

# PLANNING COMMITTEE



10 DECEMBER 2014 - 1.00PM

**PRESENT:** Councillor A Miscandlon (Chairman), Councillor D Stebbing (Vice-Chairman), Councillor M G Bucknor, Councillor D W Conner (Substitute), Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor D R Patrick, Councillor W Sutton.

**APOLOGIES:** Councillor B M Keane, Councillor D Hodgson, Councillor T E W Quince

Officers in attendance: G Nourse (Head of Planning), B Young (Area Development Manager), S Manley (Planning Performance Manager), R McKenna (Principal Solicitor - Litigation and Planning), Mrs K Brand (Senior Development Officer)

## P64/14      MINUTES OF THE MEETING OF 12 NOVEMBER 2014

The minutes of the meeting of 12 November 2014 were confirmed and signed.

**\* FOR INFORMATION OF THE COUNCIL \***

## P65/14      F/YR13/0857/F MEPAL - LAND AT BLOCK FEN, BLOCK FEN DROVE - CHANGE OF USE OF LAND TO MOTOCROSS AND RECREATIONAL RIDING OF MOTORCYCLES (DURING THE WEEKENDS FROM 1ST OCTOBER TO 31ST MARCH (MAX 48 DAYS) AND ON EACH WEDNESDAY FROM 1ST OCTOBER TO 31ST MARCH) WITH SITING OF 2NO STORAGE CONTAINERS, TOILETS, MARSHALLING BOXES, LITTER BINS, WASTE SKIP AND SITE CABIN TOGETHER WITH OPERATIONAL DEVELOPMENT INCLUDING RAISED AREAS, RACE TRACK, CAR PARKING, TRACK FENCING POSTS, RAILINGS AND SPECTATOR FENCING

Members considered 3 individual letters of support, 346 standardised letters of support and 47 individual letters of objection and 1 petition supported by 192 objecting to the proposal.

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:

- An email had been received from an East Cambs resident raising concerns about noise;
- ECOLOGY - Further information has been received from the applicant's Ecologist, BSG Ecology, in respect of matters raised from Fenland District Council's (FDCs) Ecologist;
- FDCs Ecologist has confirmed that he is satisfied with the latest submission and is prepared to withdraw the objection subject to the use of a condition requiring the monitoring of wintering birds to assess the impact of the use;
- It is therefore recommended to withdraw refusal reason 2;

- NOISE - The applicants noise consultant, ENS, has provided latest comments contending some of the findings and conclusions of the independent noise consultant MAS, commissioned by FDC and those of FDCs own Environmental Health Officer's (EHO);
- MAS have considered these latest comments but conclude that their opinion is unchanged in that the latest submission fails to address the concerns raised within their original report;
- FDCs own EHOs have also commented on the latest submission and disagree with the conclusion drawn by the applicant's noise consultant;
- Sport England have advised they will be providing comments. No comments have been received;
- RECOMMENDATION - The increased use of the site and associated activity for Motocross use and associated activities from its current operation of 28 days per year to a substantially more intensive use, would result in an unacceptable level of cumulative activity and associated noise to the detriment of the amenities of local residents contrary to policy LP2 and LP16 of the Fenland Local Plan 2014 and paragraph 123 of the National Planning Policy Framework (NPPF) 2012.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Ms Bailey, a member of East Cambs District Council. Councillor Ms Bailey thanked members for the opportunity to speak. Councillor Ms Bailey stated that she is a District Councillor at East Cambs District Council for the villages of Mepal and Witcham, the villages affected by the activity at the site. Councillor Ms Bailey stated that she has been contacted by local residents over the years regarding issues of noise. Councillor Ms Bailey commented that there has been an inappropriate use of roads and highways around the area, with motorcycles driving around the droves and stated that she represents the views of the residents that she had been contacted by.

Councillor Ms Bailey reported that East Cambs District Council have carried out noise monitoring and this is in the report. Councillor Ms Bailey stated that the site has current planning permission, with permission from 1960 to 1998 for sand and gravel extraction and completion by 2014. From 2002 there was a permanent Section 106 obligation to implement a conservation area/nature reserve with fence and pedestrian access, she pointed out that both proposed dates have now gone by.

Councillor Ms Bailey stated that the nature reserve is part of a much wider area around the site, the Environment Agency have a habitat scheme nearby and phase 2 of their scheme is in Sutton, with 500 hectares of grassland proposed for birds, the wide Ouse Washes Partnership Scheme is part of this site. The Partnership focusses on tranquil landscape washes, land management and this application is contrary to expectation. Councillor Ms Bailey stated that Mepal and the Environment Agency have long-term plans around the site being restored to conservation and low level leisure use, also part of the 2011 Cambridgeshire County Council Block Fen Master Plan.

Councillor Ms Bailey stated that an enforcement notice had been issued in May 2012 and was appealed unsuccessfully, a different operator has been at the site since October 2013, despite the enforcement notice the operator has promoted motorcycle sports, and residents have made regular contact and attended Parish Council meetings, with a petition of 300 signatures being raised. Councillor Ms Bailey referred to pages 15 and 16 of the report and Mepal Parish Council reporting noise issues and loss of amenity.

Councillor Ms Bailey asked members to reject the application in favour of reinstatement of the proposed conservation and to allow the original plan to go ahead.

