

# PLANNING COMMITTEE



**11 NOVEMBER 2015 - 2.00PM**

**PRESENT:** Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman), Councillor M G Bucknor, Councillor D W Connor, Councillor M Cornwell, Councillor A Hay, Councillor Miss S Hoy, Councillor D Laws, Councillor P Murphy, Councillor C C Owen, Councillor W Sutton, Councillor Mrs V M Bucknor(Substitute), Councillor M Davis(Substitute), Councillor D Hodgson(Substitute).

**APOLOGIES:** Councillor Mrs F S Newell

Officers in attendance: N Harding (Head of Planning), Mella McMahon (Development Services), K Brand (Senior Development Officer), R Norman (Senior Development Officer), Jennifer Thomas (Senior Development Officer), S Jackson (Senior Development Officer), (R McKenna(Senior Solicitor), Mrs J Webb (Member Services & Governance Supervisor), G Taylor (Development Officer)

## **P42/15      MINUTES OF THE MEETING OF 14 OCTOBER 2015**

The minutes of the meeting of 14 October 2015 were confirmed and signed.

## **P43/15      F/YR15/0352/F CHATTERIS – LAND NORTH EAST OF 7 - 9 RAILWAY LANE ERECTION OF A 2-STOREY 3-BED DWELLING INVOLVING DEMOLITION OF EXISTING OUTBUILDINGS**

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

Officers presented the application to Members and informed them that an update had been received from Anglian Water as per the document handed out (attached).

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

Councillor Mrs Laws stated that the main access had been looked at during the site visit and there were double yellow lines in front of it therefore there would not be any vehicular parking at all, also Highways were in support; therefore the development satisfied the requirements of the Policy PL2. The design of the building does not seem out of keeping and complements the conservation area therefore she was happy to approve the application.

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

**GRANTED as recommended subject to the following conditions:**

- **The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

**Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.**

- **Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order of Statutory Instrument revoking and re-enacting that Order with or without modification), planning permissions shall be required for the following developments or alterations:**
  - **the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);**
  - **alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);**
  - **Alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1 Class C)**

**Reason - To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of residential amenity and the development's architectural and visual integrity and character of this part of the area/conservation area in which it is set in accordance with policies LP16 and LP18 of the Fenland Local plan (adopted May 2014)**

- **Notwithstanding the approved plans, prior to the commencement of the development full details of the external finishes shall be submitted to and approved in writing by the Local Planning Authority and the development shall be executed in accordance with the approved scheme and retained in perpetuity thereafter.**

**Reason - To safeguard the visual amenities of the area in accordance with policies LP16 and LP18 of the Fenland Local Plan (adopted May 2014)**

- **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 and in accordance with policy LP15 of the Fenland local Plan (adopted May 2014)**

- Prior to the first occupation of the development, the vehicular access from Railway Lane shall be hard surfaced, sealed and drained away from the highway for a minimum length of 5m from the back edge of the existing footway.

**Reason - In the interests of highway safety in accordance with LP15 of the Fenland Local Plan (adopted May 2014)**

- If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

**Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP2 of the Fenland Local Plan (adopted May 2014)**

- **Approved Plans**

(Councillor Mrs Hay and Murphy stated they were Members of Chatteris Town Council, but take no part in planning matters.)

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

**P44/15**      **F/YR15/0512/O**  
**CHATTERIS – LAND WEST AND SOUTH OF 74 WEST STREET**  
**RESIDENTIAL DEVELOPMENT (58 DWELLINGS MAX) INVOLVING DEMOLITION**  
**OF EXISTING STORAGE BUILDING**

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 presented the application to Members and informed them that updates had been received from a local resident and the agent as per the document handed out (attached).

Members received a presentation in accordance with the public participation procedure, from John Richards, a local resident.

Mr Richards stated that there was a row of bungalows adjacent to the field of which some did not have mature hedges, only a 6 foot hedge and if 3 or 4 bedroom houses were built then this would cause a problem of overlooking and he had been told that because he had a long garden that there would not be a problem but if a big house and bungalow were together then it would cause problems. With regard to the water; in the winter most of the gardens get really wet and the field lays in water therefore when a new row of houses are built this would stop the water from draining and all the water from the current residents' gardens would be stopped plus all the water will build up behind the new houses and there was nothing within the report to explain how they would get

rid of the water. If planning permission was granted then residents could not see why a row of bungalows be built adjacent to the current bungalows and then houses further round, this could be accommodated on the site was large.

Members asked questions of Mr Richards.

Councillor Owen stated that Mr Richards had said that the houses would be overlooking, but asked overlooking what. Mr Richards explained they would be overlooking the residents' gardens and directly into their lounges and conservatories which would cause a problem; if this application was granted then residents would have to either plant leylandii or mature trees to block the view.

Councillor Mrs Hay asked how long had Mr Richards had lived in his property to which he replied 25 years; she also asked how many winters do the horses that currently graze on the field remain in the field to which Mr Richards stated that the horses are normally taken off the field for the winter as it gets too wet every year.

Members received a presentation in accordance with the public participation procedure, from Teresa Cook, the applicant's agent. Miss Cook thanked Members for the opportunity to speak regarding the application on behalf of the applicant, stating:

- They welcomed the recommendation from officers that planning permission should be granted as this was a sustainable location on the edge of Chatteris and the development was supported by Policy LP4 of the adopted Local Plan which provides residential extensions to identified market towns. The NPPF is clear that there are three strands to sustainability; social, economic and environmental - the proposed development would contribute to these three strands by providing family housing, including 15 affordable units which were much in need, it would provide public open space and children's play area; it would be supporting construction jobs during the build period and would generate additional spending in the town by new residents. It would also retain substantial areas of open space with parks and include additional tree planting.
- They were aware that there were some specific concerns regarding flood risk, access and the impact on the neighbours and were dealing with these. In terms of flooding, the proposed development is located on Flood Zone 1, which is where residential development is directed to. No development is within Flood Zone 2 or 3 and the Environment Agency has confirmed that there is objection on flood grounds. Surface water will be managed via a SuDS approach and the detailed scheme will be subject to approval by the Environmental Agency, Middle Level Drainage Board and the Lead Local Flood Authority. Foul sewage will be disposed of by connection to the main sewer and Anglian Water has confirmed that there is capacity for this. There is reference in the Flood Risk Assessment to ensuring a minimum finished floor level, which in practice would be about 1.2m above Datum. The levels across the site generally fall from the higher ground in the east downwards towards the west and south west. The ground levels adjacent to the properties at 60-74 West Street are in the region of 3.5 above Datum; therefore none of the plots that would be adjacent to the existing properties would need any raising above a typical construction level as this ground level is already higher than 1.2m. The site levels are shown in the Flood Risk Assessment Report and will be confirmed in the Reserved Matters application and dealt with by conditions.
- In terms of access, the impact on the local highway network has been fully accepted by the Highways Authority which confirms that there is no objection. A range of services and facilities are readily accessible in Chatteris and the full path along the west side of West Street will be extended and along with a dedicated cycling pathway.
- In terms of privacy, she emphasised that the layout provided is indicative and it would fall to subsequent Reserved Matters application to allow detailed consideration of the impact on privacy. It is then that the final house types, scale, layout and appearance will be confirmed. The current application only establishes that the principle of developing up to

- 58 houses on the site with access from West Street is acceptable in planning terms.
- The layout does incorporate generous interface distances between plots 17 - 26 and the existing bungalows at 60 -72 West Street. The minimum separation is shown to be 32m, this is sufficient to ensure that privacy is maintained within the existing properties. However, there is flexibility within the site and they suggest the gardens shown in Plots 17-26 could be extended to a final Reserved Matters application reducing the potential for overlooking.
  - They are clear that the neighbouring residents can be invited to contribute to the layout of the site before the preparation of the Reserved Matters application.
  - This proposal would make a valuable contribution to the supply of housing in a sustainable location, it will generate substantial financial contributions towards the extension to capacity at Kingswood Primary School, to pre-school provision and other community infrastructure, including parks and libraries.
  - Subject to appropriate conditions and approval of Reserved Matters there are no objections to the scheme in that highways and access, education, flood risk and drainage. They have worked through the application process to put forward this proposal, with substantial alterations made to the layout.
  - In conclusion, the proposed development accords with Fenland's Local Plan and the NPPF therefore requires at Paragraph 14 that it should be approved without delay.

