PLANNING COMMITTEE

14 SEPTEMBER 2016 - 1:00 PM



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

APOLOGIES: Councillor Mrs FS Newell

Officers in attendance: David Rowen (Development Manager), Nick Harding (Head of Shared Planning), Ruth Lea (Legal Services) and Sally Taylor (Member Services)

P24/16 PREVIOUS MINUTES

The minutes of the meeting of 17 August were confirmed and signed

P25/16 F/YR16/0253/F

LAND NORTH OF HOLLINGWORTH HOUSE HOCKLAND ROAD FRONTING,
CATS LANE, TYDD ST GILES, CAMBRIDGESHIRE
ERECTION OF 2 X 2-STOREY 4-BED DWELLINGS AND DETACHED DOUBLE
GARAGES WITH STORES

Members considered 10 letters of objection and 2 letters of support.

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

David Rowen presented the application to members and informed them that updates had been received as per the documents circulated.

Members received a presentation in accordance with public participation from Mrs E Wheeler, the applicant.

Mrs Wheeler stated that she is struggling to understand the recommendation to refuse this application. Back in January an application was submitted for a single dwelling which was approved by this committee, that house was the same design as the application today. It has been stated that the dwelling applied for today is out of character for the area but the application in January was of the same design and was approved by the committee.

Mrs Wheeler referred to the second reason that the application is recommended for refusal, she stated that officers say that the site if over developed. She informed members that she measured the plot which is an acre plot, the total frontage is 190 feed therefore allowing 95 feet for each house: there is a line of trees to the front of the property which

would reduce the visibility from the road so not impacting the street view. When you are standing by the roadside the house is behind the trees.

Mrs Wheeler stated that when you look at the map of the surrounding houses in the Village and compare it to our plan, we are proposing to build a second house within the red line and are not proposing to go any further out. Also when you look at the surrounding houses there is none, except one, that has a similar frontage to the ones that are on her application proposed, the one

with a larger frontage which is Paget Hall does not front Cats Lane. She suggested it would be unfair to base her plans on those of Paget Hall as the building is situated on 6.5 acres. The only other house that is similar to that in the Village is Tydd Manor in Kirkgate, and this is why she is struggling to understand how the plot can be classed as overdeveloped.

Mrs Wheeler reiterated that the dwelling is in-keeping with the Village and the design is similar to the houses that are surrounding it and this is why it is an attractive plot.

Mrs Wheeler stated that she came to Committee in January with an application for a single dwelling and now comes before the Committee for two dwellings and would like to explain why this has happened. She informed members that 3 years ago she suffered a stroke and was recommended to take time off work, which she was unable to do as without work she would earn no money to pay her mortgage. At this stage she and her partner had to re-evaluate their future as a couple and decided to sell their house and the money made would be used to build a house. We had the planning application approved in January, and had some quotes for the building work, but the figures were higher than anticipated so we are forced for this reason to split the plot.

Mrs Wheeler thanked the Committee for their time today starting that she hopes that they make a decision in her favour.

Councillor Miscandlon invited questions to Mrs Wheeler to which there were none.

Councillor Miscandlon asked if members had any questions or observations to which there were none.

Proposed by Councillor Murphy and seconded by Councillor Connor and resolved that the application be:

REFUSED as per the recommendations within the report as follows:

1. Policies LP12 (d) and LP16 (d) of the Fenland Local Plan seeks to ensure that new developments will make a positive contribution to the local distinctiveness and character of the area, enhance their local setting, respond to and improve the character of the local built environment, reinforce local identity, provide resilience to climate change, reinforces local identity and do not adversely impact in design, character and appearance or scale terms, on the street scene or settlement pattern. The proposed development would introduce 2 dwellings to the site, which would result in the erosion of existing rural character by reason of the over development of the site. The surrounding area is characterised by large dwellings on ample plots and this development would not respect this established character. The proposal would therefore be contrary to Policy LP12 (d) and Policy LP16 (d)

(Councillor S Clark declared a non-pecuniary interest in this item by virtue of the fact that she is friends with the applicant and took no part in this decision.)