Councillor Owen asked Councillor Ms Bailey if she had personally experienced noise from the site. Councillor Ms Bailey responded that she had visited the site when it was in use for motorcross activities, stating that she does not want to spoil their fun, however the noise is very loud and has a cumulative effect over every weekend.

Councillor Patrick asked Councillor Ms Bailey how many times she had visited the site. Councillor Ms Bailey responded that she had visited the site once and the local area 2-3 times.

Members received a presentation, in accordance with the public participation procedure, from Ms Bray, an objector to the proposal. Ms Bray thanked members for the opportunity to speak and stated that she was in objection to the proposal and was speaking on behalf of herself and 12 other residents. Ms Bray stated that she endorsed the objection in the report and the affect the current use has on Mepal, Chatteris and Witcham. She stated that 47 individual letters of objection have been submitted along with a petition and she supports the recommendation for refusal of the application. Ms Bray stated that she has no objection to motorcross as a sport, the objection is to noise nuisance, the level of use and the conflict between wildlife and motor vehicles. Ms Bray pointed out that there is no need for this track as there are other tracks available.

Ms Bray pointed out that the main objection is to noise nuisance, with the proposal for 74 days use between October and March, every Saturday, Sunday and Wednesday for 6 consecutive months being excessive. Ms Bray stated that if local residents could not hear the noise they would not know that the track existed, these are rural properties they do hear it and pointed out that the aims of the Planning Policy Framework is to protect areas of tranquility, with the main characteristics of the Ouse Washes being tranquility. Ms Bray stated that the noise from the motorbikes travels incredibly well across flooded water and on wet or frosty ground, revs and gear noise can be heard within one mile and when there are 40 bikes travelling at once, this is stressful and worse for residents in their gardens and in the house when doors and windows are open.

Members received a presentation, in accordance with the public participation procedure, from Mr Rye a partner of Mr Halstead, the applicant's agent. The Chairman reminded Mr Rye that Mr Halstead had registered to speak and for future reference if there was a change to the proposed speaker the Member Services office should be informed prior to the meeting. Mr Rye stated that the operator had sought agreement with Hanson the site owner to operate the site in a controlled way and had been run in accordance and below noise levels for 2 years, pointing out that there were two issues in the officers report, noise and ecology, with the ecological issues having been resolved since the report had been published. Mr Rye stated that noise is the main issue and it should be borne in mind that extensive noise monitoring had been undertaken for 4 years by the environmental department and noise impact was not an issue for Environmental Health. Mr Rye stated that he does not believe noise is a problem and the application did not warrant refusal.

Mr Rye stated that there is a disagreement of the use of the land and the noise is not at such a level that there is an adverse effect on health and quality of life. He stated that there is an identical activity at Doddington in the winter months operating every Saturday and Wednesday during the school holidays, the Mepal site is unique and essential to motorcross throughout winter for European training and world championships. Mr Rye stated that there is a 2000 strong petition in support of the application being acceptable with suitable conditions. He stated that the RSPB, Natural England and the Wildlife Trust support the restoration scheme alongside this use of the application.

Councillor Patrick asked Mr Rye out of the 2000 petitioners how many were local residents. Mr Rye responded that quite a lot were residents and users of the site. It was confirmed that 346 letters had been received by the Council with the CP6 postcode.

Councillor Owen asked Mr Rye what the operators were looking for in terms of usage of the site. Mr Rye responded that the intention was not to use the site in Summer at all, but from October to the end of March being Winter months. He stated that the facility is essential for training in the UK throughout those months, most other surfaces are mud, sand and gravel is an excellent surface. Mr Rye stated that the site would be used for an academy on Wednesdays, throughout the Winter only, with no use from April to September.

Officers clarified use of the site, not being all year round, would be annually from 1 October to 31 March with training events on Wednesdays, the total number of days use per annum being 75 days, 10.00am to 4.00pm on Saturdays, 9.30am to 5.00pm on Sundays, 10.00am to 4.00pm on non-race days, as listed on page 27 of the report.

Councillor Sutton asked Mr Rye recognising that the track is essential to the sport what will happen to the motorcross activities when the site is reinstated to its original use. Mr Rye responded that users will travel to Dunkirk unless another site is found and would look to find another facility or continue to travel within those months.

Councillor Bucknor made reference to the current Enforcement on the site. The Chairman and officers reminded members that questions relating to Enforcement were not open for discussion as this may prejudice further investigations. The Legal officer advised members that it had been alleged that the site had exceeded its 28 days use which had resulted in an investigation and this was still ongoing and would not want any outcome to be prejudiced.

Councillor Mrs Newell commented how could the Enforcement issue be investigated when what is alleged had already happened. Officers reminded members that the matter of Enforcement could not be discussed as it was still ongoing. The Legal officer responded that a discussion around enforcement would not help to form the decision and the application should be decided on its own merits.

Councillor Patrick asked Mr Rye if there were any further measures that could be taken. Mr Rye confirmed that they could carry on monitoring the noise with any further steps being taken where possible to reduce noise, stating that there is a constant effort by bike manufacturers to reduce noise. He clarified that there are no other sites in the UK like this one.