Members asked questions of Miss Cook:

Councillor Mrs Hay stated that in the letter that had been sent out to all Councillors, it was stated that none of the plots adjacent to the existing properties need raising; the Town Council have said in their reply that the amendment shows that the houses will be piled which is correct to which Miss Cook replied stating there was no evidence. Councillor Mrs Hay stated that a minimum separation of 32m had been mentioned, would that be from the back wall of the new buildings to the back wall of the bungalows to which Teresa Cook confirmed that it was.

Councillor Owen raised a point of order regarding that this application was called in by Councillor Mrs Hay to which the Legal Officer explained that providing Councillor Mrs Hay was not pre-determined on the application then she was able to take part on this item.

Councillor Cornwell asked how someone who had called in an application can manage the pre-determination issue to which the Legal Officer explained that this was up to the individual and his understanding was that Councillor Mrs Hay had called in this application as she had wanted certain issues explored by committee. Councillor Mrs Hay added she had concerns regarding the flooding issue and over privacy but that she was not pre-determined on this application.

Councillor Connor asked for clarification that the agent would liaise with the residents regarding their fears to which Teresa Cook stated they would and if residents wished to set up a residents committee then they would liaise with them in that regard.

Councillor Mrs Hay stated that outline planning permission was for 58 houses and if later the agent decided to take on board the residents' concerns and build some bungalows would that affect the Section 106 contributions to which Teresa Cook replied stating this would as it was calculated on a mathematical basis and therefore would slightly change but still be on the same scale.

Councillor Mrs Laws commented that as there was opposition to the agent's application it was good that they had agreed to meet with the neighbours regarding their concerns and she asked if the bungalows would be definitely taken into consideration to which Teresa Cook stated that the solution might be bungalows but may also remain as two storey dwellings but they would look at different solutions and these would be worked through with the neighbours and the planning authority with regard to the final application; she did expect that Reserved Matters would come back to planning committee.

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

Councillor Miscandlon stated he had a communication from Councillor Mrs Newell who unfortunately was unable to attend the meeting, stating: Having read through the paperwork she asked that the following be passed onto Committee; she did not believe this was in the right place for development due to the drainage issues and the proximity to the football ground, however, if the application is approved then her preference would be for bungalows.

Councillor Mrs Laws commented regarding the Environment Agency consultation response and she could understand the fear of the residents but felt that if the authorities were involved, the water board and Internal Drainage Board are involved then moving forward there would be satisfaction with the flooding area.

Councillor Murphy stated:

- This was the lowest area of land in Chatteris and is in Flood Risk areas 2 and 3 and that land has always been wet land;
- Would the pumping station be able to cope with this amount of extra sewerage as all of Chatteris goes down to this part of the lowest land and the pumping station then pumps it back to the main station which is on the A141;
- The road access in that area is totally inadequate and all needs making into proper roads due to the increase in vehicles from the development;
- On the SP16 - c,d, and e do not apply and therefore should be looked into;
- The row of bungalows is on a linear road therefore any buildings built behind should be bungalows in order to prevent any overlooking issues;
- He was sceptical regarding any 106 agreements made against outline planning permission because often there is a problem with the builders coming back to the authority stating that the development is no longer viable and then take away the Section 106 agreements therefore these agreements need to be set in concrete;
- LP2 states the site is in the right location but he does not believe that it is;
- He asked the following questions:
  - If SuDS would be included as in LP14?
  - Would a sequential test be taken?
  - Would an exception test be take?
  
- There is a planning history regarding this piece of land and when asked previously if planning should take place on it, it was agreed that the land was too wet;
- LP7 regarding making efficient use of the land and in his opinion he failed to see where the planning permission for 58 dwellings behind a linear row of bungalows, on the outskirts of the town and not in a designated development area when there are other areas designated in Chatteris.

Councillor Connor stated that he was amazed that Middle Level Commissioners had not made any comment, as far as he was aware, on a major development in a small market town and maybe they should have made some comment. Planning Officers stated it was unfortunate that Middle Level Commissioners had not commented on this application even though they had been invited to comment but they had confirmed that they wished to comment but failed to do so within the specified consultation. However, notwithstanding that, there is a condition put forward that we would have a scheme for surface water drainage and when this scheme is submitted, Middle Level will be consulted along with all other relevant agencies.

Councillor Mrs Hay stated that under LP10 it stated that the sewage infrastructure network was

currently working at capacity and development proposals would need to address this; this was adopted in May 2014 and she therefore asked if the sewage system had been updated. Planning Officers responded stating that Anglian Water had been consulted and had confirmed that they have available capacity to take on this development on.

Councillor Mrs Hay stated that under LP2 it stated that a sufficient mix of homes should be created to meet people's needs and there is a necessity for more bungalows to be built in Chatteris.

Councillor Mrs Laws asked if this application was approved, would it be appropriate for the Reserved Matters to come back to committee to which Councillor Miscandlon stated that Reserved Matters could come back to committee but if there are no objections it could be dealt with under delegated powers, unless it is called in.

Proposed by Councillor Bucknor and seconded by Councillor Sutton and decided to:

**GRANT subject to:**

1. **Completion of a Section 106 Agreement;**
2. **Conditions as below:**
  - **Approval of the details of**
    - **the layout of the site;**
    - **the scale of the building(s);**
    - **the external appearance of the building(s);**
    - **the landscaping**

**(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).  
Reason - to enable the Local Planning Authority to control the details of the development hereby permitted.**

- **Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.**

**Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.**

- **The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.**

**Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.**

- **No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.**

**Reason - To secure the provision of the investigation and recording of archaeological remains and the reporting and dissemination of the results in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.**

- **Prior to the first occupation of the development, a Travel Plan (to include proposals for the appointment of a Travel Plan Co-Ordinator) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved.**

**Reason - In the interests of maintaining highway efficiency and safety and in accordance with Policies LP15 and LP16 of the Fenland Local Plan.**

- **The details submitted in compliance with Condition 1 shall include full details of the roads, footways, cycle ways, buildings, visibility splays and parking provision.**

**Reason - To ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy LP15 of the Fenland Local Plan.**

- **Prior to the first occupation of the development the proposed site access and frontage footway should be completed in accordance with the Drawing 0936-F01.**



**Reason - To ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy LP15 of the Fenland Local Plan.**

- **Prior to the commencement of the development, full details and timetable for implementation for the cycleway link between West Street and the development (indicatively shown on the site layout plan Drawing 101 Rev J, shall be submitted to and approved in writing by the Local Planning Authority. The cycleway link shall be implemented in accordance with the approved details and timetable.**

**Reason - to ensure that the highway network is adequate to cater for the development proposed and in accordance with Policy LP15 of the Fenland Local Plan.**

- **If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP16 of the Fenland Local Plan.**

- **The details submitted in accordance with condition 1 of this permission shall include:**
  - **An Arboricultural Impact Assessment in accordance with BS5837: 2012 and an Arboricultural Method Statement for the protection of trees and hedges during construction; and**
  - **A landscape scheme which shall include:**
    - **A plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas;**
    - **A schedule of proposed planting - indicating species, size at time of planning and numbers/densities of plants;**
    - **A written specification for root barriers and other measures to be used to ensure new planting, and retained trees and hedges are protected from**

- damage before and during the course of development;
- Existing and proposed finished levels or contours;
- Means of enclosure and boundary treatments; and
- A schedule of maintenance, including watering and the control of competitive weed growth, for a minimum of five years from first planning.

