

MINUTES

PLANNING COMMITTEE



12 OCTOBER 2016 - 1:00PM

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, Councillor Mrs F S Newell and Councillor W Sutton.

APOLOGIES: None

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

P30/16 PREVIOUS MINUTES

The minutes of the meeting of 14 September 2016 were confirmed and signed.

P31/16 F/YR16/0264/F LAND WEST OF 126-132 ELLIOTT ROAD ACCESSED FROM, PEAS HILL ROAD, MARCH, CAMBRIDGESHIRE ERECTION OF 9 X 2-STOREY 2-BED DWELLINGS

Members considered 8 objections 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 document circulated. He also informed committee members of a land ownership issue which has been raised and which may have procedural implications but would not materially affect the consideration of the application.

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

- Councillor Mrs Hay asked for clarification on how many parking spaces there are on the development, is it 15 or 18 as this is not clear. David Rowen confirmed that there are 18 and referred to the plan which shows 15 spaces in the court area, 2 spaces at number 7 and 1 space at number 6.
- Councillor Mrs Hay referred to page 15 of the report with comments from the Highways Authority in respect of the number of acceptable parking spaces being 5 spaces for one driveway and asked for clarification. Planning Officers confirmed that no more than 5 dwellings from a private driveway are usually acceptable to the Highway Authority.
- Councillor Mrs Hay raised her concerns about the width of the road, the intersection and access to this development. She questioned if the road was wide enough for parking and for refuse collection to take place. David Rowen confirmed that planning officers have referred to the refuse collection strategy in respect of this development. Councillor Murphy stated he has concerns with the road width and refuse collection and asked for clarification on whether it would be the council or private refuse collection taking place on this development as this was not clear in the report. David Rowen referred to condition 12 on

page 23 of the report where it states that details are requested from the applicant in respect of refuse collection and potentially there could be bin collection points or that the development would be serviced by private refuse collection. David Rowen confirmed that the issue of refuse collection would be resolved in the condition of the planning permission.

- Councillor Cornwell referred to comments made by Highways that the road serves 9 dwellings but in his opinion it is in fact 10 and asked if the Council has a policy regarding how many dwellings can be served by a private drive. Nick Harding confirmed that the Council does not have a policy on the maximum number of dwellings that can be served by a private drive.
- Nick Harding stated that neither the District nor the County Council can insist on developments having adopted roads but the County Council would prefer schemes of more than 5 dwellings to have a road designed to an adoptable standard, however that is guidance only.
- Nick Harding stated that this site is ideal for planning and if it wasn't housing it could be offices but it would still have the same situation with traffic on a unadopted road. Nick Harding clarified that if the committee members were considering refusal on grounds of inadequate access that they need to take into consideration that the County Council Highways have no objections to this application and committee members must be clear where the expert advice will be coming from for members to be able to defend an appeal, if there were to be one.
- Nick Harding stated that the road width at the access with Peas Hill Road is 5.5 meters and this widens at the end of the development to 6 meters which is adequate for vehicles passing.
- Ruth Lea clarified for the committee members that there are no objections from highways and members are dealing with the development application before them today for 9 dwellings. She also confirmed that the unadopted road will be dealt with by the District Council and that planning officers have confirmed they have undertaken the necessary assessment finding the practical implications to be satisfactory and will be dealt with under the conditions. Ruth Lea reminded committee members to consider the application before them.
- Councillor Cornwell stated that in his opinion there are 10 dwellings served by the roadway. Councillor Miscandlon confirmed that the access for the 10th dwelling is already an established access and therefore cannot be taken into account.
- Councillor Mrs Laws raised concerns about refuse collection and asked if this issue could not have been sorted earlier with the applicant or agent before it came to the Planning Committee and also with the Section 106 agreement making sure that when the committee meet they have a complete application.
- Councillor Mrs Newell raised her concern about draining and flooding of the gardens to the existing dwellings in this area. Councillor Mrs Newell also stated she is concerned that the application states the drive will be gravel and this is a poor surface for roads because of the noise. David Rowen confirmed that the site is a flood zone 1 and not prone to flooding and clarified that there is a condition within the planning permission requiring details of drainage to be submitted. Nick Harding confirmed that there will be a surface water drainage scheme and this should see a significant improvement over the existing drainage as it would be of a higher standard and clarified that this former dairy site was covered with hard concrete standing. Nick Harding stated that planning officers are aware of gravel noise and that this would be dealt with as a condition of the application.
- Councillor Bucknor enquired if a condition could be included in respect of the refuse collection policy. Councillor Sutton stated that in his opinion the road not being adopted and therefore is not an ideal situation on this development.
- Councillor Sutton asked if officers could clarify whether affordable housing is on 9 or 11 dwellings because 2 bungalows have already been built on the same land. David Rowen confirmed that affordable housing has been assessed on 9 properties as planning permission was granted prior to this proposed development and before the adoption of the Local Plan for the 2 bungalows which are therefore not included. Councillor Sutton asked if

