of highways, biodiversity and the existing dwelling.

13.46pm

Chairman