

PLANNING COMMITTEE



17 SEPTEMBER 2014 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor D Stebbing (Vice-Chairman), Councillor D Hodgson, Councillor B M Keane, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor D R Patrick, Councillor W Sutton

APOLOGIES: Councillor M G Bucknor, Councillor C C Owen, Councillor T E W Quince

Officers in attendance: G Nourse (Head of Planning), B Young (Area Development Manager), Ms A Callaby (Development Officer), T Lewis (Principal Solicitor - Conveyancing and Contracts), Miss S Smith (Member Services and Governance Officer)

P51/14 MINUTES OF THE MEETING OF 20 AUGUST 2014

The minutes of the meeting of 20 August 2014 were confirmed and signed.

Further to minute number P41/14 the Chairman referred to the statement with regard to 'The Openness of Local Government Bodies Regulations 2014' and changes in law and advised that Standing Orders would be suspended until the changes had been made to the Council's Constitution.

In answer to a request from Councillors Sutton and Murphy the Chairman suspended the meeting to allow them to read the Planning Updates, as they had not had time due to attending another meeting just prior to Planning Committee.

P52/14 F/YR14/0668/F GUYHIRN - LAND SOUTH OF WESTBURY, GULL ROAD - VARIATION OF CONDITION TO MOVE DWELLING 1M SOUTH AND AMEND APPROVED BRICKS

Officers informed members that:

- North Level Internal Drainage Board have responded advising that they have no comments or objections to make in relation to the application;
- No response has been received from Wisbech St Mary Parish Council.

Proposed by Councillor Patrick, seconded by Councillor Keane 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)

P53/14

F/YR14/0545/F

MARCH - 93 HIGH STREET - CHANGE OF USE OF PART OF BUILDING FROM OFFICES/STORAGE TO 1 X 2-BED DWELLING AND 1 X 2-BED FLAT INVOLVING THE INSERTION OF 9 ROOFLIGHTS, THE ERECTION OF 1 NO CHIMNEY STACK ERECTION OF 1 NO DORMER WINDOW AND REPLACEMENT OF EXISTING UPVC WINDOWS WITH TIMBER SASH WINDOWS

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 a site visit, Members advised that they did not wish to see the proposed residential use (C3) of the building to become an extension of the adjacent Hotel use (C1) that currently exists at the Cromwell Hotel;
 - This is noted and Members are advised that such a change of use could only be possible via express planning permission by way of a formal application
 - It is therefore considered unreasonable to impose any such condition as this is already controlled via the Town and Country Planning Use Classes Order 1987 (as amended).

Mr Hall, the Agent for the proposal was listed as a speaker, however he declined to speak on the application.

Proposed by Councillor Patrick, seconded by Councillor Keane 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)

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

P54/14

F/YR14/0546/LB

MARCH - 93 HIGH STREET - INTERNAL AND EXTERNAL WORKS TO LISTED BUILDING INVOLVING INSERTION OF DORMER WINDOW AND ROOF LIGHTS; REPLACE UPVC WINDOWS WITH TIMBER AND REINSTATEMENT OF CHIMNEY

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.

Proposed by Councillor Patrick, seconded by Councillor Keane 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)

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

ELM - NORTH OF LA CHAUMIERE, BACK LANE, COLLETTS BRIDGE LANE -
ERECTION OF 2-STOREY 4-BED DWELLING WITH A DETACHED GARAGE AND
1.5M (MAX HEIGHT) FRONT FENCE AND GATES

Members considered 14 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:

- Further representation made to the LPA by adjoining resident concerning:
 - Incorrect usage of LP3 in the executive summary, and no justification for accepting development on an infill site not otherwise in a built up frontage;
 - Considers that the committee have not agreed the principle of development, although the report maintains that in moving the officer recommendation this was accepted;
 - Report dismisses concerns about the sustainability of the proposal despite the department being provided with many case studies considered under the May 2014 Local Plan that closely match the proposal;
 - Concluding that the next effect of these errors is to present an argument in the report for approval, when with the correct use of the right policy and a historically accurate representation of the committee's discussions would lead to a policy-compliant refusal of permission. Further stating that to allow this error to persist and go unchallenged would be to allow an undemocratic abuse of the planning process and set a dangerous precedent;
- Middle Level Commissioners have commented that it is not considered that a viable scheme for surface water disposal has been adequately evidenced in the submission. (This is dealt with at Condition 10 of the recommendation);
- Other matters: The Agent has confirmed that it is intended that a new hedge of a species, to be agreed, will be planted immediately behind the new boundary fence subject to detailed planning consent. (This is dealt with at Condition 7 of the recommendation);
- Officer Comment:
 - **LP3** - Officers would concur that the relevant section of LP3 has regrettably been incorrectly quoted in the executive summary, and should read as elsewhere in the report (Para 6.1);
 - Policy LP3 as an 'Other Village' where development will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage;
 - Concern has been raised that the infill justification has been used without reference to the requirement for such sites to be within an otherwise built up frontage. In adopting a stance which supports the principle of development on this site Officers consider that they have correctly applied the policy which does contain the caveat 'will normally'. In the absence of any other 'harm' in terms of residential amenity, highway safety and character of location accruing as a result of the development it is felt that to resist the scheme solely on the grounds of this requirement would lay the LPA open to challenge;

- **Principle:** Whilst the minutes of the meeting specifically note that Members agree with the recommendation for refusal with 4 specific reasons, the further representation made considers that this does not by default agree the principle of development as being acceptable. Officers must maintain that in moving the recommendation as worded in the agenda principle had not been questioned by members of the Planning Committee. As this was taken forward to the decision notice within the reason for refusal it is material to the consideration of this submission;
- **Sustainability:** Comparisons between Colletts Bridge and Eastwood End are noted; however the inclusion of Colletts Bridge in the settlement hierarchy of LP3 is a material consideration that must be given weight;
- **Conclusion:** As a final point the neighbouring residents assert that the report misdirects the Committee and that an approval would set a dangerous precedent. Officers have endeavoured to respond to the observations made in respect of the report and to address the issues raised. It is however considered that the recommendation to approve the proposal remains appropriate and in the spirit of the general aims of Policy LP3. In the absence of any other material considerations which would indicate that this scheme should be resisted the recommendation at Page 50 of the Agenda is maintained.

Members received a presentation, in accordance with the public participation procedure, from Mr Bryant, an objector to the proposal. Mr Bryant pointed out that there were a number of people in attendance in the audience who were there to show their support in objection to the proposal. Mr Bryant explained that his wife was sitting at the Public Participation table purely to keep an eye on timing for Mr Bryant's presentation. Mr Bryant referred to LP12 and LP16 were about the proposal fitting in to add to the sustainability of the area and improve the environment biodiversity and pointed out that the application fails to do so.

Mr Bryant stated that a double garage was completely inappropriate and unsympathetic to the location and biodiversity is not being protected. Mr Bryant referred to LP3 and stated that since the first application LP3 has been misapplied and the mistakes carried throughout this application. The officers report refers to the site is not part of the continuous built up frontage and being a departure from policy stated that this requires a case to be made, this has not been done and he asked the committee to acknowledge this point and asked that the application should be refused. Mr Bryant referred to Paragraph 2.17, making reference to open landscapes and blue skies, stating that the committee have the opportunity to protect this view that is cherished by local residents. Mr Bryant stated what the types of property currently are in Colletts Bridge Lane and the view from the bungalows opposite which would be lost.

Mr Bryant stated that the officers report says the scale would be low impact but Mr Bryant believe the impact would be huge, the proposal will double the building mass on that part of the lane. The report states that the frontage would be 10 metres wide but ignores the garage which increases the frontage to 16 metres.

Mr Bryant stated the impact on neighbours and referred to a photograph being a field view from the property on the opposite site and the height of the proposal which would dominate and result in the removal of the big sky view and the impact on the evening and afternoon sun.