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

- Councillor Patrick commented that the application had been received in 2013 and the length of time taken for it to be presented to committee was not acceptable, the expiry date being June 2014 and it is now December and asked why. Officers responded that this is a complicated case with issues regarding permitted development, officers have carried out survey work, the impact, use and the MAS report, with the recommendation based on all evidence and facts. Councillor Patrick commented that Environmental Health checks were acceptable and now not acceptable and asked if noise levels had increased or not. Officers advised members to take notice of the MAS comments as it is clear there is a noise issue resulting from cumulative activity and the expert opinion of Environmental Health and the up to date survey from MAS had been taken into account. Councillor Patrick asked when the last noise checks had been carried out. Officers responded that noise checks had last been undertaken in March 2014, noted on page 21 of the report;
- Councillor Murphy commented that this application is against LP2 and LP16 of the Fenland Local Plan 2014 and paragraph 123 of the NPPF (National Planning Policy Framework 2012). It does not satisfy LP19 of the Fenland Local Plan 2014 or paragraph 118 of NPPF 2012;

1. Chatteris Town Council strongly recommend refusal;

2. Mepal Parish Council recommend refusal;
  3. FDC Environmental Health recommend refusal;
  4. Witcham Parish Council objects;
  5. Natural England want it restored as the Fens Master Plan recommends;
  6. The Wildlife Trust wants it restored as CCC should have done by 2013 so objects;
  7. RSPB against these proposals and have written to CCC;
  8. Environment Agency are not happy;
  9. East Cambs Environmental Health do not consider there will be a fair balance with local residents if allowed extra days every week for 6 months;
  10. Independent noise consultant considers it fails policies LP2 and LP16 and make adverse impact to the character of the area;
- Petitions - received in support, 3 individual letters and 1 petition of 346 names from all over the country;
  - Against - 47 individual local letters and 1 petition of 192 names from local people;
  - This application does not benefit Fenland;
  - This application does not benefit local economy or the community as they bring their own sleeping and feeding provisions;
  - In conclusion Councillor Murphy commented that he hoped that all the local residents and local businesses were listened to and that the hours of this application were not extended and that Cambridgeshire County Council and Hanson do the right and proper thing and reinstate this area immediately as promised;
- Councillor Sutton commented that in his opinion the applicants time was up, they have had several years use of the site and Cambridgeshire County Council should restore the site as per their original plan and he supported officers recommendations.

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

**Refused as recommended as Members feel that:**

**The increased use of the site, and associated activity for Motocross use and associated activities from its current operation of 28 days per year to a substantially more intensive use, would result in an unacceptable level of cumulative activity and associated noise to the detriment of the amenities of local residents contrary to Policy LP2 and LP16 of the Fenland Local Plan 2014 and Paragraph 123 of the NPPF 2012;**

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

*(Councillor Connor declared a Non-Pecuniary Interest in this application, by virtue of him being a Member of Cambridgeshire County Council and the proposed discussion of this matter at a meeting on 11 December 2014, and retired from the meeting for the duration of discussion and voting thereon)*

**P66/14**

**F/YR14/0132/F**

**WISBECH - LAND BETWEEN SOUTH BRINK AND CROMWELL ROAD -  
ERECTION OF 12 X 2-STOREY 2-BED DWELLINGS WITH GARAGES, ACCESS  
ROAD AND ASSOCIATED WORKS (RE PLAN OF PLOTS 69-72, 95-120)**

Members considered 1 letter of objection.

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

Officers informed members that:

- The following consultation responses have been received:
  - Police Senior Architectural Liaison Officer - no objection to the granting of planning permission;
  - FDC Housing Strategy - provides the affordable housing requirements generated by the proposal;
- The proposal constitutes an amendment to the original consent and the affordable housing has already been delivered under F/YR06/0464/O and F/YR08/0259/RM therefore a further request for affordable housing on this site is not necessary.

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

- Councillor Owen commented on page 37 regarding the payment of £260,000 in lieu of a healthcare centre and asked if the payment is no longer viable who is missing out. Officers confirmed that the loss would be to the community but the overall viability of the site must be considered. Councillor Owen asked what year the site was considered to be viable. Officers confirmed it would have been four years ago in 2011;
- Members were advised by the Viability Assessor, Mike Freeman that payments were subject to confidentiality, advising that he could discuss the principles that have been reviewed with no details of costs as these are commercially sensitive. Mr Freeman advised that viability had been assessed on both the whole scheme and the proposed 12 units, the total scheme had considered overall costs, the revenue generated, affordable housing provision, revenue received for phases 2 and 3 on the open market and received from the 12 units, with interests and yield assumptions being reviewed as part of the process. Councillor Owen asked what would happen if additional dwellings were refused what would happen to this land. The Chairman advised that the applicant was likely to appeal any decision for refusal, which would likely be approved by the Inspector as Fenland's Viability assessment has proved that the money is not available;
- Councillor Patrick commented that the applicant has built in excess of the affordable housing provision and commented that he agreed with officers recommendations;
- Councillor Mrs Newell commented that £260,000 is a lot of money and a lot of houses have been built and this must have been available at the outset;
- Mr Freeman explained that on the original application an onsite health centre was proposed, this was refused by the Clinical Commissioning Board. This option would have generated income for the site in lieu of the £260,000 contribution, this revenue was lost because the health centre was not built on the site and would originally have been an income stream creating better viability;
- Councillor Murphy commented that other viability studies have been proposed on other applications and then been taken away, making a comparison between a development and a house buyer and asked why members were asked to 'step' down to a developer. Mr Freeman advised that the existing use and value of the site would contravene planning policy guidance;
- Councillor Patrick commented that he appreciated the viability study, agreed that the applicant had provided in excess of the affordable housing provision, the £260,000 was no longer viable and the income stream had been suitably explained;

- Councillor Sutton commented that it would be excellent when viability was paid by the developer, however he believed that we are not at that stage at the present time and agreed that the application should be supported.