(Councillor Miscandlon and Councillor Mrs D Laws stated that they are members of the Whittlesey Town Council and attend their Planning meetings but take no part in the decision making.)

(Councillor Mrs Hay and Councillor Murphy stated that they attend Chatteris Town Council Planning meetings but take no part in the decision making.)

P26/16 F/YR16/0372/F

LAND WEST OF, TEACHERS CLOSE, MANEA, CAMBRIDGESHIRE
ERECTION OF 57 DWELLINGS WITH GARAGES COMPRISING; 34 X 2-STOREY
4-BED, 5 X 2-STOREY 3-BED, 7 X SINGLE-STOREY 3-BED AND 11 X SINGLESTOREY 2-BED WITH PUBLIC OPEN SPACE INCORPORATING BALANCING
POND AND WATER PUMPING STATION

Members considered 1 representation received confirming interest in moving to Manea and 6 objections.

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

David Rowen presented the application to members and informed them that updates had been received as per the documents.

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

- Councillor Mrs Laws raised some concerns about the proximity regarding the proposed development to other residents and enquired if the developer has signed up to the usual considerations in respect of construction management including the hours of working on site. Nick Harding informed that they were not aware if the developer has, and added that this is not something that the planning authority could lawfully enforce, however if members wished, it can be included on the planning permission as an informative note. Councillor Mrs Laws agreed that this would be acceptable.
- Councillor Cornwell referred to the third paragraph of the summary in respect of Section 106 and enquired if it was taken into account when considering the application as he could not see where it deals with the 106 assessment? David Rowen informed the planning committee that the proposed development cannot deliver everything necessary due to the viability and the financial responsibility is for the developer. The Government's advice is that Local Planning Authorities must take into account the viability of the development proposed and take the optimum of the Section 106 requirements.
- Councillor Cornwell enquired about the contingencies of accepting the viability and how it is justified? Nick Harding informed members that the Government has an agenda in delivering housing in addition to our Local Plan which promotes delivering housing and it is not about growth at any cost, but in this situation all the requirements have been met and it is satisfactory. There is only one area that falls short of the requirements and that is the contribution of school places of which the Government is very clear to always seek mitigation for the development, however in some circumstances viability issues require there to be a reduced contribution in order to facilitate the development and this is acceptable.
- Councillor Murphy enquired if there is an area for a public open space or play area? David Rowen confirmed that the plan of the proposed development shows predominantly public open space but there would be a play area. Councillor Murphy asked who would be responsible for this area. Nick Harding informed that it would either be a) management company to maintain the open space or b) would come to the Council for adoption and that in these circumstances maintenance costs would be sought from the developer. Councillor Murphy raised concerns in respect of the Council being given the responsibility of the maintenance of the open spaces transferred to them after 10 years. Nick Harding informed the committee that if the management company was established then it would be the responsibility of that management company, however if the developer did not wish to retain the responsibility the alterative would be adoption by the Council with an adoption sum paid by the developer. Ruth Lea clarified the legal position and stated that responsibility would be through the Section 106 agreement. This would set out the terms acceptable in respect of the open space area and would consist of a very stringent set of events before the responsibility could be handed over to the Council. This is in addition to a financial

