

PLANNING COMMITTEE



20 JULY 2016 - 1:00PM

PRESENT: Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman), Councillor M G Bucknor, Councillor M Cornwell, Councillor M Davis, Councillor A Hay, Councillor D Laws, Councillor P Murphy, Councillor Mrs F S Newell, Councillor W Sutton.

APOLOGIES: Councillor D W Connor

OFFICER IN ATTENDANCE: Tanya Shepherd (Member Services and Governance), Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Kathryn Brand (Planning Officer) and Ruth Lea (Legal Services)

P13/16 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 22 JUNE 2016

Cllr Will Sutton stated that on page 19 of 70 there is a duplication in terms of the interests declared by Members.

The minutes of the meeting of 22 June 2016 were confirmed and signed based on the amendment being made.

P14/16 F/YR14/0980/F WISBECH ST MARY SPORTS AND COMMUNITY CENTRE LIMITED, PLAYING FIELD, BEECHINGS CLOSE, WISBECH ST MARY ERECTION OF A SINGLE-STOREY SIDE EXTENSION TO EXISTING COMMUNITY CENTRE

The Committee had regard to its inspection of the site (agreed in accordance with the Site Inspection: Policy & Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that updates had been received as per the documents circulated (attached).

Members received a presentation in accordance with the public participation from Mr. Orphanou, neighbour of the site being considered.

Mr. Orphanou was speaking on behalf of himself and his wife. His statement was as follows:

"Back to the noise, the design of the roof will not alleviate the noise, in fact it will make it worse. In the report section 3.4 states that the noise from the main hall will be noticeable at the back, and that's where I live. The whole roof in itself cannot be continued not unless the extension is cut a little short. It mentions the mid-range, the loft and the high frequencies. These frequencies do not contain any power, the power is in the base, and that travels through solid material, ground, roofs and everything else and it penetrates. This is what we hear when we are sitting in our living rooms trying to watch television or something else. To cover it all, I don't think the extension or the existing building are up to standards. The existing building itself, the structure of it is weak so it cannot put sound proof in, having the sports centre, the sports centre will create more noise and I know that because I have attended quite a few of them in the past. The new centre is the one that is going to cause all of the problems, also we are going to have more traffic, more people and that

would impair our living standards. I will leave it at that and I beg you to reconsider the decision or re-evaluate the building design. Thank you very much."

The Chairman invited questions to Mr. Oprhanou - to which there were none.

Members then received a presentation in accordance with the public participation from David Broker (Agent) as follows:

"Mr Chairman and Members I represent the Wisbech St. Marys Sports and Community Centre not only as the agent of this application but as a director and trustee. The centre is managed by us volunteers, and we do our best to provide a service not only to the village but also the rural community, who will no doubt be aware that the centre is very successful, probably the best in the area. As a manager of the team, we are very much aware of the neighbours in close proximity, and some of the comments made about the access to the site. Since making the application we have spent over £10,000 on improving the tarmac access into the site, thus preventing gravel being tracked into Beeches Close. The application has been somewhat retracted in time scale which is not the fault of the planning team, but of ourselves in trying to provide all of the information required at the cost, which is relevant to our resources. We believe that we have ticked all the boxes and provided all of the appropriate information. The proposal balances two immediate requirements for the centre, firstly to accommodate the ever growing number of small user groups looking to book the venue mostly for daytime activities which in traffic terms does not create a significant amount extra vehicle movements. Secondly the acoustics enclosures for the existing building, which will reduce the risk of noise nuisance from the occasional weekend entertainment. We are aware that there are times when loud music escapes from the building. We actively manage this from the centre with sound monitoring and boundary checks when entertainment is in progress. This is also being monitored by the environmental health office and has been proven not to exceed the legal decibel limits. We would like not to have to walk the boundaries listening for noise on those cold wet, winter evenings. We would prefer not to annoy our neighbours and propose that this extension which is designed in the best way possible to form an acoustic barrier. On behalf of the community centre I thank you for your attention and ask you to support us in supporting our community, thank you".