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

**Granted, subject to the conditions reported.**

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

**P67/14      F/YR14/0217/F  
DODDINGTON - LAND SOUTH OF 32 WIMBLINGTON ROAD - ERECTION OF  
16NO 2-STOREY DWELLINGS COMPRISING: 12 X 4-BED, 2 X 3-BED AND 2 X  
2-BED AND ASSOCIATED GARAGING AND INFRASTRUCTURE**

Members considered 13 letters/emails 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:

- Confirmation has been sought from Anglian Water and their response to the application remains the same as previously advised: that there is available capacity for this development proposal;
- During Site Inspections members queried the length of unadopted highway and the implications that this has for refuse collection. The site layout plan indicates the various bin collection points which are located in suitable positions and are of a size capable of storing the bins required on collection days. The only implications with the length of the unadopted highway in terms of refuse collection would be on the future occupiers of Plots 8, 9, 14 and 15, which would result in them having to walk their bins a distance in excess of 30 metres once a week. This situation is not considered to be so significant that any concerns are raised and furthermore the Highway Authority has raised no objections to the proposed development;
- An email was received today in relation to Archaeology and onsite Trees;
- A woodland TPO (Tree Preservation Order) has been secured for this site.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Hufton. Councillor Mrs Hufton stated that she was speaking on behalf of Doddington Parish Council. Councillor Mrs Hufton stated that there are two major concerns, access to the proposed site and residents dropping off at the local school in Wimblington Road.

Councillor Mrs Hufton stated that the additional access will cause overcrowding on the road by parking on both sides of the road. Councillor Mrs Hufton stated that there are 75 daily HGV movements as well as agricultural traffic, pointing out that there is already a problem in this area. She stated that there are waste water and sewage, infrastructure problems and the Parish Council do not feel that these problems have been adequately addressed for additional housing in the village. Anglian Water have no plans for the next 10 years to improve the system.

Councillor Mrs Hufton pointed out that Middle Level have opposed the application and she commented that if there was a problem with surface water would this eventually impact on the sewage. Councillor Mrs Hufton stated that she is not against a smaller development, however if the proposal were to be granted the Parish Council would request members support a proportionate S106 and asked if it could be ring-fenced for the Parish Council to benefit their choice for the village.

Members received a presentation, in accordance with the public participation procedure, from Mr Mann, the applicant's agent. Mr Mann thanked members for the opportunity to speak. Mr Mann stated that this proposal for 16 homes was much needed in Doddington which is identified as a growth region, pointing out that 4 of them are affordable homes. Mr Mann pointed out that highways, the Environment Agency, Anglian Water, the Tree Officer, Natural England, CCC Archaeology and Housing Officer have all confirmed that they have no problems with the proposal and Anglian Water say there is capacity at the moment. Mr Mann stated that he was surprised at the requested level of detail for a small scale development and pointed out that the technical reports were acceptable. Mr Mann requested that members support the officers recommendation to approve the application.

The Chairman stated that a Woodland TPO had been secured to protect the trees on the site, he commented that there are trees close to the edge of the site and asked Mr Mann what measures were being taken to protect the roots of these if the application were approved. Mr Mann responded that the report contains the arboricultural methods to be adopted regarding the trees and the TPO will provide additional protection to the trees and the construction and surrounding area will be monitored.

Councillor Murphy asked Mr Mann why this proposal included another long length of unadopted highway, why not put a proper road in and asked if this is to save money on the development. Mr Mann responded that the use of unadopted roads gives greater design flexibility and confirmed that a management company may take over management of the road.

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

- Councillor Murphy commented that the collection of bins for this development is in excess of 30 metres, this is 50% more than the RECAP Policy. Officers responded that in terms of balance and the benefits bought in by the application, only 4 properties will be affected by this and this is not considered to be a significant reason to recommend refusal of the application;
- Councillor Connor commented that Councillor Mrs Hufton had requested that S106 monies be ring-fenced for Doddington to spend and asked if this could be done. Officers responded that this was not raised during the consultation with Doddington Parish Council and advised that the S106 monies have to be directly related to the development and there would have to be notice of what it would be spent on and more information would be required as it would need to be spent in Doddington village itself;
- Councillor Mrs Newell commented on the capacity at the local schools stating that there is a waiting list of pupils going to other towns. Officers agreed to feedback concerns regarding capacity in schools to Cambridgeshire County Council;
- Councillor Murphy raised concerns regarding relaxation of collection of bins and commented that other applications had been refused on that issue and members must be careful that the rules are not relaxed;
- Councillor Sutton commented that the playspace provision/a MUGA Pitch should be ring-fenced for Doddington. The Legal Officer confirmed that playspace provision can be ring-fenced for Doddington;



- Councillor Mrs Newell commented that there are recommendations for the consideration of Ecology and wildlife and asked if this will be carried out. Officers confirmed that this will be considered under the proposed planning conditions;
- Councillor Stebbing asked if there was any retribution in terms of previous applications we have rejected regarding bin collections. Officers advised members that they should consider each site on its own merits considering the Supplementary Planning Guidance in this instance and confirmed that there is not sufficient justification to resist approval of the application in this instance, stating that no site should create a precedent;
- Councillor Bucknor commented that someone may buy a property but may not be able to take a bin the distance required. Officers advised that it should be classed as 'Buyer Beware'.

