

PLANNING COMMITTEE



17 AUGUST 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 and Councillor W Sutton.

APOLOGIES: Councillor D W Connor

OFFICERS IN ATTENDANCE: David Rowan (Development Manager), Nick Harding (Head of Shared Planning), Hannah Edwards (Legal Services) and Tanya Shepherd (Member Services)

P18/16 PREVIOUS MINUTES

Councillor Miscandlon highlighted a grammatical error within the minutes of the meeting on 20th July 2016 in relation to the interests declared.

Councillor Will Sutton stated that on the last page in the final paragraph it reads "we must give way to the housing officer's guidance" and should read "must give weight to the Housing Minister's guidance".

Councillor Ann Hay stated that she had declared an interest at the meeting being a member of Chatteris Town Council but takes no part in planning decisions but this had been missed from the minutes.

On the understanding that the above be amended:

The minutes of the meeting on 20 July 2016 were AGREED and signed.

P19/16 TO RECEIVE MEMBERS' DECLARATIONS OF ANY INTERESTS UNDER THE LOCAL CODE OF CONDUCT OR ANY INTEREST UNDER THE CODE OF CONDUCT ON PLANNING MATTERS IN RESPECT OF ANY ITEM TO BE DISCUSSED AT THE MEETING

- Councillor Mrs Newell, Councillor Peter Murphy and Councillor Ann Hay stated that they are members of Chatteris Town Council but take no part in planning matters.
- Councillor Mrs Laws stated that she is a member of Whittlesey Town Council but takes no part in planning matters.

Agenda item 5: F/YR16/0107/O:

- Councillor Will Sutton declared a Non-Pecuniary interest in item number 5 and recommended that other relevant members follow, by virtue of the applicant being the driver of the bus used on previous site visits.

Agenda item 7: F/YR16/0397/F:

- Councillor Maureen Davis declared a Non-Pecuniary interest in agenda item 7 by virtue of her nephew residing on the same road. She therefore stated that she will not partake in the discussions nor vote on this matter.
- Councillor Ann Hay declared a Non-Pecuniary interest in item number 7, by virtue of her knowing one of the objectors.

Agenda item 8: F/YR16/0446/F:

- Councillor Alex Miscandlon stated that all members of the committee declare a Non-Pecuniary interest in agenda item 8 by virtue of the applicant being the Leader of the Council. All agreed.

P20/16 F/YR16/0107/O

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

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

Members then received a presentation in accordance with public participation from Mr Tim Gowing, neighbour of the site being considered. His statement was as follows:

"I did originally object to this application as my property currently borders the proposed development. There are already two or three developments bordering my back garden, with low fencing and lack of privacy is a concern. The outline of the planning application is of real concern. I moved to the village for peacefulness and the development has the potential to impact on this. My second reason for caution are that the documents initially implied that the Section 106 agreement wasn't going to be met due to the financial viability of it. I have since learned that this has potentially changed. If there is a Section 106 agreement in place because of the type and size of a development then this should be met. These are my only two reservations on this application, and as mentioned the second one may now be null and void".

Councillor Alex Miscandlon invited questions to Mr Gowing, to which there were none.

Members then received a second presentation in accordance with public participation from the agent, Alison Hutchinson. Her statement was as follows:

"As the agent we were aware this was an objector, and we plan to address these concerns and will bear in mind what I have heard. I am fully aware that the Section 106 agreements need to be completed and I am currently liaising with the Council to secure this. Concerns were expressed at the public meeting regarding the privacy of neighbouring properties which is a fully reserved matter. The proposal comprises a mixture of dwelling houses and bungalows and there should be no overlooking, this is something that will be capable of being dealt with. The existing buildings are deteriorating to such an extent that they are not capable for any proper use, and they are no longer being used for storage purposes".

Councillor Alex Miscandlon invited questions to Alison Hutchinson to which there were none.

The item was opened for general discussion.

Councillor Mike Cornwell stated he was confused in relation to the public open space and asked if there was provision for public open space on the site that meets our standard? David Rowan

stated that this would be one of the Section 106 agreements when it gets to the reserved matter stage, the layout will then be decided.

Councillor Mrs Newell stated that the Section 106 agreement requires a contribution to preschool and primary education, but states there is no contribution required to secondary education. She stated that she disagrees with this as most of the children in Manea attend Cromwell Community College, a school that needs money subscribing towards it. David Rowan stated that they had taken advice from the Education Authority who did not ask for any contribution for the secondary school, as they are the experts in education they could only rely on this.

Councillor Alex Miscandlon stated he had already asked if this could be checked again with the Education Authority in terms of the figures and to confirm that they do not require secondary education contribution.