The Chairman invited questions to David Broker. Cllr Mr Bucknor referred to the acoustics and stated he would like to have some understanding of how it will reduce noise? David Broker responded stating that they had brought a specialist in to look at current building, and that the existing building was not strong enough to support the additional weight of sound proofing, therefore the idea is to construct the flank extension which has a roof that overlaps the existing roof of the existing building thus forming an enclosure which will stop any base reverberation getting through to the local residents. Cllr Mr Bucknor asked for confirmation that this was only going to be on the side, not on the front of the building? David Broker stated that they do not generally have a problem it is really through the one side that has given us any concern in the past. Cllr Mr Bucknor asked if this was because it was a weaker structure? David Broker stated he felt it was generally to do with the layout of the building, on the northern side is the toilets and the facilities which forms the row of roofs, which is a buffer between any sound and the outside of the building, whereas on the south side the entertainment is straight onto that building.

Cllr Mrs Laws stated that they obviously read the reports thoroughly and look at the objections that are raised. Part of this is where there are many unresolved problems with the existing centre noise and floodlights- asking if residents had reported this and has it been addressed it or responded to it? Is there a resolution as it is an intrusion? David Broker stated he didn't see it as fair that the floodlights are part of this application. There have been numerous comments on this application none of which have been presented to management of the community centre. Cllr Mrs Laws stated that this is what she was trying to establish. She stated obviously there is going to be an increase to the security lighting? David Broker stated there wasn't and Cllr Mrs Laws asked for confirmation on what is currently in place and what will remain? David Broker confirmed that the

extension is a flank building to contain sound. Cllr Mrs Laws stated, obviously there is a need for security lighting, that goes without question but there are various types that can be down lights rather than blazing all round, are there restriction times on floodlighting? David Broker stated he doesn't know as he isn't part of the side that manages the football, it is used for football training, used in the winter months, not aware of any time restrictions on those, security lighting around the building is low level and wouldn't create a disturbance to anyone locally.

Cllr Alex Miscandlon stated at this point that the Legal Services Officer needed to intervene, and stated just to go back to some of those questions, as they relate to existing use and we are here to discuss the impact on the extension so just wanted to make sure that people are clear about that and any questions should be focussed on the extension we are talking about today. Cllr Mrs Laws responded by stating that they are reading the objections, but also the new building, asking if it will create anymore security lighting etc. that's the whole point, or the additional facility, will it have an affect on the football tournaments or the floodlighting.

Cllr Mike Cornwell requested explanation on the application, stating it is an extension to a community centre but the report later states that the extension itself is there to provide an indoor sports hall, so we are not actually talking about a community hall in the extension, we are talking about a sports hall and the main reason for the design of that is to alleviate the noise problem in the main hall as opposed to the noise problem in the extension- he asked if he had interpreted this correctly? David Broker stated more or less, the proposal will provide some sports facility, as can be seen from the plan, the building is very long and narrow, the amount of sports that might be run safely within that part is going to be very limited. The other thing is with the problems that have been highlighted- they haven't really been related to what goes on in the community centre in relation to sport, it is generally only entertainment and sound levels when we have bands and discos. The flank extension will have nothing going on in there that will create any form of noise that would worry us, we are worried about noise, we are conscious of it. Cllr Mike Cornwell stated he had now answered the point he was trying to get to and gave thanks, stating an extension of that size and shape doesn't really lend itself to a sports facility that was really what he was trying to get at. David Broker stated it helps with a bit of overspill but basically it gives a sound barrier which is what we need. Cllr Mike Cornwell stated he understood.

Cllr Alex Miscandlon asked if there are any further questions to ask, David Broker asked if he could respond to Cllr Laws' question about the effect of the extension on the floodlighting - and the football side of it- confirmed that it would not have any implications on this at all.

Cllr Alex Miscandlon opened the item up for general discussion. Cllr Mrs Newell referred to the updates that had been provided on this item, in relation to the boundary drain, asking if there was a problem there in terms of the pipes in the boundary drain? The Planning Officer then checked the report and stated the likely impact on the boundary pipe drain is not a planning matter. Cllr Mrs Newell asked that if there would be things going over there, surely it would be of planning concern in terms of the vehicles going over the drain? The Planning Officer stated that the access is already being used, and officers do not consider there will be significant additional traffic as the access is already used. Cllr Mrs Newell stated this had answered her question.