Proposed by Councillor Owen, seconded by Councillor Connor and decided that the application be:

**Granted, subject to the conditions reported.**

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

**P68/14**      **F/YR14/0778/F**  
**CHATTERIS - LAND NORTH OF 35-45 NEW ROAD - ERECTION OF 6NO**  
**SINGLE-STOREY DWELLINGS COMPRISING OF 4 X 3-BED WITH GARAGES**  
**AND 2 X 2-BED**

Members considered 8 letters/emails 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 Viability Appraisal submitted has been reviewed by the Council's Planning Obligations Officer who has confirmed that the scheme is not financially viable if affordable housing is provided either on site or as a commuted sum. On this basis the scheme is recommended for approval without any affordable housing provision;
- During the Site Inspection Members queried the eastern boundary and whether or not the wall is to be retained. Confirmation has been sought from the applicant who has confirmed that the wall is outside the application site and therefore not within their control;
- Members also queried the level of street lighting provided - the site layout plan indicates a number of bollard lights which would be installed within the site. The Highway Authority has confirmed that a street lighting design will need to be included as part of a section 38 detailed design submission;
- A planning condition relating to the removal of permitted development rights for alterations to the roof of the proposed dwellings was omitted from the report and is recommended to be imposed, as follows:
  - *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for alterations to the roof of the proposed dwelling houses (as detailed in Schedule 2, Part 1, Classes B and C);*

- *Reasons - To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity and in accordance with Policy LP16 of the Fenland Local Plan;*
- The applicant has submitted a copy of the Anglian Water Pre-Planning Assessment for the site which gives a general agreement to discharge into the public sewer in Lindsell's Walk and have also agreed the draft sewer design for the site.

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

- Councillor Murphy asked if a streetlight would be provided at the entrance to the development as it is very dark. The Chairman confirmed that the site layout plan indicates a number of bollard lights. Councillor Murphy requested that a streetlight be provided at the turning head not bollards. Officers confirmed that a detailed scheme would have to be provided under the CCC Highway Act adopted as part of the Section 38, to provide a road to an adoptable standard which would include street lighting. They pointed out that CCC would not adopt if street standards are not met. Councillor Murphy requested that this be included as a condition. Officers confirmed that they would be happy for this condition to be included;
- Councillor Mrs Newell asked why affordable housing was not being provided. Officers referred to the viability assessment which confirmed that it was not viable for the development to go ahead if any of the units are provided as affordable, which is a tried and tested method of viability which the Council applies and the experts have considered the provision of affordable housing is not justified in this instance;
- Councillor Patrick commented that there is new guidance regarding the provision of affordable housing, increased to 10, in light of this the development falls below the threshold;
- Councillor Miscandlon commented that a condition relating to the removal of permitted development rights for alterations to the proposed roof areas of the dwellings would ensure that the dwellings would remain as bungalows.

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

**Granted, subject to the conditions reported, subject to the removal of Condition (i) and the addition of a Condition regarding a streetlight on entry to the development/turning head.**

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

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

**P69/14      F/YR14/0787/F  
CHATTERIS - 6 HIGH STREET - CHANGE OF USE FROM A1 RETAIL TO A2  
ESTATE AGENTS**

Members considered 6 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:

- 2 further letters of support were received in respect of:

- Re-use of vacant shop. Concern over number of existing vacant shops;
- The potential benefit to the town's economy.

Members received a presentation, in accordance with the public participation procedure, from Mrs Ketteringham, the applicant. Mrs Ketteringham stated that she would like to set up a small truly independent estate agency and would like it up and running as soon as possible. She pointed out that the property is at the end of High Street with other estate agents and solicitors. Mrs Ketteringham stated that this is a positive step, it will give residents more choice and the enterprise will enable more employment in town. Mrs Ketteringham pointed out that Highways were a consultee and have no objections, conservation has stated that the business will contribute to the streetscene as opposed to the shop remaining empty. Mrs Ketteringham quoted that the local town plan aims to attract employers and she believes this proposal is in accordance with the plan. She pointed out that of the 6 objections received some are involved with her ex-employer in the town. Mrs Ketteringham stated that the proposal is in line with national and local planning policy and she would welcome approval of the application and asked members to support their small business and was happy to answer any questions from members.