- arrangement to assist with on-going costs, being a separate legal binding contract (Open Space Contract) and there should be no reason why this open space agreement should not be met.
- Councillor Mrs Laws enquired about the viability study and asked if the market keeps increasing and the developers profits go up could we be open to another agreement? Nick Harding confirmed that the market could continue to increase, however whether the Council would consider a subsequent viability study in that case would be unlikely as no development can ever be guaranteed. Councillor Mrs Laws raised concerns that it appeared a great number of developers are challenging viability studies on Section 106 agreements. Councillor Sutton confirmed his agreement with the concerns but stated that Planning are restricted on what can and cannot do but would like to see Section 106 agreed in full with developers.
- Councillor Connor asked if it would be possible to include a condition with regards to the working hours of the developers on site in addition to the contraction and transport plan. Nick Harding confirmed that hours and work time is a standard condition around the Country, however planning could not take responsibility for when deliveries take place and enforcement would be difficult as cannot stop people using the public highway. Councillor Connor enquired if the Council could make sure that the conditions between the developer and the Council are robustly adhered to? Nick Harding confirmed that conditions including road sweeping and washes are a standard part of the agreement and reassured members that this would not be an issue.

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

GRANTED subject to:

- 1. Completion of a Section 106 agreement. Should the applicant be unwilling or unable to complete Section 106 agreement within 4 months from the date of Committee approval, that delegated powers be passed to Officers to refuse the application.
- 2. Conditions as set out in the report

(Councillor Miscandlon and Councillor Mrs Laws stated that they are a member of Whittlesey Town Council and attend their Planning meetings but take no part in the decision making.)

(Councillor Miscandlon and Councillor Mrs Laws stated that they are a member of Whittlesey Town Council and attend their Planning meetings but take no part in the decision making.)

(Councillor Mrs Hay and Councillor Murphy stated that they attend Chatteris Town Council Planning meetings but take no part in the decision making.)

P27/16 F/YR16/0375/F 45 - 45A BASSENHALLY ROAD, WHITTLESEY, CAMBRIDGESHIRE,

Members considered 2 letters of objection.

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

David Rowen presented the application to members and informed them that updates had been received as per the documents circulated.

Members received an objection in accordance with public participation from Mrs Hazel Winterton

Mrs Winterton confirmed that she lives at number 43 which is adjacent to the proposed development and wishes to raise concerns about this development, in particular to the access of the proposed development and its proximity to her property.

Mrs Winterton stated that there would inevitably be extra cars from this development. Currently cars are parked all the way along Bassenhally Road and with the proposed development if she parks outside of her property she would actually be parking on the junction of the access to this proposed development. This is not an ideal situation as Bassenhally Road is a very very busy road and even now she has problems getting out of her gateway because of all the traffic. This proposed development would mean even more vehicles on an already very busy road.

Mrs Winterton stated that she is concerned that the car port that it is suggested will be demolished joins her property and along with the demolishing of half the house she is concerned how this would affect her property and its foundation.

Mrs Winterton raised her concern about the proposed development as the plans show the roadway going into the site and a piece of grass land at the bottom of the site but in her opinion there is not enough room there.

Mrs Winterton informed the committee that the chain link fence that is referred to in the proposed planning application is in fact her boundary fence and that the developers are also proposing to take down a hedge and 2 trees on her boundary, which she is not happy with.

Mrs Winterton stated that there is a concrete pillar outside of the front of her property of which the developers proposed to remove but she does not agree with this as it will leave a mark on her front wall where it has been so would be unsightly.

Mrs Winterton raised her concern about the refuse bins as the proposed collection point of the bins for this development would be outside of her window. This would mean 8 bins outside her window on collection day. Mrs Winterton added that the actual bin collection point is quite a way from the properties on the proposed development so they could be left out there all week. If there is windy weather the bins themselves could be blown into the road and reiterated that this is a very busy road.

Councillor Miscandlon asked if members had any questions for Mrs Hazel Winterton

- Councillor Bucknor asked for clarification that she lives at number 43? Mrs Winterton confirmed that is correct, adding that the car port that is proposed to be demolished is attached to her bungalow and she has lived there for 35 years.
- Councillor Connor asked for clarification if her property is single brick. Mrs Winterton confirmed that half the bungalow was originally built single and half double.