Cllr Will Sutton asked if we had any evidence of any complaints over the last year - two years. The Planning Officer stated that the Environmental Health Team confirmed they had not received any formal noise complaint in the last 12 months.

Cllr Alex Miscandlon asked for a proposal, Cllr Mrs Laws proposed application is approved as per the Officers recommendations. This was seconded by Cllr Ann Hay and resolved that the application be:

APPROVED as per the recommendations within the attached reports.

P15/16

F/YR16/0321/F

**LAND SOUTH OF 27 BADGENEY ROAD FRONTING, GREEN STREET, MARCH,
CAMBRIDGESHIRE
ERECTION OF A 2-STOREY 2-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 & Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to Members and informed them that there were no updates on this item as outlined in the documents circulated (attached). The planning officer stated that they had received another letter of objection had been received from 1 Green Street, March, including photographs of the surrounding areas that have become waterlogged in the past. Other comments received within this are in line with other objections such as blocking of natural light through the ground floor and first floor window, and devaluation of their property.

Members received a presentation in accordance with the public participation from Gareth Edwards (Agent) as follows:

"Recommendations from the consultees, to which the application were consulted on- March Town Council have recommended their approval and the FDC Scientific Officer has no objection as this is previously developed land. Two letters of objection were received in relation to overlooking, which obviously now a third one has come in, and with regard to devaluation, flooding and obscuring views. The application is for one dwelling and in terms of principal development, under LP3 this application for new housing in the primary market town of March will be deemed as acceptable and under economic growth under LP6. The proposal will provide a new 2 bed, 2 storey dwelling which will face onto Green Street with vehicle and pedestrian access directly from it, utilising the existing drive associated forming with 27 Badgeney Road which already has 2 additional car parking spaces at the front. The dwelling has been designed to avoid any overlooking to the neighbouring properties which was a concern of the previous refusal application under LP16, which has now been addressed. Also reason for refusal under FD16 therefore we have moved the dwelling back into the site by 4.5meters. This will give the appearance of step development which is occurring along site at the top of Green Street and opposite the site as this is an 's'-bend in the road, which creates a step development on the opposite side. These reasons were the only two reasons for refusal on the previous application, we feel we have addressed these and revised the design of the proposal which should now comply with planning policies identified. It should also be noted that the site is located within flood zone 1 which the National Planning Policy encourages development on in terms of land not prone to flooding, this further emphasises the proposed site. Please provide your support for this application under conditions you deem appropriate".

The Chairman invited questions to Gareth Edwards to which there were none.

The item was opened for general discussion.

Cllr Mike Cornwell stated he was slightly confused as the drawings actually emphasise the elements of the report to a certain extent he could see why Officers have written the recommendation 1, first paragraph as it summarises things up perfectly. As the plans show it is out of character, it is a development pushing into a very small site. The actual living is only going to be one sided as the windows are all on one side. He stated he agreed with the Officers recommendations. Cllr Mrs Laws stated that she was in support of Cllr Mike Cornwell's comments and would go with the Officers recommendations also.

The Chairman requested a proposal given by Cllr Peter Murphy and the Seconder was Cllr Mrs Laws. It was resolved that the application be:

REFUSED as per the recommendations within the attached report.

P16/16

F/YR16/0332/O

250 CREEK ROAD, MARCH

ERECTION OF 4 DWELLINGS INVOLVING DEMOLITION OF EXISTING BUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) AND THE ERECTION OF A 3 METRE HIGH BARRIER FENCE ALONG THE EASTERN BOUNDARY OF THE SITE

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

The Planning Officer presented the application to Members and informed them that updates had been received as per the circulated documents (attached)

Members received a presentation in accordance with the public participation from Ted Brand (agent) as follows:

"Background for this application, there was planning permission on this site for 4 dwellings on 3 occasions. Up until 2 years ago this site has been acceptable for residential development. The existing use as has been said is car repair, sales and workshop, mainly classic cars although previously there was a larger scale business by the same owner recycling car parts and things, basically a scrap yard that has been downsized by the client. In relation to the noise matter first, the Planning Officer requested a specialist report was carried out, conclusion of this was that with the development of the acoustic fence would be satisfactory to required British Standards so I don't understand why this is a reason for refusal at all and, the previous application was withdrawn to allow this to take place, the sound on site with the acoustic fence and the double glazing would meet the required recommendations, therefore the reasons for refusal are unjustified. The flood risk the policy LP14 which gives priority to various areas is triggered by the environment agency maps, sure you all know these maps do not take into consideration flood defences or the drainage of the Fens, therefore they are not that accurate an indication of flood risk. A flood risk assessment has been carried out on the site and concluded that with the levels being built up to 300mm above the road this would be acceptable. The site itself is approximately 1m under the road level so the levels will actually be built up almost a meter or more. Therefore as the site will be built up to be a meter to prevent a flood risk, the fence will be used to mitigate flood risk, which then makes it a 2m fence.

The National Planning Policy guidance states quoting Section 10- Clause 104 - Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. Therefore when you apply the National Policy there shouldn't have been a request for the sequential test which was asked for and we did. Small sites for development purposes are just not available. The argument for Planning Officers is that planning is available for strategic locations for growth which this in theory is, no plans for these sites for a long time, if we don't allow for these small sites in town, there is going to be a shortage. If this application is refused then the existing site is a commercial car repairs and industrial track site, these existing used will have to continue. This site is surrounded on three sides by housing, flats across the road, large remaining commercial use adjacent but I think the use could expand to its former glory and there will be problems with noise nuisance".

Cllr Mike Cornwell asked if Ted Brand's last statement was to be somewhat of a threat to members? He responded asking if this was the question and stated that the business is industrial car use, has been run down by the present owner for a period of time, it is a state of fact that the existing use will have to continue. Cllr Mike Cornwell stated that he understood that the business was still in use.

The item was opened to general discussion.

Cllr Mrs Laws asked for clarification from Officers regarding Mr Brand speaking of the National Policy and the associated risk assessments, stating that it is her understanding that should Officers request that sequential tests are carried out, they are to advise the applicant before the application can proceed? The Planning Officer asked if Cllr Mrs Laws was referring to the sequential test which she confirmed. The agent had carried out the sequential test. The Council did feel that the sequential test was required in this instance, and the test concluded that this was not considered sufficient enough for the test to be passed.

Cllr Mr Bucknor requested more information on this, the applicant stated he didn't have to carry out the sequential tests is that actually correct? The Planning Officer stated it wasn't, for development of dwelling houses in flood zone 3 or 2 then you need to apply the sequential test. We consider that isn't the correct approach that the agent is referring to. Nick Harding (Head of Shared Planning) stated he wanted to clarify - he was reading directly from the Governments published planning practise guidance. What is meant by minor development in relation to flood risk, that is minor, non-residential extensions, alterations so this proposal is none of those. Therefore the sequential test is applicable.

Cllr Mrs Laws asked the Officer for clarification again- asking if she had understood correctly that the land is going to be built up and if so what is the land level now, and also interpretation that the fence is now going to be a 2m fence, not a 3m one? The Planning Officer stated that from a flood risk point of view we are saying principal development in flood zone 3 is unacceptable we have to carry the sequential test, that is the first port of call, before a flood risk assessment is carried out. That flood risk assessment will have mitigation measures in it one is likely to be that there is raised finished floor levels. The land levels need to be raised by 1m, Officers are concerned with the principal that the sequential tests haven't been passed in the first instance. Cllr Mrs Laws added that she was concerned about the impact to the residents also.

Nick Harding added that he wasn't sure the noise report was produced and modelled on the basis of the land levels being raised by 1m, if the assumption was in the modelling as produced through the noise report that there were to be no changes in the land levels then we would have a completely different picture. We can only go on the information that has been provided. He stated one thing he was struggling to square is that if the Environment Agency are saying if having the floor level 300mm above existing ground level, the whole site needs to be raised by 1m he stated he couldn't follow the logic for this.