**Reason - To ensure the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site and in accordance with Policy LP16 of the Local Plan.**

- **All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turving and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards BS5837:2012.**

**Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development and in accordance with Policy LP16 of the Local Plan.**

- **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (FRA 15 1017A dated August 2015) and the following mitigation measures detailed within the FRA:**
  - **No built development as shown on drawings 2015-059 100 Revision I and the 2015-059 101 Revision J dated 14 September 2015.**
  - **Finished floor levels are set no lower than 0.6m above Ordnance Datum (AOD). The mitigation shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority,**

**Reason - To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.**

- **The first reserved matters application submitted pursuant to Condition 1 shall include a detailed surface water drainage strategy for the development. No dwellings shall be occupied until the works have been carried out in accordance with the agreed strategy unless the approved strategy provides for an alternative timescale.**

**Reason - To prevent environmental and amenity problems arising from flooding and in accordance with Policies LP14 and LP16 of the Local Plan 2014.**

- **The first reserved matters application submitted pursuant to Condition 1 shall include a detailed foul water disposal strategy for the development. No dwellings shall be occupied until the works have been carried out in accordance with the agreed strategy unless the approved strategy provides for an alternative timescale.**

**Reason - To prevent environmental and amenity problems arising from flooding and in accordance with Policies LP14 and LP16 of the Local Plan 2014.**

- **Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants to serve the development shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before any dwelling is occupied.**

**Reason - To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan 2014.**

- **Approved Plans**

(Councillor Mrs Hay and Murphy stated they were Members of Chatteris Town Council, but take no part in planning matters.)

(Councillors Bucknor, Cornwall, Mrs Hay and Murphy registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application.)

**P45/15**

**F/YR15/0637/F**

**TYDD ST GILES – LAND SOUTH WEST OF THE BUNGALOW BROAD DROVE**

**EAST**

**ERECTION OF 12 X 2-STOREY DWELLINGS COMPRISING 8 X 2-BED AND 4 X 3-BED WITH ASSOCIATED SHEDS AND HIGHWAY WORKS**

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 presented the application to Members and informed them an update had been received in the form of a further petition with an additional 21 signatures in support of the proposal along with an address to planning committee from Councillor Mathias on behalf of Tydd St Giles Parish Council, as per the document handed out - meeting suspended for two minutes to read the update (attached).

Members received a presentation in accordance with the public participation procedure, from Joy Simpson, a local resident.

Mrs Simpson stated that she was speaking against the application and on behalf of a number of parishioners, including those living closest to the proposed site and who strongly oppose this major development for a suburban development in a rural location Flood Zone 3 and outside of the village footprint. This application was virtually identical to one that has been previously refused; it had merely been shifted less than 19 months and 50m down the same narrow country road. The Highway Report submitted to Fenland District Council stated that Broad Drove East varies in width; however a typical width of 3.5m to 4m is inadequate for two vehicles to pass. These objections are made on planning grounds, submitted within the correct timeframe and are the very same planning issues that officers have listed in the recommendation for refusal. It would seem that the decision to reject this application was not determined through delegated responsibility primarily because a late document was received in the form of a petition. The Planning Register shows that part of the petition was received on 12 October which is five weeks after the date for comments deadline and a further update was received yesterday. Supporters of this application have made no attempt to address any of the planning issues. They believe that the undated petition was a doorstep petition, targeted at specific people who might be persuaded to sign it yet not one of the signees chose to respond individually therefore they asked that caution be exercised when considering the petition; what additional information about it did the Council have; is it known who presented the petition on some of the doorsteps and what is their relationship to the landowner or the applicant; does the Council know what information was given to the petitioners regarding the exact location, the scale, character or purpose; does the Council know if anyone involved in the organisation and execution has a financial interest in obtaining signatures in support of the application. Information that the committee can be confident of is that as part of the emerging Neighbourhood plan a questionnaire went out to all residents of the parish, the official feedback from this was that 69% were against any relaxation of planning rules concerning subsidised housing, 72% were against development that was not in keeping with the form and character of the village, 62% said that agricultural land should not be used for building. The parish council has opposed this application stating that it does not comply with the parish council's policy and it is contrary to the express wishes of the residents. The residents have also stipulated

that any application must fully comply with Fenland District Council's Local Plan. Tydd St Giles is identified in the Fenland Local Plan as a small village, there are sites within the village and there are sites on Flood Zone 2. The Parish Council opposes, the planning officers recommend refusal and asked that the committee uphold the recommendation for refusal.

Members asked questions of Mrs Simpson:

Councillor Hoy commented that Mrs Simpson had stated that Tydd St Giles did not want any social housing to which Mrs Simpson stated that she had not said the Tydd St Giles parish council had not wanted any social housing but that she had said that as part of the questionnaire that had been sent out to residents, that 69% were against any relaxation of planning rules regarding subsidised housing, nobody had stated that they minded subsidised housing in the right place.

Councillor Owen stated that the letter from Councillor Mathias, the consultation comments and Mrs Simpson's presentation and asked if these dwellings were affordable to buy properties as opposed to social housing to rent, then would this be satisfactory to which Mrs Simpson stated that if it was in the right place then it would be more than satisfactory if it was in Flood Zone 2 and within the footprint of the village then she thought there would be a lot of support but the objectors were objecting, not that it was necessarily a bad idea, but it is an idea that was being proposed in the wrong place as Broad Drove East has sporadic dwellings in a linear development and this application was for a cul de sac in the middle of an agricultural field. Planning Committee has already refused the application when it was 50 yards down the same road.

Members received a presentation in accordance with the public participation procedure, from Jane Melloy, a local resident.

Mrs Melloy stated she had lived in Tydd St Giles for 45 years and had seen many changes; in 1970 properties were either tied agricultural properties or council owned and rented. It was a well-integrated community with no obvious distinctions between families from rented properties or privately owned housing and all the children attended the village school. There have been huge changes over the years, the village has expanded with a large number of people often retired moving into bungalows or larger properties; there has also been a number of large executive homes built. There is a thriving leisure park with more employment opportunities but distinctly lacking is housing for those on a lower income and those with young families. These young people need help to get on the housing ladder and for many, renting is on the only way; there is a good primary school with excellent links to the community and places available for more children, there is also a youth club, large community centre and a well-equipped playing field and a good bus service. She quoted from a recent letter in the Daily Telegraph - I have seen the village transformed from old established families into a community dominated by retired people, people from urban backgrounds and former town dwellers who prefer to commute to work, enjoying what they perceive to be proper country life. Villages like mine are in danger of becoming a place for the fortunate few, self-interested newcomers seeks to prevent the development of modest affordable homes less it interferes with their perception of village life. Mrs Melloy stated that she hoped and prayed that this does not become a description of Tydd St Giles and that she signed the petition and had no financial or any other interest just that it was very sad that new families cannot be welcomed into Tydd St Giles.

Members received a presentation from Carvel Jarvis, a local resident, in accordance with the public participation procedure.