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

- Councillor Mrs Laws confirmed that she is a Whittlesey Town Councillor and knows the area well raising her concerns about the road which is very busy; a rat run cutting through several residential estates; very busy with traffic all day including HGV routes. She added that the road leads to the cemetery and in some areas is very narrow with most of the properties along it being family homes which have 2 or more cars parked in the road. There are no double yellow lines along this road and vehicles park both sides with traffic having to pull out to see and avoid on-going traffic. Councillor Mrs Laws stated that although the proposed development is in a zone 1 flood area it is extremely close to flood zones. She also is concerned about the refuse bin collection and storage especially with bins being left out on the narrow pathway.
- Councillor Mrs Hay enquired about question 5.4 on the report from Highways concerning the
 access road and splay and why they wanted clarification of No. 43 ownership? David
 Rowen confirmed that Highways query was around the visibility splay at No. 43 and were
 satisfied with the answer.
- Councillor Murphy enquired if the roadway would be made up to adoption standard? David Rowen confirmed this would be the case and 10m to be hard surface.

- Councillor Murphy enquired if there would be anything on the deeds of the proposed properties around a bin collection point and specific days that the bins could be left out in respect of the collections. David Rowen confirmed that this is beyond the control of planning, being a personal behaviour, and that planning could not legislate for this.
- Councillor Murphy enquired if planning could put a RECAP (Refuse Collection Standards)
 notice on the proposed development properties. David Rowen confirmed that RECAP is
 guidance for planning and this has been taken into account in respect of whether bins are
 left in front of the property or not.
- Councillor Miscandlon asked for clarification concerning the hedge not being in the applicants control and would therefore number 43 have to comply. Nick Harding referred to the plans and visibility splay and if it is owned by a third party, as in this case, then an agreement has to be met by the developer.
- Councillor Mrs Davis raised her concerns on how this proposed development would affect number 43 and residents in Bassenhally Road generally.
- Councillor Mrs Laws asked for clarification on the root expanse of the trees and if there are any special interest trees on the proposed site? David Rowen confirmed by showing photographs on the screen of the site that the proposed development site just has self-set vegetables and some fruit trees only. Councillor Mrs Laws asked for clarification if the owner refuses to cut hedges as she has had issues in Whittlesey before. Nick Harding confirmed from time to time there is non-compliance with conditions of this type but this is similar around the Country.
- Councillor Cornwell read out the Health and Wellbeing Policy of the Council LP2 which states clearly how developers in their application should add value to residents and that area of the proposed development and confirmed that there would be an issue under this Policy in respect of the refuse bins being left for collection outside of the window at number 43.
- Councillor Sutton referred to everyone's comments in respect of this proposed development stating that he would like to remind the committee of past developments which are close to and similar to this proposed application. Ruth Lea reminded the committee members that they have to balance and consider this proposed application taking into consideration all merits and concerns.
- Councillor Cornwell reiterated that as a Council we have a Health and Wellbeing Policy LP2
 which is clear how developers should add value to residents of that area and their wellbeing
 and confirmed that he has concerns about the refuse bins being left outside of the window
 of number 43 on collection days.
- Councillor Miscandlon referred to note 5.1 from the application in respect of the asbestos survey prior to demolition as the bungalow on the site is made of asbestos and there is potentially a health risk. Nick Harding confirmed that there is no need for planning to duplicate legislation already in place.
- Councillor Mrs Laws proposed a recommendation for refusal and Councillor Cornwell seconded. Councillor Miscandlon recognised their recommendation and asked for specific reason. Councillor Laws quoted LP2 and Councillor Cornwell also quoted LP2 Health & Wellbeing in respect of the environment, layout of the site being over developed and how it will affect the wellbeing of the residents. Nick Harding summarised that members have indicated that the layout and number of plots are not characteristic to other dwellings in the area and this is a more intense development.
- Councillor Cornwell stated that he was also concerned about Policy LP16 which refers to the provision of adequate storage and facilities for waste.