planning officers could investigate if the 2 bungalows can be included in the affordable housing policy. Nick Haring stated that he would have to investigate further before coming to a conclusion on the matter of the 2 bungalows being included. Ruth Lea confirmed that obligations on Section 106 are for Legal to clarify with planning officers and it is usual that they only secure Section 106 on current applications. Councillor Alex Miscandlon confirmed that the Section 106 matter will be investigated by Legal and Planning Officers.

- Councillor Murphy asked for clarification that the planning authority could ask for full details from developers in respect of drainage and refuse collection if they are submitting an application for full planning permission. Nick Harding confirmed that applicants are not obliged to submit the full details, for example on foul draining or surface water with the initial application and that this process is an established practice. Councillor Mrs Hay raised her concerns and referred to comments made by the March Town Council in the report who believe that the site is over developed and that is also her opinion. Councillor Hay stated that in her opinion over development of the site is also reflected in the conditions of the application stating that planning permission would be required for erection of greenhouse in the garden and for raised steps. Councillor Mrs Laws suggested that Fenland could lead the way and produce a policy in respect of surface water draining management issues to be submitted with applications.
- Councillor Cornwell asked for clarification on the gravel surface condition and comments made by committee members on this issue. Nick Harding confirmed surface materials can be a variety of products that are adequate but planning officer's view is that gravel is not suitable and this would be a condition of the planning permission. Nick Harding added that officers had already anticipated that committee members would be concerned about the gravel surface as officers do not think that this surface is satisfactory for this development road.
- Councillor Sutton stated that whilst attending recent planning training it was suggested that developers and agents have the full information submitted with an application and this included road surfaces. Councillor Sutton added that if this practice was adopted then there would be fewer conditions in the permission and would assist in a shorter waiting time in respect of conclusion of conditions.
- Councillor Mrs Laws requested that if the application is granted that there be a condition on the developer to sign up to a construction management scheme as this development is in close proximity to existing residents. Planning Officers confirmed that this would be an informative condition attached to the permission.
- Councillor Miscandlon asked for a proposal. Councillor Sutton proposed approval as per the officer's recommendation, seconded by Councillor Bucknor. Councillor Miscandlon as Chairman asked for all in favour to vote of which 3 were in agreement but 7 against.
- Councillor Miscandlon as Chairman confirmed that the application has been put forward for refusal and asked members for the reasons for the refusal and that this would require a second proposal for the refusal. The Chairman took advice from officers and legal representation regarding the process required in this situation and confirmed that the procedure is if a majority of the committee were minded to refuse the application this would require a further proposal for refusal and stating the reasons for that refusal.
- Councillor Cornwell proposed refusal, seconded by Councillor Connor. Councillor Miscandlon as Chairman asked for reasons for refusal for the application. Councillor Bucknor confirmed 3 reasons being number one over intensification, number two drainage and referred to 5.8 and 5.9 in the report which states neither Anglian Water or Middle Level made any comments and number three being refuse collection system not in place. Councillor Miscandlon as Chairman clarified the 3 reasons stated by Councillor Bucknor. Nick Harding stated that members need to indicate their reasons for over intensification with what harm that this would cause residents and that the drainage and refuse collection can be resolved as a condition.
- Councillor Cornwell raised his concerns again in respect of the drainage matter and if a condition on the planning permission could deal with the issue. Ruth Lea clarified the legal position for committee members that the Council can grant planning permission subject to