Carvel Jarvis stated that she was a young person, living and working in Tydd St Giles and she was fortunate enough to live in the village because she rented a home from her partner's parents. Her partner's family had lived in the village all their lives and over the decades have seen steady growth within the village that used to include young families establishing themselves within the community. Unfortunately these days young people cannot afford the type of properties that are

being developed in Tydd St Giles and have to seek housing in neighbouring towns and villages and not every young person wishes to live in a town; a lot of the council houses are now privately owned and therefore it is difficult to find accommodation easily. The site proposed should be considered ideal as it is close to the community centre, the play area is adjacent and the bus stop just yards away and the village school, which has places and she hoped in the future that her children would be able to attend, that villages petitioned in 1987 to be kept open. If this development was proposed elsewhere there would be objections again as have been proved with other applications; this site is close enough to the village, yet not encroaching on an already built up area. Tydd St Giles is a working village, to keep this village alive now and in the future there must be growth or the village will die. Carvel Jarvis added that the recent petition that was submitted, she had filled in and that she worked in the local pub and had approached customers in the pub and informed them of the development and she had no financial gain from this.

Members asked questions of Jane Melloy and Carvel Jarvis.

Councillor Connor asked if there were enough places within the school to accommodate this to which Mrs Melloy confirmed that there were.

Councillor Owen stated that he was worried that if this application was not granted then what would happen to those families who would have moved in, would these people leave and go elsewhere to which Mrs Melloy stated this was possible as the recent development had been large executive housing with the demography of the village having changed dramatically in the last 4-5 years; there is now a dominance of retired people. Councillor Owen asked if property prices were increasing to which Mrs Melloy stated that Fenland was a low wage area and therefore many cannot afford to pay the deposit needed to buy therefore they need to rent. Carvel Jarvis added that she was 28, worked in the local pub and there were hardly any customers under 45 or 50 years of age; and feared there would eventually be no one in the village her age and the village would die out.

Members received a presentation in accordance with the public participation procedure, from Fiona Coulson, a representative of Roddons, the applicant.

Fiona Coulson stated she represented Roddons Housing Association who had worked with the Parish Council, Cambridgeshire Acre to develop a rural exception scheme in the village to provide affordable housing. A planning application for a scheme on Broad Road East was refused in March 2014 due to location, risk and design rationale; Councillors at that time had suggested that alternative sites be looked at Roddons Board agreed to this and the costs associated with a further planning application. Roddons worked with the Parish Council and Cambridgeshire Acre and identified five alternative sites. These were reviewed and prioritised at a Parish Council meeting on 19 March 2015; the Parish supported the site adjacent to the bungalow on Broad Drove; following approval, further plans were developed and were submitted at a pre-application meeting with Fenland District Council who noted that the most suitable site had been identified by the Parish Council and design rationale was understood. The land available allows for a development in depth which minimises the impact on the street with no overlooking issues; it was agreed that this was the favoured site in the best location for amenities. Through the planning process additional information has been submitted addressing highways and flood risk issues, all of which have been noted. There have been objections to the application and also support from over 100 people in favour of the application. The housing association have identified need for affordable housing of people living in Tydd St Giles or have a strong connection with the village - this means local housing for local people. The site is closer to the school than many of the new houses built near the golf course, the school has capacity to take on pupils and the scheme would help the long term viability of the school, there will be an easy footpath connectivity to the village and the school, it is next to the village hall and play area. The houses are in flood zone 3 but there have been no objections from the Internal Drainage Board or the Environment Agency, all surface water would be dealt with on site using Suds drainage. Highways support the application, the Police

Architectural Liaison Officer supports the scheme and will award Secure by Design certification and more importantly, over 100 local people support the scheme.

Members asked questions of Fiona Coulson.

Councillor Mrs Laws asked for clarification that when the scheme had been presented that the Parish Council were in favour of the scheme to which Fiona Coulson replied stating that Roddons had worked with the Parish Council for four years; Councillor Mrs Laws stated that the information Members had were that the Parish Council were not in support of the application. Fiona Coulson explained that the current Parish Council was not in support of the scheme but that Roddons had been working with them for four years to identify a site, identify housing need with Cambridgeshire Acre but that the current Parish Council did not support the scheme. Councillor Mrs Laws asked that when the first scheme was being considered in discussion with the Parish Council, were they aware that social housing to rent was being looked at or was it a right to buy scheme, to which Fiona Coulson replied stating that as an exception site it had to be affordable housing which can be rent or shared ownership; Roddons have developed affordable housing schemes on exception sites in Newton and Parson Drove and have not yet been able to do one that has shared ownership therefore the likelihood was that this scheme would be for rent. Councillor Mrs Laws asked if the Parish Council were aware of that to which Fiona Coulson stated that it was always going to be for affordable housing rent and shared ownership, they would not want to make a promise of shared ownership because the cost of building exception sites were high.

Councillor Cornwell stated he was equally confused as the report before committee members clearly states that the Parish Council state that the application for rented properties were not for first time buyers and as this did not agree with their policy of affordable housing in the village then the Parish Council were unable to support the application. Councillor Cornwell asked that once the Parish Council had discovered that Roddons had to develop a rental scheme then they changed their mind even though five sites had been looked at in conjunction with the Parish Council and they had agreed with Roddons that this would be the site to apply for. Fiona Coulson stated that it was never going to be 100% shared ownership and that there was always going to be some rent on the site and it had been minuted in the Parish Council meetings that they had supported the scheme at the time but she understood that the current Parish Council no longer supports the scheme and had been told the change had been related to the fact that it was tenure.

Councillor Mrs Hay asked Fiona Coulson if there had been a big change in Parish Council councillors since the election to which Fiona Coulson stated she did not have that information but there had been some change of personnel on the Parish Council.

Councillor Owen asked if there was a waiting list for these properties to which Fiona Coulson stated that some families have already registered that had connections with the village and that there were currently ten families they were aware of and because this was an exception site then Roddons would advertise the opportunity via newsletters and posters to identify people that would not normally register due to being unaware that they could receive social housing therefore Roddons would do a "call-out" before letting any properties; the same happened in both Newton and Parson Drove. Councillor Owen stated that if Roddons built these dwellings then Roddons would have the tenants to which Fiona Coulson stated Roddons were already aware of ten people.

Councillor Bucknor commented that the report stated that the applicant had not provided sufficient evidence to establish that there were no other reasonably available sites in the area, yet five had been looked at to which Fiona Coulson replied stating in March when the first application was refused, Roddons were requested by the committee to carry out another call for sites and from that five were put forward and these were reviewed and this site had been selected by the Parish Council as the most suitable.

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

Councillor Miss Hoy asked Planning Officers for a comment with regard to the fact that Roddons had not provided sufficient evidence to which the planning officers replied stating that with reference to insufficient sequential evidence was in flood risk terms and in accordance with the NPPF and Fenland's LP14 it has to be shown that there are no other preferable sites and if there are not then the development would be exceptional in some form or another to justify the development in flood zone 3 and that basically, flood zone 3 should be the last port of call for development.

Councillor Mrs Laws stated she was concerned about the change of decision from the Parish Council as she knew that not every member of that Parish Council had changed therefore there was not a vast change of personnel although she did think there had been a change in thinking, which was slightly different to personnel. Parish Councils usually encourage developers to go to parish councils and therefore asked if Fenland District Council had been involved in pre-apps for the original site and for the suggested five sites; has this been mentioned in conversation or is it the developers saying that it is not suitable, is it Fenland saying it is not suitable to which Planning Officers replied stating that in terms of the five sites that was with the Parish Council and the case officer had not had pre-app discussions but she was aware that there had been some discussions with the previous one in prior to the current application. She was unaware of any discussions prior to the first application in 2013.