Proposed by Councillor Mrs Laws, seconded by Councillor Cornwell and resolved that the application be:

REFUSED as per the recommendations:

1. Policies LP12(d) and LP16(d) of the Fenland Local Plan seeks to ensure that new

developments will make a positive contribution to the local distinctiveness and character of the area, enhance their local setting, respond to and improve the character of the local built environment, reinforce local identity, provide resilience to climate change, reinforces local identity and do not adversely impact in design, character and appearance to scale terms, on the street scene or settlement pattern. The proposed development would introduce 4 dwellings to the site, which would result in the erosion of the existing character by reason of the over development t of the site and will impact on the character of the area and enjoyment of life and well-being. The proposal would therefore be contrary to Policy LP12 and Policy LP16

(Councillor Miscandlon and Councillor Mrs Laws stated that they are a member of Whittlesey Town Council and attend their planning meetings but take no part in the decision making.)

(Councillor Mrs Hay and Councillor Murphy stated that they attention Chatteris Town Council planning meetings but take no part in the decision making.)

P28/16 F/YR16/0534/F LAND NORTH EAST OF 2, THE BANK, PARSON DROVE, CAMBRIDGESHIRE

Members considered 1 letter of objection and 1 letter of representation.

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

David Rowen presented the application to members and informed them that updates had been received as per the documents circulated.

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

- Councillor Connor asked for clarification in respect of the OPP (Outline Planning Permission) that this had been determined by delegated officers previously? David Rowen confirmed the OPP had been determined by delegated officers previously. Councillor Murphy referred to the OPP and he questioned the access and how narrow the roadway is to this site, he stated that in his opinion this OPP should have come to the Planning Committee; however this was previous to this Committee. The Committee discussed the narrow access to the site of which they inspected on their site visit and had problems with the mini bus getting to the site because of the narrow access.
- Ruth Lea stated that committee members are giving their opinions on the matter but reminded them they were not revisiting the OPP but making a decision on the planning application in front of them today and needed to make their decision accordingly.
- It was agreed by the committee members and officers to have a discussion after the meeting concerning future delegation process.

Proposed by Councillor Connor, seconded by Councillor Murphy and resolved that the application be:

GRANTED as per the recommendations:

With the delegated powers given to the Head of Planning to agree the Highways amendments and conditions as per the recommendation in the Officers report in the interests of highway safety and residential amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan.

- 1. The development shall be begun before the expiration of 3 years from the date of this permission to ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. No works shall commence on site until such time as a Construction Management Plan shall be submitted to an approved in writing by the Local Planning Authority to include: houses of on-site working; parking; turning of loading/unloading areas for all construction/contractors vehicles; site compounds/storage areas; wheel cleaning facilities; noise manage; control of dust arising from building site and works; details of remedial measures to be taken if complaints arise, In the interest of the highway safety and residential amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan 2014.
- 3. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.
- 4. No development shall commence on site until duchy time as details of existing ground levels proposed, shall be submitted and approved by the Local Planning Authority. In the interests of visual amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.
- 5. If during development, contamination not previously identified is found to be present at the site then a Method of Statement detailing how this contamination shall be dealt with. To ensure development complied 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 2014.
- 6. Prior to commencement approved the permanent space shown on plans to enable site vehicles to enter, turn and leave in forward gear, park clear of the public highway, load and unload. In the interests of satisfactory development and highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.
- 7. No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work. To secure the provision of the investigation and recording of archaeological remains threatened by the development in accordance with Policy LP18 of the Fenland Local Plan 2014.
- 8. Any conditions required by CCC Highways
- 9. Approved Plans

(Councillor Miscandlon and Councillor Mrs Laws stated that they are a member of Whittlesey Town Council and attend their planning meetings but take no part in the decision making.)

Councillor Mrs Hay and Councillor Murphy stated that they attend Chatteris Town planning meetings but take no part in the decision making.)

P29/16 F/YR16/0549/F

LAND NORTH OF THORN HALL, FENDYKE LANE, LEVERINGTON,

CAMBRIDGESHIRE

ERECTION OF A 2-STOREY 4-BED DWELLING WITH DETACHED DOUBLE

GARAGE

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

David Rowen presented the application to members and informed them that no update had been received.