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

- Councillor Murphy commented that this application is in accordance with LP6 of the Fenland Local Plan and complies with LP2, LP16 and LP18. Councillor Murphy commented that he does not usually go against Chatteris Town Council but on this occasion he would. Councillor Murphy commented that point one is not a planning consideration as the Government now states that it needs and requires councils to revitalise empty shop premises to make town centres more viable. Councillor Murphy commented that there are 4 shop premises empty within 50 yards in this section of road so this falls under this policy. Councillor Murphy commented that point 2 is not a planning consideration in town centres and asked why this application is any different to the other shops already operating in this area;
- Councillor Murphy commented that:
  1. CCC Highways raise no objection;
  2. FDC Conservation welcome its use and recommend approval;
  3. Middle Level are satisfied;
  4. No planning reasons;
  5. Could be changed into residential use with loss of a shop forever;
  6. New business should be encouraged and not stopped, the more competition the better;
- Councillor Murphy commented that this application is in accordance with paragraphs 2, 14, 17, 23 and 131 of the NPPF and with LP2, LP6, LP16 and LP18 of the Fenland Local Plan. He commented that there are no reasons why this application should not be approved;
- Councillor Mrs Newell commented that she did not agree with Councillor Murphy and made reference to a public meeting with the local MP, stating that there is a significant difference in Business Rates in the High Street and such a difference cannot attract businesses into the town. The Chairman reminded Mrs Newell that Business Rates are not relevant to this application, however he did recognise her concerns;
- Councillor Patrick commented on the merits of the application, Councillor Mrs Newell did not agree with his comments and reminded him that he is not a resident and had little knowledge of Chatteris and was not able to comment. Councillor Patrick stated that he resented the comments made to him by Councillor Mrs Newell stating that he does have a reasonable knowledge of Chatteris and has family members in the town.

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

**Granted, subject to the conditions reported.**

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

**P70/14**

**F/YR14/0813/F**

**BENWICK - LAND WEST OF 42 RAMSEY ROAD - ERECTION OF 3 X 2-STOREY 4-BED DWELLINGS WITH DOUBLE GARAGES INCLUDING CONSTRUCTION OF PUBLIC FOOTWAY**

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 Middle Level Commissioners advise that they do not feel that a viable scheme has been submitted that meets with the Board's requirements;
- Typographical errors noted as follows:
  - Paragraph 2.1 Application reference F/YR11/0536/F: Granted 12 October 2011 and not 2014 as stated;
  - Paragraph 3.2 should read: **Fenland Local Plan 2014** and not **Emerging Core Strategy** as stated;
- The applicant has provided details which aim to address the reasons for refusal in respect of the application of the sequential test and exception test;
- Whilst it is agreed that the sequential test has been met following this latest submission, Part A of the exception test is deemed to have not been met, as the proposal does not provide wider sustainability benefits to the community that would otherwise outweigh the flood risk;
- **Latest Comments from applicant dated 4 December 2014:**
  - Further to our conversation yesterday afternoon regarding my letter dated 21 November in respect of the reason that refusal is recommended to Members I would ask that they be given the following update:
    - A sequential test approach on Benwick shows the village to be predominantly in Flood Zone 3. The only Flood Zone 1 area in the village being developed by Cricketers Way and Neneside Estate which have also developed the Flood Zone 2 land in the village;
    - No Flood Zone 1 or 2 land is available for development, only Flood Zone 3 land, thus meeting the Sequential Test requirements;
    - In terms of the Exception Test the application redevelops a brownfield site currently occupied by equestrian facilities on the edge of the village settlement. The proposal for 3 family homes provides much needed development to support existing services and businesses in the village (school, bus service, public house) and with further new development will ensure the new village shop under construction will be successful;

- The Environment Agency have approved the consultants Flood Risk Assessment flood mitigation proposals of raised finished floor level and sustainable urban drainage soakaway;
- REFUSE FOR THE FOLLOWING REASONS:
  1. Policy LP14 (Part B) of the Local Plan requires development in Flood Zone areas 2 and 3 to undergo a sequential test, and if appropriate an exception test to demonstrate that the development cannot be delivered elsewhere in the settlement at lower risk areas of flooding and if not, to demonstrate that the development would provide wider sustainable community benefits that outweigh the flood risk. Whilst the applicant is deemed to have satisfied the sequential test, they have failed to demonstrate that the proposal would provide wider sustainable community benefits that would otherwise outweigh the flood risk. Therefore the proposal fails to justify an exception to Policy LP14 of the Fenland Local Plan;
  2. Policies LP2 and LP16 seek to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts. The site lies within Flood Zone 3 which is a high risk flood area. Therefore the proposal fails to satisfy policies LP2 and LP16 of the Fenland Local Plan as it fails to deliver a high quality environment and instead puts future occupants at higher risk from flooding.

Members received a presentation, in accordance with the public participation procedure, from Mr Brand, the applicant's agent. Mr Brand thanked members for the opportunity to present his clients application. Mr Brand stated that the executive summary report states that the proposal is a resubmission of a previous approval, granted permission in October 2011 which has lapsed. Mr Brand explained what has changed since the previous submission: in 2012 the NPPF was introduced, the new Local Plan was introduced in May 2014, with the downgrading of Benwick to an area for limited growth. Mr Brand pointed out that this is a brownfield site with open countryside to the west. He pointed out that the sequential test has been met, all areas in Flood Zones 1 and in the village have been developed and the proposal is currently an equestrian site. Mr Brand stated that the Flood Risk Assessment had been carried out by Geoff Beal and has been accepted by the Environment Agency with the surface and drainage proposals being no threat to local residents.