Councillor Cornwell stated he was confused and annoyed with how events had unfolded because people had not been "playing a straight bat" at times and that he would go against officer recommendation and would use the Health and Wellbeing terms from the report as in his opinion this site did tick many of the boxes as described in the Health and Wellbeing paragraph and hoped that Members and Roddons had all learnt from what had been heard today, as it seemed to him that if the Council are encouraging people to enter into partnerships with organisations like Parish Councils then they should also engage with Fenland District Council officers on pre-apps within that same process to prevent this situation happening again as it could be thought that the applicant was pushed into that direction for that piece of land knowing full that there was cases that planning would use against them; as this can happen. Therefore, using the Health and Wellbeing terms with the plan, he personally would go against officer recommendation.

Councillor Miss Hoy stated she was concerned that the address received today as it was clearly stated that the Parish Council decided to oppose the application when they became aware it was for rented housing and their policy was to not have social rented housing, therefore where would these people live and she thought it was very dangerous and if Members did refuse the application then it must be made clear that it was nothing to do with that and wished to make it clear that she was not very happy about it.

Councillor Mrs Laws stated she agreed with Councillor Miss Hoy and Cornwell but that her concern was that this application is within flood zone 3; she was aware there was a balance but was struggling as there was the school's future to think about, people need housing but if the committee went against the policy then this would create a precedent and therefore she could not vote but agreed in principle with Councillors Cornwell and Miss Hoy.

Councillor Mrs Hay stated that the letter received from Councillor Mathias was reprehensible as it was clearly biased towards home buyers rather than rented; the site is in flood zone 3 and clearly in an agricultural area, not within the footprint of the village and therefore she supported the officer's decision.

Councillor Owen agreed with Councillor Mrs Law's comments with regard to need and support of the village and stated he would vote in favour of granting the application.

Proposed by Councillor Owen, seconded by Councillor Cornwell; to go against Officers'



Recommendation to approve the application due to identified need for the application - with the Chairman having the casting vote and decided that the application be:

**AGREED against officer recommendation due to the needs of the people who require accommodation and the Health & Wellbeing comments included within the report:**

- **subject to the completion of a Section 106 for Affordable Housing; and**
- **with delegated authority given to the Head of Planning to agree conditions.**

(Councillors Mrs Clarke declared a Non-Pecuniary Interest by virtue of being the Ward Councillor of Tydd St Giles and therefore retired from the meeting for the duration of the discussion and the voting thereon.)

(Councillor Sutton declared a Non-Pecuniary Interest, by virtue of being involved in the opening of Roddons Social Housing and therefore retired from the meeting for the duration of the discussion and voting thereon.)

(Councillor Mrs Hay and Murphy stated they were Members of Chatteris Town Council, but take no part in planning matters.)

(Councillors Mrs Clarke, Mrs Laws and Sutton registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application.)

**P46/15**

**F/YR15/0707/F**

**RAMSEY – LAND WEST OF 4 THE COTTAGES AND 1 AND 2 BANK FARM,  
COTTAGES BANK FARM, FORTY FOOT BANK  
ERECTION OF 2 X 2-STOREY 4-BED DWELLINGS INVOLVING DEMOLITION  
EXISTING POLYTUNNEL AND DEMOLITION OF 2 X DWELLINGS (1 AND 2 BANK  
FARM COTTAGES)**

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 presented the application to Members and informed them that two updates had been received, one from the Environment Agency who raised no objections to the proposal and the agent has also submitted further details with regard to access arrangements as per the documents handed out (attached).

Members received a presentation in accordance with the public participation procedure, from James Burton, the agent.

Mr Burton stated that the application had no consultee objections, no objections from the Parish Council and local support. Unfortunately the application does not fit fully with any of the policies within the Local Plan as it does not seek to create any additional dwellings just replace two dwellings albeit in a different curtilage within the immediate vicinity therefore it is hoped that Members would see the benefit of the proposal and support the relocation of the dwellings to improve security, health and safety, access, flood risk, sustainability, streetscene and amenity of the dwelling occupiers which could be significant adversely effected with the agricultural operations. Over recent years the operation of Bank Farm have evolved, as a result, these dwellings, have until recently been rented on the open market; however this led to health and safety and security issues on the existing farm yard and access issues along the 450m long single track road with no passing places, resulting in conflict between agricultural and domestic vehicles and also by the anti-social behaviour by the tenants of the properties resulting from an unlicensed

business operation and suspected cannabis growth in the secluded location. Therefore this proposal seeks to improve the situation and amenity of the two existing houses by integrating these dwellings within an existing small hamlet along Forty Foot on land which is already used for residential amenity. In addition, within 200m of the site frontage along the Forty Foot consists of a residential development and the proposal is within keeping of this development. The area consists of eight households, six along the developed frontage of the Forty Foot and two on the opposite side of the drain as a result this application would reflect and reinforce the rural character of simple, modest dwellings, makes a positive contribution to the character of the area and does not cause demonstrable harm. The officer acknowledges that the proposal complies with Policy LP12 on all but two points of Part C, criteria E and F. The size of the dwellings has been driven by the former character of the size of the neighbours and the desire to provide improved modern living accommodation for the occupants. In addition, it should be noted that the officer acknowledged that the properties are broadly similar in design and scale of the existing dwellings in the vicinity and are not considered inappropriate to design terms to the setting. The applicant acknowledges that the proposed dwellings are not located in the curtilage of the existing however they are in the same locality and on land owned by the same person; curtilage to curtilage the dwellings are located 490m away. In addition, this proposal will remove two dwellings that are isolated within the open countryside and integrate them within the streetscene community. In accordance with Paragraph 55 of the NPPF which seeks to avoid isolated homes within the countryside, as such we do not agree that we are creating two new isolated homes within the countryside rather improving the situation for the two existing households in this location. With regard to flood risk it has been confirmed that the Environment Agency have no objection to the proposal. In addition, a flood risk assessment has been submitted to support the application which states the site should be considered to be in flood zone 1 as there is less than a 1% flooding. It is also understood that land on the opposite side of the Forty Foot in the Huntingdonshire area is within flood zone 1 as part of their SFRA Level 2. With regard to sequential testing, the two dwellings already exist within this area and we are not seeking to create two new dwellings, rather replace them and improve their flood risk through remediation measures including raising floor levels. With regard to Highways comments, amended drawings have been submitted to show access improvements and the required visibility space can be achieved; this has included widening the access and for the first 10m into the site, this also improves the access for those dwellings that already currently use the access. The applicant acknowledges that the proposal does not fit fully with the Local Plan however it is hoped the committee will agree that with the benefits and logical approach of the application that it is approved. In addition, as the whole of the land is within the control of the applicant, the demolition of the existing dwellings can be secured by negative granting of planning permission such that the new dwellings cannot be occupied until the existing dwellings are demolished.

Members asked questions of James Burton.

Councillor Mrs Laws commented that Mr Burton had stated in his presentation that the dwelling had gone from flood risk area 3 to flood risk area 1 and asked for confirmation on this to which Mr Burton replied stating they were both in flood zone 3.

Councillor Owen commented that Mr Burton had stated that the same footprint would be used to which Mr Burton stated that it was being proposed to relocate the dwellings on land that the applicant owns. The current dwellings were no longer occupied but were until three years ago when anti-social issues caused the applicant to cease renting them out. Councillor Owen stated that in terms of flooding, he did not recollect the Forty Foot ever flooding.