Members received a presentation in accordance with public participation from James Burton, supporting the application:

Mr Burton stated that this application has local resident and parish council support and has no objections from statutory consultees, parish council or local people, he added that supporters agree that this is an appropriate building in an appropriate place and will improve the appearance of the area.

Mr Burton stated that Mr & Mrs Turner should be allowed the opportunity to continue to live on the road in which they have grown their business, which was established in 1986 and currently employs 16 full time staff and farms 300 acres from this site.

Mr Burton explained that Mr & Mrs Turner will be passing the growing business onto their Son but would need to live next door to the site to be able to manage an operation such as this.

Since before 2015 Mr & Mrs Turner have been trying to find ways to continue to live in the same area where they have put down their roots and have even made an offer to purchase the property opposite but this was rejected.

Mr Burton stated Mr & Mrs Turner also considered the possibility of an agricultural tied dwelling and in addition to this an intention to convert one of their existing agricultural buildings as a last resort but has noted that officer reported that it would sway towards a refusal of this, however Mr Burton feels that each application should be taken on its own merit.

Mr Burton referred to Paragraph 55 of the application which allows for a suitable dwelling which should be outstanding and innovative, being sensitive to the area and stated that this property would deliver neutral carbon and be energy efficient. In his opinion this project is truly innovative and will provide the first open market zero rated carbon energy property in this area. Mr Burton confirmed that the plans were constructed by the University of Cardiff to demonstrate this type of building and he referred to the image on the screen.

Mr Burton stated that this would be an A+ energy rated building and generating more energy than it uses being 0% carbon yet can be achieved in a traditional dwelling but reflecting the high standards in architecture and that this building would be the first of its kind in the open market and the most sustainable building in Fenland, being truly sustainable in a traditional form.

Mr Burton stated that in his opinion this application meets all the requirements and that this project would be the first of its kind and would allow Fenland to demonstrate to the rest of the Country that sustainable dwellings can also be in a traditional form.

Mr Burton confirmed that the site is presently paddock land and with natural boundaries of drains, hedges etc and also in a flood zone 1. Mr Burton referred to the image on the screen which showed clearly the site and that it is not in the open countryside or an isolated area. The proposed site links its boundaries with residential, commercial developments and there have been two residential planning approvals recently along Fendyke Lane nearby.

Mr Burton concluded that respectfully he hopes that the committee supports the proposal under Paragraph 55 of the NPPF (National Planning Policy Framework) as in his opinion this building an exemplar to the rest of the Country.

Councillor Miscandlon asked if members have any questions for Mr James Burton:

Councillor Sutton asked Mr Burton's to clarify that he mentioned 'open market' in his presentation and was that correct? Mr Burton confirmed that he had mentioned 'open market' and this was part of the research project looking at on the open market as this would be the first one that could be delivered of this type.

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

• Councillor Mrs Laws asked for clarification of the planning officers that two other sites had planning permission approved in proximity of this application? Nick Harding confirmed that he did not have the full background details associated with these. Councillor Mrs Laws asked if planning officers could clarify that the planning permissions had recently been approved. David Rowen confirmed that there had been two submitted as prior notifications and these were for barn conversions which is a different process to this planning application. Nick Harding confirmed that barn conversions only have a fixed number of issues to be considered by planning.

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

REFUSED as per the officers recommendations:

Paragraph 55 of NPPF allows a new isolated home in the countryside if the design is of exceptional quality or of an innovative nature.

It is considered that the majority of the qualities of the scheme are not exceptional and would form part of the design solutions of most dwellings as a cost saving process with regard to reducing the running costs of the dwelling and the incorporation of renewable schemes

(Councillor S Clark declared a non-pecuniary interest in this item by virtue of the fact that she was approached by the applicant to speak on this application but could not and had advised them to find an alternative person.)

2:36pm Chairman