Councillor Mrs Laws stated that the Education Authority had requested secondary education contribution on another similar site, and therefore feels this needs to be referred back to them stating that the Planning Committee feel there is a need to contribute to secondary education.

Nick Harding stated that the case being referred to by Councillor Mrs Laws has been proven to be an error in the County Council. He stated even if there were to be contribution for secondary education, there would be no money within the development proposal as 100% of this contribution has been put to primary provision.

Councillor Mrs Laws stated they need to revisit the table and consider reassessing the proportioning. They need to revisit this from this planning committee and ask this question. Nick Harding stated that he is happy to do this and explore what money needs to be spent on the provision of school places and go back to the County with this.

Councillor Mrs Laws stated that she had listened to the concerns of Mr Gowing and suggested that it might be helpful moving forwards to have notes on the objection included on the recommendation. David Rowan stated that any decision notices indicate that the layout submitted will not necessarily be the one that was submitted at reserved matters. Councillor Mike Cornwell asked if this was the same for the planned open space as well, and it was confirmed this is the case.

Councillor Mike Cornwell referred to the sewage stating he noticed this was going to be private asking if this was more of an Environment Works/ Highway Treatment Works area? Nick Harding stated that he wasn't sure where the nearest foul mains are in relation to the site being considered. He added that generally speaking, if there is a foul water main within a reasonable distance then it is an expectation that this will be used. The private sewers are a last resort.

Councillor Mike Cornwell stated his other point relates to the site, he is aware of it having previously resided in Manea, and stated it is particularly isolated from the village with the main access by car only. He asked if the applicant could negotiate some kind of footpath on the eastern side of the site to make it pedestrian accessible. David Rowan responded by stating the applicants have indicated they will be providing a footpath but that different land ownerships make this difficult and what was provided was as good as they were going to get. Councillor Mike Cornwell stated that he had seen this on the plans. He stated that based on the plans a rear access would make it more accessible for pedestrians and safer as no cars needed. Councillor Alex Miscandlon looked at the map stating that anywhere east would be difficult. Councillor Mike Cornwell asked if it would be possible for the applicant to consider, Councillor Alex Miscandlon stated that he thinks this had been duly noted by the agent.

Councillor Will Sutton stated that he is pleased in the initial stages there have been Section 106 agreements drawn up, and this isn't an application that they need to insist on which has happened in the past. He stated that he is aware of a public right of way, to the south-east of the site, which is publicly used and that he doesn't have an issue with the proposal in terms of footways. He referred to a previous wood mill that had been located on the site and there were a huge amount of complaints about the dust this produced. He stated has many positives for the village and he was supportive of it, the building is obsolete and when previously used, there were large vehicles accessing the site causing traffic issues. He recommended that failing other comments, they agree to the proposal made within the officers recommendations.

This application was APPROVED as per the recommendations outlined in the officers report.

P21/16 **F/YR16/0335/F**

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

David Rowan presented the application and informed them that updates had been received as per the documents circulated (attached).

Members received a presentation in accordance with public participation from the agent, Lewis Smith whose statement was as follows:

"member's will no doubt recall an application earlier this year where 11 dwellings were approved on this site subject to a Section 106 agreement. The discussions at that meeting centred around the calculation of housing numbers in the village for the purposes of local plan policy LP12. The recent planning and complicated history of the site was a product of calculation and re-calculation of committed housing numbers. This latest application falls inside the 10% threshold respective of LP12 as set out in paragraph 1.5 of the report for you. It is intended that Kier Living Ltd, will build out the entire scheme for 20 units as a logical extension of the previous site completed in 2005. The existing estate road will be extended and a mixture of 4 four-bed and 5 -bed dwellings will be constructed to form a nice extension to the current development. The designs and proposals with the materials will compliment the area. Each dwelling will have a private garden and off road parking. Some concerns have been expressed about the potential use of Atkinson's lane, however I would make a point that there is no need or requirement for this, as the existing statement is perfectly adequate to service this modest scheme. Progress is currently being made to secure the area of land south of the site for use by the wider community. Members may recall that the adoption for this is also forma part of the adoption of the ponds at the front of the site, on Friday Bridge Road which has been taken over by some non-indigenous pond weed".

Councillor Alex Miscandlon invited questions to Lewis Smith to which there were none.

The item was opened for general discussion.