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

Councillor Murphy commented that he could not believe that this application had got to committee.

Councillor Mrs Laws stated she was very concerned about flood zone 3 and cannot see just

because there has been some unwanted illegal activity in one area that it is justification to move to another area therefore her recommendation was to agree with the officer recommendation of refusal.

Councillor Mrs Hay stated she agreed and that a distance of 490m is not replacing properties, these are two totally different areas and therefore she upheld officers' recommendation of refusal.

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

**REFUSED for the following reasons:**

- 1. Policy LP3 of the Fenland Local Plan supports development in the open countryside ('Elsewhere') where it is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. Policy LP16(d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The proposal fails to demonstrate that the development is essential for any of the operations as identified in LP3 and therefore would result in development in an unsustainable location and which would be harmful to the character of the open countryside. The development therefore does not comply with the requirements of policies LP3 and LP16(d).**
- 2. Policy LP12(C) supports the replacement of dwellings outside the developed footprint of a settlement subject to certain criteria (a to f) being met. The proposal does not accord with all the criteria as required as the proposed dwellings would be materially larger in scale than the existing dwellings contrary to criteria (e) and not located on the footprint or within the curtilage of the existing dwellings contrary to criteria (f). Consequently the proposal conflicts with policy LP12(C) as the increase in scale and amended location has a harmful impact on the rural character of the countryside. As a result, the introduction of the dwellings in their proposed location would not relate to the existing character and would consequently have an adverse impact on the wider setting of the area which is in contrary to policy LP12 (Part C).**
- 3. Policy LP14 (Part B) of the Local Plan requires development in Flood Zone areas 2 and 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the settlement at lower risk areas of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interest of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to undertake a sequential test and has therefore failed to demonstrate that the development could not be delivered in an area of lower flood risk thereby failing LP14 (Part B). Consequently, the proposal fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants at higher risk of flooding.**
- 4. Policy LP2, together with LP15 seeks to ensure that well-designed and safe access is provided with new development. The proposal would result in the intensification of the use of the access for residential purposes and without adequate visibility and access width. Consequently the proposal would result in an unsafe access which is contrary to policies LP2 and LP15 of the Fenland Local Plan (adopted May 2014).**

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

**P47/15**

**F/YR15/0741/F**

**WHITTLESEY – LAND SOUTH OF 64A MILL ROAD**

**ERECTION OF A 2-STOREY 5-BED DETACHED DWELLING WITH DETACHED DOUBLE GARAGE INVOLVING DEMOLITION OF EXISTING GARAGE**

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 presented the application to Members and informed them that two updates had been received, one from an objector and the other a handout from the Agent, as per the documents handed out (attached).

Members received a presentation in accordance with the public participation procedure, from Craig Brand, the agent.

Mr Brand referred to his handout showing the national and local policies officers and himself regard as relevant to the application and what he believed was relevant for consideration. The site is not in or adjacent to a conservation area of listed building. In Policy LP5 great detail is given on affordable housing and traveller sites; but no detail is given to self builds and executive homes in Part C, where and how they are to be achieved. The Local Plan has not specific policy on garden land, as suggested by Paragraph 53 of the National Planning Policy Framework. Therefore the consideration is whether this executive self-build house will detrimentally harm the amenity of neighbours and the surrounding area. The following points demonstrate why this full application causes no harm to the neighbouring properties and surrounding area.

- Page 3 of his handout (attached) shows how the footprint has been reconfigured and reduced by 6.5%; and achieved a smaller hipped roof design;
- Page 4 of his handout (attached) shows how the bulky roof of the previous application has been reduced by 35%; by using a hipped roof of the same height as 64, 64a and 70 Mill Road;
- Page 5 of his handout (attached) shows all the first floor bedrooms facing towards the New Road houses 60m away; the view of the houses broken by the trees in their gardens, as the photographs show. All front and side windows are at a high level for lighting purposes only;
- Page 6 of his handout (attached) shows over 20m separating the dwellings; with the Mill Road bedroom windows over 28m from the dormer window;
- Page 7 of his handout (attached) shows the tree hedging to be planted between the dwellings; which can be supplied already grown to a height of 4m;
- Access is considered unacceptable by officers; though the Highways officer has no objection. A pre-app was made to Highways prior to making the original outline application to agree the layout of this access;
- Page 8 of his handout (attached) shows two working examples that satisfactorily serve 21 and 11 properties respectively;
- Page 9 of his handout (attached) shows a smaller access than the application site, to be used by 3 properties;
- Page 10 of his handout (attached) contains a map that shows how garden land has been a source for self builds and smaller developments surrounding the application site. These garden and developments have changed the character of the area as can be seen by the maps on Pages 11 and 12;
- Page 13 of his handout (attached) shows the two nearby executive dwellings highlighted on Page 10; to the east and north of the application site, which have comparable footprints to the proposal;
- The top photograph on page 14 of his handout (attached) shows the view towards 68 and 70 Mill Road which the new garages will block out; while the hedging will screen off the view towards 62, 64 and 64a Mill Road shown in the bottom photograph;
- The final page of his handout (attached) shows the trees which will obscure the New Road houses view of the new property.

In his opinion the design and layout have been carefully considered so as to have no detrimental impact on the residential amenity of the neighbours or the surrounding area. Surfacing material

for the shared access has also been carefully considered to minimise the noise one extra house will create. He stated he hoped that the committee would share the same opinion by recommending approval of his client's revised full application.

Members asked questions of Craig Brand as follows:

Councillor Owen asked if there were any similar examples of background development of this type in the vicinity to which Mr Brand responded stating there were several on Mill Road, New Drove and Eastrea Road and therefore this application would not create a precedent.

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

Councillor Mrs Laws stated she was not happy at all with this application purely because of the bulk, width and height; Mill Road is a narrow road with existing problems including off road parking. She stated she was very concerned about the location of the windows and the overlooking issue and in her opinion this was a huge property squeezed into a small site and therefore could not recommend approval and agreed with the officers' recommendation of refusal.

Councillor Mrs Hay stated she could not agree with Mr Brand and as there were no other houses of this scale and that the design and scale of the application was pretentious and totally out of keeping with the area.

Proposed by Councillor Mrs Laws and seconded by Councillor Mrs Hay and decided that the application be:

**REFUSED for the following reasons:**

- 1. Policy LP16 (d) of the Fenland Local Plan requires new development to make a positive contribution to local distinctiveness and character of the area, improve the character of the local built environment and not adversely impact on the street scene. The proposed development of the rear garden of No 64A Mill Road would result in an incongruous form of development which would fail to make a positive contribution to the local distinctiveness and character of the area not respect the local setting. The overall bulk and massing of the proposal created from the width, depth and height of the proposed dwelling would also lead to a cramped and overdeveloped appearance when viewed in the context of the surroundings. The application is therefore contrary to policy LP16 part (d) of the Fenland Local Plan and paragraphs 53 and 58 of the NPPF.**
- 2. Policies LP2 and LP16 (e) of the Fenland Local Plan require new development to promote high levels of residential amenity. The proposed development would not provide acceptable living conditions for the occupiers of No 54, 64A and 70 Mill Road due to the detrimental visual impact of the proposal on the rear outlook of these properties. There would also be an unacceptable level of overlooking due to the number and location of the windows proposed to the north and south elevations. The cumulative impact of the proposal by reason of its detrimental effect on the amenity of the occupiers of several properties in the locality including No 64, 64A and 70 Mill Road and Nos 47, 53, 55 and 57 New Road would be contrary to Policies LP2 and LP16(e) of the Fenland Plan and paragraphs 53 and 58 of the NPPF.**
- 3. Policy LP16 (d) of the Fenland Local Plan requires new development to make a positive contribution to local distinctiveness and character of the area, improve the character of the local built environment and not adversely impact on the street scene. The retention of No 64A would result in a contrived access to the rear garden. In this instance the proposed access is unsuitable and renders the principle of development at the rear of No 64A unacceptable as it would be contrary to the requirements of Policy LP16(d) above and also of LP16(e) which requires proposals not to impact on**

**the amenity of neighbours.**

(Councillors Miscandlon and Mrs Law stated they were Members of Whittlesey Town Council, but take no part in planning matters.)