conditions and that Nick Harding had already pointed out that the planning authority and the planning officers themselves cannot compel any applicant to bring forward all issues. Ruth Lea reminded committee members that planning officers are satisfied with the long list of conditions on this application and it is certainly usual that planning permission can be granted with a plethora of conditions. Ruth Lea reminded committee members of the information given by officers and discussions that have taken place on this application and that they must be very clear on the reasons for refusal.

- Members discussed the conditions again. Nick Harding confirmed that the conditions are set out in the report and that these are made very clear for both the developer and planning officers. Nick Harding reminded committee members of the need to be consistent when taking into consideration conditions within planning applications.
- Councillor Connor referred to concerns in respect of intensification. Nick Harding stated concerns on refusing on intensification will require clarification in what way it manifests itself with harm as this is what an inspector would require if there was a refusal. Nick Harding stated that there are adequate parking facilities and that the County Council are happy with the access and garden size to dwellings in this development along with sufficient space between this and other developments with the proposed properties not overbearing to existing developments in the area.
- Cllr Mrs Newell stated that in her opinion there are too many conditions on this application and concerned that she could see no mention of archaeology in the report. Councillor Miscandlon confirmed that it is possible to grant with many conditions and referred to number 5.6 in the report which states archaeology as a condition and that officers consider all these conditions appropriate for this development.
- Councillor Murphy stated in his opinion the site is overdeveloped.
- Nick Harding reminded committee members that this site was previously used as a dairy and no matter what development was proposed on this site the road would not be adopted. Nick Harding also confirmed that there is adequate turning space on this site and that the width of the road is no less than you would find on a residential cul-de-sac.
- Councillor Mrs Davis raised concerns in her opinion that the site is over intensified and that one condition proposed is that the new dwellings would not be allowed a greenhouse in the garden and that is because of it being overdeveloped. Nick Harding clarified that the condition does not say cannot be allowed a greenhouse in the garden but would require planning permission and this does not make this development a poor one.
- Ruth Lea reminded members that a planning authority is perfectly entitled and able to grant planning permission with conditions and in the NPPF (National Planning Policy Framework) which states that planning authorities are to work with developers and look positively to enable achievement of development. She confirmed that the planning officers have given clear advice to committee members on their views and balanced all matters for consideration with this applications going to vote with 3 potential reasons for refusal of which over intensification being the main reason. Ruth Lea stated that Nick Harding has asked for more information to demonstrate the implications and confirmed that planning officers have advised that conditions are perfectly appropriate and that members need to give further information on the reasons for refusal.
- Councillor Mrs Newell confirmed that it stated in the report under conditions that 'no development should take place including any works or demolition without a construction management plan had been submitted and agreed in writing by the planning authority' and asked for clarification on this condition. Nick Harding confirmed that no planning permission has been granted and that this is part of the conditions before you. Councillor Miscandlon as Chairman confirmed that members cannot enforce anything if it has not been approved and that construction management is one of the conditions.
- Councillor Murphy made a suggestion to move on as this issue has become a stale and proposed to defer the application requiring more evidence. Nick Harding informed committee members that they could seek clarification on the refuse collection and surface water drainage but committee members have already stated 3 reasons being number one refuse collection, number two drainage and both of these can be resolved with conditions,

which leaves number three being the matter of over intensification and require committee members to provide the reasons for over intensification.