Councillor Mike Cornwell asked if the officers could point out where the nearest play areas are to the site as there are comments in the document that state the S106 agreement would be for off-site privileges- asked if within the plans available could the officers show them where the existing open space is. David Rowan responded by stating that Mr Smith has eluded to the intention, which is that this area (referring to map) would be for the play facilities and ultimately any contribution that is secured as part of this development would be intended to be used as part of that. Councillor Mike Cornwell stated that he is aware that initially this land isn't owned by them. Nick Harding stated that this parcel of land was due to come forward as part of the previous site and the lease when considering the 11 dwelling application. He stated that it is the case it is not currently usable and the idea is that through the Section 106 agreement on the scene for 11 and also with this one, that area would be secured for recreational purposes.

Councillor Mrs Laws stated that she wanted to emphasise the word secure- amenity spaces have been let go for development, and stated this parcel of land needs to be secured so that it can only be used for recreational purposes, which was agreed.

Councillor Will Sutton stated that he noted the recommendation is to grant this application subject to the Section 106 agreement , should this not be that it is a requirement that this is to be met, or Officers should refuse the application as with the best will in the world this applicant hasn't got a good record of keeping these agreements. He stated that he thinks that in relation to the completion of the Section 106 agreement - should the applicant be unable or unwilling to fulfil this within three months then it should be delegated to officers to refuse. He recommended they calendar this and then the member in that area can report this back to the Parish Council. He stated we as a district do not want to incur the costs of sorting this should the agreement not be met, given the applicant has not met these before.

The Legal Services Officer, Hannah Edwards, stated that in terms of a time line with regards to the Section 106 agreement, she proposes that this is given 4 months as this time frame is more achievable. Councillor Will Sutton stated that he was happy to go along with the professional advice.

Councillor Alex Miscandlon confirmed that the Section 106 agreement is to be met within 4 months and not 3.

This item was APPROVED as per the recommendations within the attached reports and the Section 106 agreement being met within four months as per the recommendations made during the committee.

P22/16 F/YR16/0397/F

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

David Rowan 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 public participation from Mr Ken Byron, neighbour of the site being considered. His statement was as follows:

"Firstly I would like to know how many of those that are here today attended the site visit?" Councillor Alex Miscandlon stated that the majority of the Members present were at the site visit. Mr Byron continued:

"(Referring to the photograph shown) This is my garage door. To say I was surprised at this application is an understatement. I was horrified that a resident would want to set up a commercial business in a quiet residential area. The parlour would be 3ft away from my garden and to see it has been accepted in principal is a disappointment. The commercial use applied for is clearly inappropriate and out of character for a cul-de-sac. There are two dog grooming parlours in the area, one big, one small. I disagree with environmental health there would be noise produced by the commercial dryers and the dogs barking before, during and after their grooming, the dryers would be on for 40-60 minutes and longer for bigger dogs. One parlour we have been to see, the groomer wears ear protectors against the noise. We expect constant noise nuisance when we sit so close to the garage. I wondered if planning and environmental officers have visited local parlours to see what goes on. The driveway is a tunnel type with high fences and goes straight onto the road with little or no vision as the front elevation is 12 inches from the path. The joining view of residents is that the clients would park on the road and on the pavement as they would be apprehensive about putting their car on a narrow driveway. There will be an increase in traffic and parking is already a problem, those on the site visit would have seen this. He stated that the Highways and Town Council expressed concerns. I feel it is a totally inappropriate disruption and I ask the committee to reject".

Councillor Alex Miscandlon invited questions to Mr Byron to which there were none.

The item was opened for general discussion.

Councillor Peter Murphy stated that in the report on page 47, it states there would be no detrimental harm will be caused from the proposal and therefore meets LP2, LP15 and LP16. He referred committee to LP2 and stated it fails on a lot of the bullet points - 1,2,5,7,8,9 and 12. Then we go on to 15 and 16, LP15 on bullet point 1, states development on the site should be located and designed so it can maximise accessibility and increase the use of non- car modes. He stated that anyone that is going to take a dog there is likely to drive as it is located on the outskirts of Chatteris. In relation to LP16 this application fails on (d) and (e), (e) especially as this states it does not adversely impact on the amenity of neighbouring use, such as noise, light, pollution, privacy and loss of life. He stated he personally thinks that this does impact on noise, parking on the road and access. He stated that on the site visit, they went during the day when people were at work and there were cars on the road and it was difficult to get through so additional traffic would make

it more difficult for people. He stated he thinks this would change the character and the appearance because of the nature of the business. It is a new and quiet residential site and this would be affected. He stated that he thought about whether he would be prepared to live next to this business and he stated he wouldn't.