(Councillors Bucknor, Mrs Hay, Mrs Laws, Miscandlon, Murphy and Sutton registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application.)

**P48/15**      **F/YR15/0790/F**  
**WHITTLESEY – LAND EAST OF 3 TO 9 LINLEY ROAD**  
**ERECTION OF 3 X 3-BED SINGLE-STOREY DWELLINGS AND GARAGES**  
**INVOLVING DEMOLITION OF EXISTING OUTBUILDINGS**

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 presented the application to Members and informed them that further comments had been received from three neighbouring residents, as per the document handed out (attached).

Members received a presentation in accordance with the public participation procedure, from Mr Glover, a local resident.

Mr Glover stated that he lived at 9 Linley Road which was directly behind the proposed development. His main concern was the access which was adjacent to his gateway, at right angles to it. He stated this development would result in 6 extra cars; Highways have informed him this would result in 12 movements in 24 hours, which would not be through the night and therefore be one every hour. The development consists of three bed family homes which would mean there would be children on bikes, scooters and pushchairs that he would not be able to see when coming out of his property from behind a 6ft fence; this route is also used by the elderly, some on mobility scooters. This is also a turning path as it is also a dead end; there is an existing access from New Road between numbers 44 and 46 yet Highways state this access is not safe. Why bring extra danger when there is no need by creating a new entrance when the existing one could be used as two cars can pass, which is wider than the proposed one. When the development is being built there will be construction traffic that will come in through New Road as Linley Road will be too narrow; New Road is a straight road with a 30mph speed limit - where is the danger. It appears that the problem is cars parked on New Road and therefore may cause an obstruction but in Linley Road there is no parking restrictions, no yellow lines.

Members asked questions of Mr Glover as follows:

Councillor Cornwell asked for clarification that the red paving was the private road to which Mr Glover stated it was and Councillor Cornwell stated that the loop in the design of the access is deliberately planned to avoid any access over private road to which Mr Glover confirmed it was.

Members received a presentation in accordance with the public participation procedure, from Peter Humphrey, the agent.

Mr Humphrey clarified the access stating that the turning head is adopted highway, the area around the corner by the hedge which is private roadway; his client has negotiated to purchase the first 3m from the corner in order that he has access over the corner therefore it will be accessed from the first 3m where the brick wall is, making it slightly convoluted but acceptable. This application is for three properties after negotiating with the planning officer who is more than happy

with the scheme, Whittlesey Town Council have no objections. Fourteen letters of objection were received but once read, the sixth one mentioned they have no objection to the site being developed for housing therefore cannot be considered as an objection, it should be under support. The site lies within the established settlement of Whittlesey which is characterised as a market town in Policy LP3 where the majority of the district's new housing should take place therefore the principle is acceptable. Each dwelling is afforded at least a third of the plot as private garden space with at least 2 parking spaces; this therefore satisfies the previous reasons for refusal and overcomes the concerns raised by the Planning Inspectorate. The design of the dwellings and garages, proposed materials that have been commensurate with the character of the area. The area for bin storage has been provided towards the site entrance, access and parking. In addition, Cambridgeshire County Council Highway made it clear that the reason for refusal on highway safety grounds cannot be substantiated as the access is an acceptable width and the existing wall will be reduced 600mm for 2m back of which the first 3m have been purchased. Therefore this application complies with LP15 residential amenity and it is also considered to comply with LP2, LP16 of the Local Plan, Flood Zone 1, Health and Wellbeing. Since Linley Road up to the turning head at number 49 is an adopted highway access to the site will remain in the public highway, apart from the first 3m and as such Highways have no other concerns. The application is an acceptable form of development which overcomes previous reasons for refusal and as such complies with the policies in the development plan and is therefore recommend that planning permission is granted.

Members asked questions of Peter Humphrey.

Councillor Bucknor asked for clarification of the 3m that had been purchased to which Mr Humphrey showed the area via a picture.

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

Councillor Mrs Laws stated that Whittlesey Town Council were opposed to the first application due to highway concerns but are now in support of the second application as it is very suitable and meets the requirements of the other properties. Debates have taken place at Whittlesey Town Council with regard to the access but they are now satisfied by the Highways report and therefore this is a very suitable second application.

Councillor Sutton asked why did landowners not listen to planning officers as this had first been submitted with four properties and if it had been submitted as it has been today then it would have been accepted the first time and people would now be living in the properties and he supported this application.

Councillor Miscandlon stated he had a concern over the delivery of materials for the traffic management plan as it is a small road and therefore this does need to be looked at to which Planning Officers suggested adding in a condition regarding the timing of these deliveries. Planning Officers clarified that the current plans held did not show the wall being removed, only being lowered and therefore an update could be added to the file to show the removal of the wall.

It was proposed by Councillor Sutton, seconded by Councillor Mrs Laws and decided that the application be:

**GRANTED as recommended with an additional condition relating to hours of construction and with an amended plan relating to additional land and the removal of a section of the wall on the southern boundary.**

- **The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

**Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004**

- **Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.**

**Reason - In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.**

- **Prior to the first occupation of the development, the vehicular access from Linley Road shall be hard surfaced, sealed and drained away from the highway for 5m wide for a maximum length of 10m from the back edge of the existing public highway**

**Reason - In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.**

- **Prior to the first occupation of the development the existing brick wall, forming the southern boundary of the application site, shall be reduced to and maintained at a height not exceeding 0.6m above the level of the highway carriageway for the first 2m from the highway boundary.**

**Reason - In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.**

- **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 in accordance with policy LP15 of the Fenland Local Plan 2014.**

- **Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the public highway.**



**Any access gate or gates shall be hung to open inwards.**

**Reason - In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.**

- **No development shall take place within the application site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**

**Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan 2014.**

- **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.**

**Reason - To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with policy LP16 of the Fenland Local Plan 2014.**

- **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no dormer windows shall be erected or constructed without the express grant of planning permission.**

**Reason - To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan (adopted May 2014).**

*(Councillors Miscandlon and Mrs Law stated they were Members of Whittlesey Town Council, but take no part in planning matters.)*

*(Councillor Miscandlon registered, in accordance with Paragraph 2 of the Code of Conduct on*

Planning Matters, that he had been lobbied on this application.)

**P49/15**

**F/YR15/0798/O**

**WIMBLINGTON – LAND NORTH OF 3A – 9 BRIDGE LANE  
ERECTION OF 10 X DWELLINGS (MAX) INVOLVING THE DEMOLITION OF 5  
BRIDGE LANE AND EXISTING COMMERCIAL BUILDINGS (OUTLINE  
APPLICATION WITH ALL MATTERS RESERVED)**

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 presented the application to Members and informed them that two further updates had been received, one from Cambridgeshire County Council Growth & Economy and the other from Cambridgeshire Fire & Rescue Service, as per the documents handed out (attached).

Councillor Miscandlon informed Members of an update from Les Stephans Planning Limited stating the agent would like to confirm, as was referred to in the Planning Statement, that the applicants are happy to enter into an S106 Agreement for the appropriate financial contribution should Members resolve to approve the application.