Mr Brand referred to paragraph 6.7 in the report and stated that this development will support economic growth in Benwick, pointing out that the village has been without a shop for the past 10 years and there is now one under construction and all future construction will benefit all residents. Mr Brand stated that all small villages identified in the new Local Plan require new development to improve what already exists, he gave the example of Tydd St Giles which has lost its village shop and Manea which has grown and he believes that redevelopment of this brownfield site can only sustain Benwick. Mr Brand stated that Benwick Parish Council support the application and hoped that members would to as the development will enhance the sustainability of the village. He thanked members for listening to his presentation.

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

- Councillor Owen asked Mr Brand why the applicant had not started the previous development. Mr Brand responded that there had been a condition relating to the public footpath, the applicant had tried to find funding for its construction, they had approached the banks for funding but due to the recession could not get funding and the development had been put on hold. There had also been some family health problems and the family had been preoccupied with these issues;

- Councillor Patrick commented that under the previous consent the application had been granted, due to the new plans and policies it would now have to be considered in a different light;
- Councillor Owen commented that the application had only expired within a few days and officers had recommended refusal, he commented that if he were a planning inspector and it was referred him he feels that on the basis of a few days it would be churlish to refuse the application;
- Councillor Patrick commented that with the new Local Plan things change and the application should be considered based on current Local Plans;
- Councillor Sutton commented that officers have the new Local Plan to work to and he was finding it difficult to make a decision and pointed out that the committee has the power to overturn the recommendation if minded to do so;
- Officers pointed out to members that Mr Brand has referred to the site as brownfield and reminded them that it is not. Officers stated that recent guidance issued states reasons for refusal as sustainability and wider community benefits which needs to be demonstrated. Officers reminded members that it is a member decision as to whether they feel that the benefits associated with this application outweigh the reason for going against officers recommendations;
- Councillor Stebbing commented that members should take notice of our own legislation;
- Councillor Mrs Newell made reference to the expiry date and the fact that the application was in Flood Zone 3. The Chairman responded that most of Benwick is in Flood Zone 3 as all areas in Flood Zones 1 and 2 have been taken up;
- Councillor Mrs Mayor commented that the Agent's reason for non-development was to do with the footpath and asked what has changed in that respect, if the application were to be approved would the applicant still have to construct the footpath and would the reason for not constructing it be the same as before. Officers reminded members that if they were mindful to approve the application they should go forward in accordance with the historical permission. The Chairman reminded members that on page 87 of the report the description of the application includes '*and the construction of a public footway*';
- Councillor Connor commented that he would go against officers recommendations, the reasons being that land in Flood Zones 1 and 2 were unavailable and this proposal would make Benwick more sustainable.

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

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

**Refused, as recommended as Members feel that:**

1. **Whilst the applicant is deemed to have satisfied the sequential test, they have failed to demonstrate that the proposal would provide wider sustainable community benefits that would otherwise outweigh the flood risk. Therefore the proposal fails to justify an exception to policy LP14 of the Fenland Local Plan.**
2. **Policies LP2 and LP16 seek to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts. The site lies within Flood Zone 3 which is a high risk flood area. Therefore the proposal fails to satisfy policies LP2 and LP16 of the Fenland Local Plan as it fails to deliver a high quality environment and instead puts future occupants at higher risk from flooding.**

P71/14

F/YR14/0412/F

MARCH - 38 AND FIRST FLOOR OF 40 HIGH STREET - CHANGE OF USE OF NIGHT CLUB TO 2 X 2-BED FLATS, 2 X 1-BED FLATS AND 3 X 2-BED MAISONNETTES INVOLVING ERECTION OF A 2-STOREY EXTENSION, BIN/CYCLE STORE AND FORMATION OF DORMER WINDOW TO REAR INVOLVING DEMOLITION OF SINGLE-STOREY AND 2-STOREY EXTENSIONS TO REAR OF EXISTING BUILDING. ERECTION OF A DETACHED 3-STOREY BLOCK OF FLATS COMPRISING 4 X 2-BED AND 4 X 1-BED (TOTAL 15 UNITS)

Members considered 3 letters of objection and a petition of 57 signatures.

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:

- Archaeology Team, CCC confirms that a programme of archaeological investigation has been undertaken in accordance with a written scheme of investigation. The investigation indicates that this area of poorly drained ground was raised in the post medieval period to make it suitable for habitation. No further archaeological work is necessary;
- One further objection by letter from a local resident from a neighbouring property has been received relating to the following issues:
  1. Removal of all garden wall alongside number 36 High Street;
  2. Parking standards in Fenland;
  3. Inappropriate roof lights in listed building;
  4. Inappropriate materials for new building to rear;
  5. The works that have commenced are contrary to policy E20 relating to hazardous substances;
  6. New Block B encroaches onto tree roots;
  7. Overlooking from side windows;
- In response to the above points:
  1. Boundary treatments are subject to further information, addressed by Condition 12;
  2. Access and Parking requirements, addressed on page 106 of the report;
  3. Design details of the roof lights will be considered as part of Condition 9 of F/YR14/0413/LB;
  4. Materials are covered by Condition 8 of F/YR14/0413/LB and Condition 9 of F/YR14/0412/F;
  5. Unaware of any hazardous substances following demolition. Will be checked;
  6. A further Condition will be imposed relating to tree protection measures;
  7. A further condition will be imposed relating to obscure glazing on the north elevation.
- **Condition 15** - Within 3 months of the date of this decision, a full method statement relating to works within the RPA of the trees on the northern and eastern boundaries of the site shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details. Reason - In order to ensure that retained trees are protected;