- Councillor Cornwell stated Section 106 and open space contribution as another reason for refusal. Nick Harding confirmed that given the scale of the development if deemed a reason for refusal committee members would have to clarify. Councillor Bucknor referred to a previous discussion with officers that delaying on a condition in respect of the refuse policy would be pointless as it has already been confirmed by officers that this can be resolved in a condition.
- Councillor Miscandlon referred committee members to the 3 reasons already given of which refuse collection and drainage can be satisfied as a condition which leaves the matter of over intensification which Nick Harding has requested clarification for refusal. Nick Harding reminded committee members that they have given 3 reasons for refusal and that this proposal would obviously need to be withdrawn if an alternative proposal put forward or to vote on those 3 reasons.
- Councillor Sutton reminded committee members of a decision made last year to refuse on a similar application but on grounds of Section 106 and diversity. Councillor Sutton added that in this case all issues can be resolved with conditions and if this application went to appeal would probably loose. Councillor Cornwell stated if go to appeal we would have no control but as long as we get our decisions correct as a committee. Councillor Sutton reminded members appeal costs are expensive.
- Councillor Connor stated that there is a stale mate situation and that Mr Harding has given us adequate reasons on conditions that cover the issues of concern and suggested to vote again. Nick Harding confirmed to committee members that his role is to advise on planning matters only and if his recommendation is going to be overturned then so be it and that it is his job to help members come up with robust reasons for refusal and to do this with honesty and integrity. Nick Harding added that he is unable to help members decide on the reasons for refusal and reminded members that they currently have 3 reasons tabled and members need to either put this to the vote or withdraw the refusal. Councillor Alex Miscandlon as Chairman asked members if they wish to vote now on reasons stated over intensification, as currently have a proposal from Councillor Cornwell, seconded by Councillor Connor. Councillor Mrs Laws stated that she wished to make suggestion to withdraw that vote. Councillor Miscandlon as Chairman confirmed that members already have a proposer and seconder and must take vote on that.
- Ruth Lea reminded committee members that they have a proposal on table to refuse for the 3 reasons previously stated and that the proposer being Councillor Cornwell and seconded by Councillor Connor.
- Councillor Connor and Councillor Cornwell both confirmed that they wish to withdraw the proposal made to recommend refusal. Councillor Miscandlon as Chairman confirmed that it has been duly noted that the proposal to refuse this application has been withdrawn by the Proposer and Seconder and therefore asked for another proposal from the floor
- Proposed by Councillor Sutton to proceed with the officer's recommendation with the condition on Section 106 and seconded by Councillor Bucknor. Councillor Miscandlon as Chairman asked for all in favour to show of hands and it was 8 in favour with 1 against.

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

GRANTED as per the officers recommendations and conditions including an additional condition regarding surface water drainage and with delegation to officers to address the ownership issue and any matters arising from this:

Completion of Section 106 agreement. Should the applicant be unwilling or unable to complete the Section 106 agreement within 4 months from the date of committee then delegated powers to be given to Officers to refuse the application.

Conditions as set out below:

- 1. 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.**
- 2. A satisfactory scheme of external finishes shall be submitted to and approved in writing by the Local Planning Authority before any development commences on the site, and the work executed in accordance with the approved scheme. Reason - to safeguard the visual amenities of the area and in accordance with Policy LP16 of the Fenland Local Plan 2014.**
- 3. 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.**
- 4. Prior to the commencement of development, a scheme for the provision of external lighting shall be submitted and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity. Reason - in order to ensure adequate safety and security on site and in accordance with Policies LP16 and LP17 of the Fenland Local Plan adopted May 2014.**
- 5. Prior to commencement of development details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details. Reason - to ensure that the precise height of the development can be considered in relation to adjoining dwellings and to reduce the risk of flooding to the proposed development and future occupants and in accordance with Policies LP14 and LP16 of the Local Plan 2014.**
- 6. No development shall commence on site until such time as details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established). Reason - to ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy LP15 of the Fenland Local Plan 2014.**
- 7. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the Local Planning Authority (LPA) and receipt of approval of the document/documents of the LPA. This applied to paragraphs a), B), AND C). This is an iterative process and the results of each stage will help decide if the following stage is necessary. a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site. b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling shall be carried out by a suitable qualified and**

accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology. c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applied to paragraphs d), e), and f). (d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. (e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA. (f) Upon completion of the works, this condition shall not be discharged until a validation/closure report shall include details of the proposed remedial works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site. Reason - to control pollution of land or water in the interests of the environment and public safety in accordance with Policy LP16 of the Fenland Local Plan 2014.

8. Prior to the commencement of the development (and notwithstanding the approved plans) full details of the proposed on-site parking and turning areas including details of how they shall be laid out, levelled, surfaced, demarcated and drained shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully executed on the site and retained in perpetuity for that specific use. Reason - to ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety.
9. No development shall take place including any works or demolition until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for: Parking of vehicle of site operative and visitors - routes for construction traffic - hours of operation - method of prevention of mud being carried onto highway - pedestrian and cyclist protection - any proposed temporary traffic restrictions and proposals for associated safety - signage. 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 2014.
10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations: i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks (as detailed in Schedule 2, Part 1, Classes A and E); ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, part 1, Classes A and S); iii) 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); iv) alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1, Class C). Reason - to safeguard the amenities currently enjoyed by the occupants of adjoining dwellings and in order to control future development and to prevent the site becoming

overdeveloped in accordance with Policy LP16 of the Fenland Local Plan 2014.

11. Prior to the commencement of the development hereby approved, details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the dwelling(s) and retained in perpetuity thereafter. Reason - to ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy in accordance with Policy LP16 of the Fenland Local Plan 2014.
12. Prior to commencement of development a refuse collection strategy including full details of any bin collection areas shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing. Reason - to ensure a satisfactory form of refuse collection and in accordance with Policy LP16 of the Fenland Local Plan 2014.
13. Approved Plans.

(Councillor Mrs Newell, Councillor Mrs Hay and Councillor Murphy state that they attend the Chatteris Town planning meetings but take no part in the decision making)

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

(Councillor Bucknor stated that he attends the Wisbech Town Council planning meetings but takes no part in the decision making)

P32/16

F/YR16/0436/O

**LAND NORTH OF WOODVILLE, WISBECH ROAD, MARCH, CAMBRIDGESHIRE
ERECTION OF 9 X DWELLINGS (MAX) (OUTLINE WITH MATTERS COMMITTED
IN RESPECT OF ACCESS)**

Members considered 3 objections 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 no updates had been received.

Members received a presentation in accordance with public participation from Mrs Jan French.

Mrs French declared a personal interest in this application as the site is next to her home and clarified that she was not speaking as a District Councillor, and also that she did not attend March Town Council when the sub-committee made its decision on the application.

Mrs French confirmed that she was not against the application but did object to what is in front of her today due to the inaccurate information in the report.

Mrs French confirmed that the site had planning permission in the past and that this has lapsed with the original approval given for 6 workplace homes. She stated that the approval was given prior to the NPPF (National Planning Policy Framework) being introduced in 2010 and part of that framework was to stop garden grabbing and overdevelopment of sites and that this application is now for an additional 3 therefore in her opinion the NPPF is being ignored.