Members received a presentation in accordance with the public participation procedure, from Mrs Clarke, the applicant's wife and landowner.

Mrs Clarke stated that the site is brownfield and has a certificate for lawful use as a haulage depot. The principle for development on a site such as this is therefore well supported by national and local planning policy. Within the report the officers refer to the site as an open space and important visual gap, this is somewhat misleading; whilst the site is quiet and overgrown this is only because it is not being used to its full commercial potential. With a certificate for lawful use in place this can be recommenced at any time. If suitable planning permission cannot be obtained for redevelopment then it will have to be sold on the open market by the joint landowners for commercial use and as such the future would be unknown and provides uncertainty for adjoining neighbours. They would prefer a sympathetic use such as residential development to be secured and have commissioned all the surveys necessary to support the proposal and the report confirms there are no technical objections to the application. To date, at least two local developers have expressed an interest in purchasing the land should planning permission be granted and a copy of the letter of intent has been emailed to the planning department to support the application; this demonstrates that the site is entirely deliverable. Historically Fenland District Council and residents of Bridge Lane have never been in favour of the land being used for commercial purposes, the land is now surrounded on all four sides by residential properties and support for this proposal would therefore be more intrinsic with the character of the area. The officers of the Council are seeking to refuse this proposal purely on the basis that they feel that Bridge Lane does not form part of the settlement of Wimblington. Local residents feel very differently as they utilise all the services in the village of Wimblington, with some having attended the village school on foot or bicycle via the bridle path along the March main road footpath and believed that Members agreed with this view which is why planning permission has previously been granted for three new dwellings adjacent to the property on March Road and the two dwellings at the entrance to Bridge Lane. The Parish Council are supporting the proposal and she hoped that Members would also see that this was a perfect opportunity to redevelop the site which accords with the Local Plan, NPPF and presumption in favour of development of brownfield land.

Members asked no questions of Mrs Clarke.

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

Councillor Owen stated he was puzzled that Officers thought this site was not in Wimblington and

asked where it was if it was not in Wimblington to which Councillor Miscandlon stated he was equally to which planning officers responded stating that in planning policy terms, Policy LP12 looks at development within villages, development is acceptable in Wimblington where it is within or adjacent to the development footprint of the village and there are two fields between this site and the edge of the footprint. The three new dwellings referred to were approved contrary to officers' advice notwithstanding this a recent appeal was upheld where the Inspectorate confirmed the area was detached from the footprint of the village and would not accord with Policy LP12. Officers are concerned that Bridge Lane is rural in character and built up predominantly on one side by frontage development, there are already a further three dwellings that have started to close the gap between March Road and Bridge Lane and by developing this current site in depth this gap would be closed even further and would erode the open character of that site. Nick Harding, Head of Planning, explained that officers have made recommendations and this has been justified and reasoned through the interpretation of the policies however Members are quite able to reach a different decision if it is thought by Members that more weight should be added to the fact of reusing a brownfield site and that weighs more in favour of the development and outweighs planning officers' reasons for why development should not be granted planning permission than that would be perfectly acceptable but he hoped that Members would appreciate that officers have to arrive at a recommendation but are entitled to come to a different decision if Members think the relevant planning factors should be weighed differently to how officers have weighed them.

Councillor Connor stated that the people of Bridge Street think they are in Wimblington and he did agree this was a brownfield site and as Mrs Clarke had mentioned, it has permission for commercial use which could be brought back. The Parish Council supports this site for residential use and this would tidy up the site therefore he felt this outweighed the officers' views and on balance, with certain conditions such as the S106 agreement he supported this development.

Councillor Mrs Laws asked what was the current percentage growth against the recommended 15% to which Councillor Connor stated it was 11% therefore there was room for this development whereas there had not been room for the previous application. Officers confirmed that this application had been resubmitted following a recent refusal for 20 dwellings on site and therefore with regard to the threshold they had lowered the amount in order to not exceed it.

Councillor Mrs Laws stated that you cannot build on every brownfield site otherwise there would be no commercial space left and asked about the previous application to which officers confirmed that the previous application had been refused in July 2015.

Councillor Sutton stated he agreed with the officers' recommendation on the basis that there have previously been two occasions of refusal for applications for developments on the opposite side of the road and also the road is not suitable.

Councillor Cornwell stated he could not understand the Parish Council's comment unless there is further information. They have stated that highway, footpath and lighting issues had been addressed and yet the road is not of the standard expected of a residential road therefore how can the Parish Council make comment; is there further information available linked to improving Bridge Lane. The Chairman invited a representative from the County Highways Department to respond who stated that the lack of separate pedestrian provision was a concern and a condition was recommended for a 2m wide footway on one side of Bridge Lane but to be sympathetic with the character of the lane instead of having a raised curb profile and a separate footway there would be a dropped footway in order for it to be a shared surface in order that it can be shared by traffic this would then provide a pedestrian walkway but also widens the carriageway to allow two way vehicle along the lane. Councillor Cornwell asked if the County Council would insist on certain provisions linked to the approval to which Highways confirmed this would happen.

Councillor Mrs Laws stated that was not comfortable with the surface being on one level and asked if the street lighting would also be improved to which Highways responded stating there was a

requirement to improve street lighting, it is a 30mph road and therefore acceptable to combine the space and it would have a curbed profile so would have the appearance of being segregated but in order for two vehicles to pass they could bump up and use the 25mm raised shared surface.

Councillor Sutton asked if Highways were seriously considering shared footpath and vehicular way to which Highways explained it would be a multi-functional footpath as it is a segregated pedestrian walkway and if speeds are up to 30mph or less then there is no danger to pedestrians' safety. Councillor Bucknor asked if there was any way that the speed limit could be reduced to 20mph to which Highways responded stating that Bridge Lane was a quiet narrow laneway and by definition vehicle speed would be reduced and 30mph is a maximum speed and with a separate footway provision it would have an enclosed feel to it and therefore pedestrian safety would not be threatened as a result. Councillor Sutton stated that he could not believe that Highways were recommending a shared surface.

Councillor Connor stated that Bridge Lane is a dead end road and it must be taken into consideration that this site could go back into commercial use.

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

**REFUSED for the following reasons:**

- **Policy LP12 allows for new development in villages, subject to the requirements of Policy LP3, to be positioned in or adjacent to the existing developed footprint of the village. The footnote to LP12 stipulates that the developed footprint of the village is defined as the continuous built form of the settlement and excludes individual building and groups of dispersed or intermittent buildings which are clearly detached from the continuous built up area of the settlement. Policies LP12 and LP16 also require proposals to be of a scale and in a location that is in keeping with the core shape of the settlement.**

**The proposed development is located outside the existing developed footprint of Wimblington village. The proposal would result in a large scale in-depth development, into an area that is currently rural in character and characterised mainly be frontage development. Further, the proposal would erode an important visual gap and area of separation between Bridge Lane, March Road and Wimblington village. The proposal would have an unacceptable adverse impact on the character and appearance of the area and is contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014.**

- **Policies LP5 and LP13 requires all development to be supported by and have good access to infrastructure. The applicant has failed to enter into an obligation that would provide affordable housing/relevant financial contributions which would offset any potential harm that the development may otherwise have locally. For this reason the proposed development is contrary to Policy LP5 and LP13 of the Fenland Local Plan 2014.**

**P50/15      APPEAL DECISIONS**

Councillor Miscandlon informed Members that both the Appeal Decisions and Delegated Powers List; due to the length of these documents these will be sent out electronically in future.

5:05pm

Chairman