Councillor Ann Hay stated that she agreed with Councillor Peter Murphy, LP2 states that we should be promoting high levels of residential amenity. She referred the committee to page 50 of the report on the first paragraph it states that on the boundary of No. 16 St. Francis Drive, the confined built form means that the residential amenity of these properties will be directly exposed to the proposed business. She felt this was at odds with LP2. Councillor Ann Hay then referred to the next paragraph where it states that there will be a low level of noise will be emitted as there will be plaster boarding and double glazing, but questioned what was going to be done to the up and over garage door. She stated that if sitting in the garden, then the noise would be annoying. She stated that she lives near a business in a cul-de-sac and the traffic does cause a problem.

Councillor Mrs Laws asked why they approve development in nice residential areas, and then decide to put commercial businesses in there. She stated there were other more appropriate locations for this and doesn't understand why this type of business would even be considered in this area. She asked in relation to the drainage, there would be an increase in usage of water with a commercial business, and therefore didn't feel it was compatible.

Councillor Will Sutton stated that he is of a different view, and that without opportunity, the would be stopping the applicant increasing their business and moving into a more appropriate premises. He stated that a previously application in March has similar objections to the one being considered, and it was agreed that they would let the business go for 12 months to let the business prove that the fears of neighbouring residents wouldn't be a concern. He stated that March Town Council were against it and 12 months later, they approved the application and there were no letters of objection from the neighbours. He asked if they wished to deny this business the chance to prove there were no concerns, which he didn't think they should. He stated if it does prove to be of concern then it goes but felt they should be encouraging businesses, and agreed with the recommendation.

Councillor Ann Hay stated that she had recently walked through Chatteris High Street and saw at least two or three properties that would suit this business, so why weren't these considered instead.

Councillor Mrs Laws stated that she didn't want to discourage business, but that it needed to be in an appropriate place. She referred to a business that had been started in Whittlesey that was a complete nightmare, they had enforcement in. She stated that residents and objectors need to be listened to.

Councillor Mrs Newell stated that she knew the area well, and the road was narrow and felt it was not the best place for a business.

Councillor Michael Bucknor stated that Councillor Will Sutton had made a strong argument but he disagreed with his comments following a visit to the site. He stated it is too narrow, the houses are very close together as can be seen from the photograph. There is only a wooden fence dividing them, and he reflected on whether he would like to live next door to this, which he stated he wouldn't. He added that there could be some residential areas that this may work in but not this one.

Nick Harding stated that he wanted to respond to some of the debate and to highlight that in some circumstances business can run from residential properties without the need for planning permission. He stated there is no Government legislation which defines where planning permission would be needed. He stated this case is hovering on the boundary, and officers have determined that this would need to be in place. The Government have been clear that if operating as a child minder then planning permission would not be needed unless you were employing third parties and you can have up to 6 children, in relation to the comings and goings, increased traffic, and planning use this as a benchmark for those wishing to run a business from a residential property. He stated that the Government has no issue in principal with businesses running from home, depending on the suitability of the business. Members have raised concerns about traffic on the site, parking- the proposed hours are 9am to 3pm which would avoid the peak areas of residents coming and going. He stated that having said this he is mindful of all the Members comments and

if they are proposing to refuse they need to identify concerns with regards to parking and traffic as reasons for this.

Councillor Peter Murphy stated that he understood the person could have taken it on but has the knowledge that planning would need to be informed. He stated that he felt the hours of business were not going to be sufficient for the business to be made.

Councillor Alex Miscandlon stated that the officers recommendations were to approve the application, with Councillor Will Sutton reiterating that he recommends the business is given the chance of 12 months. He stated that he accepts what other Members have said in terms of other buildings within the High Street, there are costs involved and that the applicant would be denied the chance to have 12 months to build up the business enough to move into bigger property.

Councillor Will Sutton then recommended a proposal on the grounds of supporting small business growth. There was no seconder for this, therefore Councillor Alex Miscandlon stated the proposal fails.

Councillor Peter Murphy then proposed that the application is refused, and Councillor Alex Miscandlon requested that there needs to be definitive reasons for this.

Councillor Peter Murphy stated that the noise levels emitted, the concerns over parking and access to the property do not meet the requirements of LP2, LP15 and LP16.

Councillor Mrs Laws seconded this.

This application was REFUSED

P23/16 F/YR16/0446/F

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

David Rowan presented the application to Members and informed them that no updates had been received as per the documents circulated (attached).

There were no registered speakers therefore the item was opened for general discussion.

Councillor Mrs Laws stated that she felt it was a sensible move as the business has not been used then may as well revert it back to residential.

Councillor Mrs Laws proposed that the officers recommendations are adopted which was seconded by Councillor Ann Hay.

This item was APPROVED as per the recommendations in the attached reports.

13:00 to 14:02

Chairman