- **Condition 16** - All windows on the north elevation of the development hereby approved shall be obscure glazed to a standard to be agreed with the local planning authority and fixed shut and so maintained and retained in perpetuity. Such details shall be agreed within 3 months of the date of this decision and the development shall be carried out in accordance with the approved details. Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

Members received a presentation, in accordance with the public participation procedure, from Mr Husband, representing Mr Carpenter, the Architect for the applicant. The Chairman reminded Mr Husband that Mr Carpenter had registered to speak and for future reference if there was a change to the proposed speaker the Member Services office should be informed prior to the meeting. Mr Husband provided an overview of the history of the project in High Street, March. Mr Husband stated that this is a handsome former town house, grade 2 listed which has been derelict since its last use as a night club in 2007.

Mr Husband stated that planning permission had been granted and it was the intention to build out as per granted, however, it soon became clear that given the value of the property, the cost of restoring the building far outshone the building. Mr Husband pointed out that the format of the original application was for larger houses not flats with no parking this reduced the value of the houses. Mr Husband stated that with reconfiguration a more viable scheme, much smaller, with little increase in footprint was put together. Mr Husband stated that the scheme is based on restoring the listed building and spent time on the open book validation to demonstrate the projects driving force, enabling them to restore the listed building which is in poor repair. Mr Husband stated that the details had been worked out with FDC officers with precommencement conditions and if members were mindful to grant permission they will be looking to start the project in January 2015.

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

- Councillor Patrick commented that it was sad to see the building as an eyesore as it detracts from March Town Centre. He commented on the lack of affordable housing and that the report said it was not viable;
- Councillor Murphy commented on page 106 and thought that a typographical error had been made when it referred to a 'contribution of £99.30 for upgrading Household Recycling Centres'. He also commented on the lack of car parking, which could result in 21 cars being parked on City Road Car Park. The Chairman pointed out that the applicant had inherited a 'no parking' development for the properties;
- Councillor Owen commented that this is a prominent building on the High Street which is deteriorating and he has grave concerns if nothing happens to the building and it is left as is, pointing out that this application will ensure that something happens to the building;
- Councillor Connor commented that he had concerns regarding the provision for unloading and loading vehicles due to the narrow roadway. The Chairman responded that there is a vehicle access with a reasonable width to a pinch point, with sufficient room to park a vehicle to unload it. Councillor Connor commented that this is March Town Centre and can be busy between certain times of the day. Officers responded that this location is difficult and recommended that a Construction Management Programme be included in the conditions;
- Councillor Patrick commented that he had concerns regarding the increase in residents from 10 to 15 with nothing for affordable housing or a S106 contribution. Officers responded that a full viability assessment had been carried out, explaining that this is a tightly managed site in terms of budget and the provision of affordable housing would cause serious issues regarding viability. Officers made reference to page 105 of the report which shows that full consideration has been given to viability and stated that provision of viability could threaten the application.



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

**Granted, subject to the conditions reported, with an additional condition to include a Construction Management Programme.**

(Councillors Keane and Owen stated that they are Members of March 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 all Members had been lobbied on this application)

**P72/14**

**F/YR14/0413/LB**

**MARCH - 38 AND FIRST FLOOR OF 40 HIGH STREET - INTERNAL AND EXTERNAL WORKS TO FORM 2 X 2-BED FLATS; 2 X 1-BED FLATS AND 3 X 2-BED MAISONNETTES INVOLVING ERECTION OF 2-STOREY EXTENSION, BIN/CYCLE STORE AND FORMATION OF DORMER TO REAR AND DEMOLITION OF SINGLE-STOREY AND 2-STOREY EXTENSIONS TO REAR OF EXISTING BUILDING**

Members considered 3 letters of objection and a petition of 57 signatures.

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:

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  1. Removal of all garden wall alongside number 36 High Street;
  2. Parking standards in Fenland;
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  5. The works that have commenced are contrary to policy E20 relating to hazardous substances;
  6. New Block B encroaches onto tree roots;
  7. Overlooking from side windows;
- In response to the above points:
  1. Boundary treatments are subject to further information, addressed by Condition 12;
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  3. Design details of the roof lights will be considered as part of Condition 9 of F/YR14/0413/LB;
  4. Materials are covered by Condition 8 of F/YR14/0413/LB and Condition 9 of F/YR14/0412/F;
  5. Unaware of any hazardous substances following demolition. Will be checked;
  6. A further Condition will be imposed relating to tree protection measures;

7. A further condition will be imposed relating to obscure glazing on the north elevation.

- **Condition 15** - Within 3 months of the date of this decision, a full method statement relating to works within the RPA of the trees on the northern and eastern boundaries of the site shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details. Reason - In order to ensure that retained trees are protected;
- **Condition 16** - All windows on the north elevation of the development hereby approved shall be obscure glazed to a standard to be agreed with the local planning authority and fixed shut and so maintained and retained in perpetuity. Such details shall be agreed within 3 months of the date of this decision and the development shall be carried out in accordance with the approved details. Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

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

**Granted, subject to the conditions reported.**

(Councillors Keane and Owen stated that they are Members of March 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 all Members had been lobbied on this application)

3.50pm

Chairman