Mrs French stated she has highway concerns and she was pleased to see that highways were represented here today. She referred to number 5.6 in the report concerning objections by County Council and that they did have concerns because this road is the A141 and is not a normal street. She confirmed that there is a technical note within the report which includes accident statistics provided by the applicant and that these figures are County Council original accident statistics which are incorrect. Mrs French referred to Table 1.1 accident 3 and confirmed that this was not a 5-7.5 ton van but in fact it was a grain lorry (photos if anyone wishes to see them) and it was a serious accident and confirmed that this accident involved her Son and he nearly died. Mrs French referred to 1.21 stating all conditions were recorded while the speed limit was 50mph but this was not true. Mrs French clarified that there was a temporary 40 mph limit due to the construction of Cobblestones at that time. Mrs French confirmed that the driver was not speeding but that the driver's taco graph was almost out of time and the driver was later convicted of dangerous driving with a 3 month suspended prison sentence and banned from driving.

Mrs French confirmed that there is now a 40 mph speed limit and that this was introduced by herself and fellow March Town Councillors but it does not stop speeding only gives the Police a means to catch them.

Mrs French referred to the flooding problems which in her opinion does not appear to have been taken seriously and that there have been many years of problems with surface water drainage on this land. Mrs French confirmed that the flooding problem was so bad that the farmer who used to farm this land gave it up as a bad job. Mrs French stated that the dyke in front of this land has never been maintained by its owners and due to that reason there have been many flooding issues over the years, especially at St Marys Church where the graves have been flooded. Mr French stated that the dyke running to the side of this site has been maintained by her for over 32 years and when the floods happened in August 2014 she and her neighbours paid to have this dyke cleared and dug out deeper in order to stop any potential future flooding. Mrs French added that she had paid to have the front pipes pressure cleaned which she has done many times over the years.

Mrs French clarified that the National Institution of Insurers state that it is up to home owners to protect their properties. If this application is approved without the proper consideration of drainage, members are putting properties in danger.

Mrs French confirmed that there is no main sewage in Westry and all properties have their own cesspits for the sewage system. Mrs French confirmed that in the report it states that the existing water course and foul sewage to be disposed via main sewers and asked how is this possible if there is no main sewage. Mrs French stated that in the report number 8.1 and 8.2 conflict with each other and surely this should have been sorted out now and not left to a later date as this will have an effect on a number of dwellings who will be responsible for the maintenance of that system.

Mrs French stated that Westry is not in the market town of March but is in fact a Village.

Mrs French stated that as she has mentioned before she does not object to the development of this site only the over development and asked members if they are likely to approve she would be grateful to a restriction of operating times during the construction.

Questions for Mrs French:

- Councillor Mrs Laws stated that when she was on site it was noted that Mr French has submitted photographs and asked if members seen the photographs showing the flooding. Mrs French produced these photographs and they were handed around to members.
- Councillor Mrs Laws stated that one of her concerns is the water and drainage problems as

it is apparent what Mrs French has described what actually happens as there is the evidence in the photographs.

- Councillor Mrs Laws asked Mrs French to clarify that if there is no main drainage has the dyke that you and your neighbours have been restoring and maintaining been piped. Mrs French confirmed that the dyke has been piped at the bottom of the site to hopefully stop flooding problems partially and that this work was carried out properly by contractors and is not a 6 inch pipe. Councillor Mrs Laws asked if this piping had been approved by the Environment Agency. Mrs French confirmed that it had been approved by the Environment Agency and they have inspected recently checking all cesspits and drainage as there had been a complaint further along the road.
- Councillor Mrs Laws asked for clarification from Mrs French that if the dyke has been partially piped did anyone recommend any other surface water remedial works in respect of piping or any other future plans. Mrs French confirmed that no advice was given and that she welcomes this development as the front of the site has not been piped. Mrs French stated that this dyke allows water to trickle through and when there is a lot of rain it cannot cope and spills over into the churchyard and floods the graves. Mrs French stated that this dyke drainage needs something doing to elevate the problem and why she is concerned with the site being over developed.