Cllr Will Sutton, taking view of the speakers views that the existing use will be going on, with the potential for more noise going on have we got any evidence of any complaints from local residents about the noise over the last 12 months? The Planning Officer asked for clarification on whether the question related to the business in question, or the adjacent business or both? Cllr Will Sutton stated either or- The Officer stated there are no records of complaints, it wasn't one that Environmental Health were approached on and during the consultation process of this application we did not receive any objections locally.

Cllr Mrs Newell stated she understood that this was an area of archaeological interest? The Planning Officer stated Cambridgeshire County Council recommended limited planning permission which if approving this application we would have put a condition on it.

Proposal received Cllr Mrs Laws proposed that the Officers recommendations were agreed, Cllr Mrs Davis was the seconder for this. It was resolved that the application be:

REFUSED as per the recommendation within the attached report

P17/16

F/YR16/0355/F

LAND WEST OF KINLOSS, ST JOHNS CHASE, MARCH
ERECTION OF 6 X DWELLINGS COMPRISING OF: 1 X BLOCK OF 4 X 2-BED
FLATS, 1 X SINGLE STOREY 1-BED DWELLING, 1 X 2-STOREY 3-BED
DWELLING AND A CYCLE SHELTER AND BIN STORE INVOLVING THE
DEMOLITION OF EXISTING DWELLING

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

The Planning Officer presented the application to Members and informed them that updates had been received as per the circulated documents (attached).

Nick Harding (Head of Shared Planning) added to the presentation highlighting the issue of affordable housing to the committee. The Government have produced a ministerial statement and an update to the planning practice guidance in relation to affordable housing on small sites. What the guidance states is that sites of less than 10, Local Authorities shouldn't be asking for affordable housing to be provided on those developments. The justification behind this is that the Government feels that to be asked for affordable housing to be provided on site or cash in lieu that has the affect of making those developments unviable. The Government currently has a push on the delivery of housing. It is important to state that the guidance carries a lot of weight in the decision making process in planning applications, however it is not the case that it is "law" and that a Council can do nothing but accept that planning practise guidance within the ministerial statement. If a Local Authority wishes to override the guidance then what it needs to be doing is making sure they have the confidence to provide the evidence to support why it is making that decision. In this particular case we have a recently adopted Local Plan which was the subject of thorough examination which introduced our affordable housing policy on small sites and, as matter of course, Planning Officers did take into consideration the issue of viability when determining planning applications, so those schemes that can demonstrate that they can make them viable, we will reach a negotiated solution. Finally, the Local Authority does have a very high level of housing need, and those needs justify that we should continue seeking affordable housing contributions on these small sites.

Members received a presentation in accordance with the public participation from Gareth Edwards (agent) as follows:

"Firstly the recommendations of the consultees which the application was consulted on, again March Town Council have recommended approval, Cambridgeshire County and Highways have no objections subject to certain planning conditions, and the scientific officer from Fenland District Council have no objections regarding land contamination. However you will note that there is an objection from the PCC Ecologist which relates to a phase one habitat survey which was only requested at the end of June, which allows our client no time to arrange for the survey to be carried out, but we would be prepared to carry this our if necessary. Queries were also raised, as heard, from the Police Liaison Officer at the end of June which we have provided the additional information to overcome these issues and we await his response and will make any further amendments should we need to. The application is for 6 dwellings which requires a contribution of affordable housing, which our agent is happy to provide upon approval. In terms of risk of development under LP3, the application is for new housing in the primary market town of March, and will be deemed acceptable under economic growth -LP6. The proposal will provide 4 two-bedroom flats, a single bedroom bungalow and a two-storey replacement dwelling at the front of the site which will replace the exiting dilapidated bungalow. This reflects on a number of features from adjacent dwellings, which is predominantly a residential area, which has a diverse mix of houses, bungalows and flats. There are recent developments undergone, including 8 dwellings and detached garages to the north of this application site, which are tandem developments, along with 4 developments along the west of this site which is also tandem development, along with two further approvals along Station Road for additional dwellings as seen on the application site plan.