Mr Bryant made reference to the previous three refusals and stated that the application is unsustainable. He referred to the Begdale Road Decision 0541 which was not in a sustainable location due to the lack of footpath and streetlighting and the case for this is also true of Colletts Bridge Lane as it can only safely be reached by car. He found that no transport statement was provided in accordance with LP15 and he concluded that under LP12 and 16 there was no justification for departure from Local Plan Policy 3 that requires the proposal to be for infill in an otherwise built up frontage which is continuously omitted from the paperwork.

Mr Bryant pointed out that the application relies on the officers report that the committee have already consented to the principle of development on the site, he stated that this was not true, pointing out that during the committee meeting in June members discussion focussed on the design and not the principle of development on the site. The minutes show that members agreed to reject the proposal and did not agree to the principle of development on the site. Mr Bryant stated that if the Local Plan is to be worth anything within the democratic accountability for local residents previous errors in the report must be set aside and the application considered against the local plan. Mr Bryant invited members to refuse the application. Mr Bryant requested members 'To Let Colletts Bridge be as Colletts Bridge is'.

Councillor Sutton asked Mr Bryant to elaborate on his reference to the departure from LP3 and Mr Bryant's conversation with planning officers yesterday. Mr Bryant confirmed that he had a conversation which quoted the departure from policy and this was further confirmed to him by email and he understood that this application is a departure from policy. Councillor Sutton asked Mr Bryant if he could confirm the speed limit on Colletts Bridge Lane. Mr Bryant confirmed that the speed limit is not signed but confirmed that the speed limit is 60mph.

Councillor Mrs Newell commented that she was having trouble hearing what people were saying at which point the Chairman reminded all members to use their microphones.

The Chairman clarified the point made regarding Mr Bryant's conversation regarding LP3. Officers clarified that in terms of built up frontage, there is a dwelling either side of this proposal and made reference to the wording in the policy 'will normally' and in those terms would take the site and location into consideration as a whole in terms of making an assessment.

Councillor Sutton asked for Mr Bryant to respond to officers statement. Mr Bryant responded that for him Policy LP3 is for a single dwelling if it was just a matter of infill, 'otherwise built up frontage' must have a meaning within the policy, if it was just a matter of infill, the meaning must be more than just a gap between buildings.

Members received a presentation, in accordance with the public participation procedure, from Dr Harrall, the applicant. Dr Harrall informed members that he was at the meeting in June with another planning application which was refused, the reasons were recorded as being on the grounds of design. Dr Harrall stated that it was a radical and very contemporary design and he had asked members to take a leap of faith, however members followed officers recommendations.

Dr Harrall stated that as is the right of an applicant in receipt of a refusal he took the opportunity to submit a fresh planning application, known as a 'free go'. Dr Harrall commented that planning officers had been exemplary, very professional and he had spent time addressing the concerns of members on the design and those of neighbouring objectors.

Dr Harrall pointed out that the proposal before members is a 4-bed detached residential dwelling picking up on the local vernacular and applies within the streetscene sensitivity addressing scale and density of the adjoining development, to the right a large farmhouse and to the left a small vernacular cottage. Dr Harrall commented that he hoped that the design could be received as representing a typical Fenland vernacular. In terms of infill and principle residential development, the committee report in providing the recommendation for refusal refers to the site as infill and the principle of residential development acceptable. In following the officers recommendation for refusal for the last application members refused it on the grounds of design. He informed members that as they did not object on the principle of infill last time and the application has been redesigned he hoped that it would be acceptable to members.

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

- Councillor Mrs Newell commented that she didn't think we have an infill policy any longer. Officers confirmed that it is within Policy LP3 and with the 'Other Villages' section and read out, 'in the following other villages residential development will be considered on its merits and will normally be restricted to a single dwelling infill site situated in an otherwise built up frontage, it is within LP3 and Colletts Bridge falls within that;
- Councillor Sutton commented that this proposal is within his 'patch' and with the greatest respect for officers he believes that there is so much wrong with it. He commented that Colletts Bridge is not a village, it is a hamlet, if we take into account the NPPF the whole thing is about presumption in favour of sustainable development and this runs through the whole thing. The key word is sustainable, if we take this as a village, I have considered the NPPF and it refers several times to viability and vitality and being sustainable would mean to add schools, play areas and pubs, there is nothing there to sustain, it is not a village, it is a part of Elm. As long as we take this as a part of Elm, his ward has five polling areas: GA, GB, GC, GD and GE, Rings End is named as a village and has its own polling district and own elected members. Colletts Bridge does not as it is a part of Elm. Three to four months ago a planning application was rejected in Begdale Road as there was no linkage to the village it served, it is a two way road with a playing field, is not sustainable as it is 200-300 yards from footways. Members agreed at that time with the officers report that it was not sustainable and this must transfer to Colletts Bridge. It is scandalous that 200 yards is not acceptable and this is over a mile, is a two way road and is narrow and there are commercial vehicles travelling this road every day. It has come to light at Parish Council meetings that people have stopped walking dogs in Gosmoor Lane. Moving on to the LP3 and the built form, this is not built up, this is similar to other locations at North Brink in Wisbech and Eastwood End in Wimblington. There are up to date policies that support that this is unsustainable. If we pass this and agree that this is sustainable in Councillor Sutton's view there is not another unsustainable area in Fenland. Councillor Sutton commented on the Objectors presentation 'Let Colletts Bridge be as Colletts Bridge is' and agreed that this was a comment made by him. That wasn't a comment at this stage of the meeting that was a comment I asked special permission from the Chairman to go against protocol after the proposal was seconded to refuse, he made this statement Let Colletts Bridge be where Colletts Bridge is. To say that this committee agreed that this is a sustainable plot is wrong and it is not sustainable and could not support it and said he would recommend it for refusal;
- Councillor Patrick commented that he agreed with Councillor Sutton, there are several previous planning applications, an appeal was dismissed and he could not see what had changed for member to give permission on this site. He commented that the proposal was out of keeping with the area and is quite substantial;

- Councillor Murphy commented that he had been vociferous on the number of things that constitute refusal of an application and was concerned that the June application was only refused on design as this was not the only thing mentioned at the time, there was also visual impact, character, scale, layout and the common sense of it, stating that one thing does not put all other things right and raised concerns that if only one reason is given any others are not considered;
- Councillor Hodgson asked if the application was only refused on style and recommended that members support officers recommendations;
- Councillor Sutton commented that officers did not take account of any other comments. Officers reminded members that reasons for refusal need to be specific refusal reasons;
- Councillor Murphy commented that he has provided more than one reason time and time again and the decision has only taken one thing into account. Officers checked the paperwork and the reason for refusal and officers confirmed that there was one reason for refusal and this was read out;
- Councillor Sutton commented that he was thankful that this application was in front of members, there is an issue regarding the siting of the dwelling, it is not in line with the cottage to the left and it is not in keeping with the area;
- Councillor Stebbing commented that he agreed that the proposal was out of proportion with the surrounding area and the garage is nearly as big as the property next door. Councillor Sutton commented that as a committee, members need to make sure all comments from members are in the paperwork and are recorded in the decision. Councillor Stebbing commented that whether or not an application is approved members must be sure that what is said is acknowledged by officers in the following decision paperwork.

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

Refused, as Members feel that the proposal is not in a sustainable area, is not a continuous built up frontage, have concerns that it will impact on grounds of highway safety as it is in a 60mph limit, adverse visual impact, is out of character and appearance, scale and prominence.

Members do not support officers recommendation to Grant planning permission as they feel that the proposal is not in a sustainable area, is not a continuous built up frontage, concerns that it will impact on grounds of highway safety as it is in a 60mph limit, adverse visual impact, is out of character and appearance, scale and prominence.

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

1.40pm

Chairman