The proposal has been designed to avoid overlooking into neighbouring properties whilst maintaining comfortable conditions for future occupiers which share the living spaces with other flats, which will have two parking spaces, which is above the criteria in appendix (a) of the local plan. The bungalow allows good size for a four bedroom dwelling affording a third of the plot unallocated space at the front of the property. The bungalow has also been designed to avoid overlooking issues into neighbouring properties. The Police have also made some objections against the single storey property in this location, however if this was to be a garage or car port instead of the replacement dwelling, it would be of a similar scale and size. The replacement dwelling will be a three bedroom, two storey property which will be in keeping with the neighbouring properties with no overlooking issues, and will provide two off road parking spaces, which is consistent with others down St. Johns Chase. The replacement dwelling has been deemed acceptable by your Officers. The existing access will be utilised to gain access to the four flats and bungalow, within the proposed site, with drop curbs and a highway footpath with access to the replacement dwelling. It should also be noted that the site is located in Flood Zone 1, and National Planning encourage development in areas that are not prone to flooding which puts further emphasis on the proposed site and the suitability for its proposal. The site St. Johns Chase is predominantly a mixture of housing tenure, some of which is deemed tandem development. We feel we are consistent with this and ask for your approval of this application.

Cllr Alex Miscandlon invited questions for Gareth Edwards- to which there were none.

Opened for general discussion- Cllr Peter Murphy stated he has been on the planning committee for quite a few years and had never seen such a higgledy-piggledy site before. It is awkward in the best way of looking at it, if you start getting 6 houses or flats within it, to get into the site is going to be like playing dodgems, because it turns corners and turns sideways and goes everywhere. He stated he felt it is the most unlikely site he has seen. This is the sort of thing that they talked about years ago, it would start the slums again.

Cllr Mrs Laws stated that she completely agreed with Cllr Peter Murphy, looking at the location from the street scene, the frontage house is very acceptable, think that blends perfectly with the actual street scene, that isn't a problem. It is more the inter-site and the over intensification of this.

Cllr Ann Hay stated that she would agree with Cllr Mrs Laws and Cllr Peter Murphy, concerned about the flats, one of the flats in particular would be very difficult to get in the front door if a car was parked there and it causes other concerns in that it would block the access to the amenities space. She stated it is grossly over-intensification.

Cllr Will Sutton raised the issue relating to LP5 and affordable housing pressure. Had this guidance from the Ex-Prime Minister but if you listen to the new Primer Minister, we are now going into a one nation agenda. Our policy states that we need to provide social housing and on the other hand the guidance states that we shouldn't ask small sites. Could we sit here and say that we are a one nation agenda Council if we just say that we are going to listen to those who shout the loudest. We've heard round this table before that viability of sites if they haven't got any roads, main roads or adopted roads, cannot prove they are unviable so suggested that had we not had the other reasons for refusal then this would be a strong reason for that very refusal as it has no infrastructure costs so would say it is a prime location that could produce that social housing need whilst we must give way to the housing officers guidance, but we also have our own local plan, the advice we have been given from Counsel and also had some recent advice on some training that we are on sound ground we have every right to balance the needs of our residents against a Government practise statement. As long as we are shown to do that we are on safe grounds, this site is one site that could contribute to that housing need.

Proposal for refusal from Cllr Peter Murphy and seconded by Cllr Ann Hay. It was resolved:

To grant delegated authority to the Head of Service to REFUSE the application subject to the drafting of a suitably amended refusal reason No. 4 following the expiry of the consultation period and no new grounds of objection.

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

(Cllr Mrs Laws and Cllr Miscandlon stated that she is a Member of Whittlesey Town Council Planning Committee, but takes no part in planning decisions)

(Cllr Sutton declared a Non-Pecuniary Interest in agenda item 6 and agenda item 8 by virtue of being a Member of the school Governing body alongside the agent. He also declared a Non-Pecuniary Interest in agenda item 7 by virtue of his Nephew being employed by the agent).

13:03 to 14:07

Chairman