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

- Councillor Murphy stated that on inspection of this site he stood on the very busy main road and felt uncomfortable standing there with all the speeding traffic going past. Councillor Murphy has concerns in respect of another opening onto this busy main road and access to so many new homes directly onto main road of which the access would be situated next to the layby at the narrowest part of the road.
- Councillor Murphy stated that permission previously granted was for 6 units and feels that an additional 3 units is unacceptable due to extra traffic existing this access onto the main road. Alex Woolnough from Highways responded to Councillor Murphy's comments to confirm that highways have taken into consideration that this development had already received planning permission for 6 dwellings with access onto the A141 which was acceptable and that 3 extra dwellings would only result in 1.5 to 2 extra trips per day which would not justify a reason for refusal on these grounds. Alex Woolnough clarified the only reason for refusal on a highway matter would be if there was evidence regarding the highway safety and confirmed that in 2007 when permission was granted for the 6 units the road had a 50 mph speed limit and he has 5 year statistical accident data evidencing a reduction in accidents since the 40 mph limit was introduced.
- Councillor Murphy referred to originally 6 dwellings and now 9 dwellings and his concern that even more dwellings could be added and all with direct access onto the busy main road. Alex Woolnough confirmed to members that they would need to demonstrate and evidence clearly their concerns with safety on the highway if thinking of refusal on that basis.
- Councillor Bucknor referred to the statistical information which was discussed with Alex Woolnough Highways Officer who confirmed that since the reduction of the speed limit to 40 mph there had only been 1 serious accident outside of the KFC access.
- Councillor Mrs Laws raised concerns in respect of the layby which is used by HGVs and tractors to pull off the road to allow traffic which has built up behind them to pass and her concern is around the proximity of this layby to the proposed access. Councillor Mrs Laws stated her concern that there are many minor accidents along this road which are not reported and a lot of the vehicles speed along this road even though there is a 40 mph speed limit. Councillor Mrs Laws has concerns in respect of traffic turning into KFC/Cobblestones access or Tesco access which is confusing with traffic coming out of Tesco only allowed to turn left but KFC/Cobblestones can turn right as well
- Councillor Mrs Laws stated that in her opinion the access should only have a turn left onto

this busy main road and that this would be a proactive measure to reduce accidents.

- Councillor Cornwell stated that Westy is his ward as Councillor and he knows how busy this road is and can confirm that there are many accidents which are not reported. Councillor Cornwell stated that in his opinion members of the public cannot walk along the path without feeling unsafe due to the amount of traffic speeding by and agrees with Councillor Laws for a left turn due to the confusion of the access with KFC/Cobblestones and Tesco turning.
- Councillor Cornwell stated that the Council's local plan indicates the area is part of Westry and this is not a residential area.
- Nick Harding stated that comments made from members are indicating towards a refusal on the grounds of highway safety and if that is the case he would recommend members consider deferring on a decision to take third party advice on the highway impact. Nick Harding confirmed his reason for suggesting this is that if refused on highway safety grounds there would be a need for a highway expert to represent the Council at an appeal and that planning officers are not highways experts therefore a need for an independent view would be required if members were considering refusal on highway safety.
- Councillor Mrs Newell asked if the draining issue could be investigated
- Nick Harding confirmed that if member are going to defer the application on highway safety then the presumption is that members are happy with the other conditions and that there is a specific condition asking the developer to supply full details in respect of satisfactory disposal of foul water drainage.
- Alex Woolnough referred to the point made by members concerning the layby issue in respect of slow vehicles pulling off the main road to allow traffic to pass and that this is an infrequent occurrence and therefore not an issue for Highways. Councillor Mrs Laws and Councillor Cornwell confirmed in their opinions that the layby is used frequently as a pull off point and concerned about safety.
- Councillor Miscandlon asked for a proposal
- Proposed by Councillor Cornwell, seconded by Councillor Connor to defer the application. Nick Harding clarified with members that the assumption would be that members wish to defer the application for a second opinion on highways safety and that you are satisfied with all the other elements on the scheme. Councillor Miscandlon confirmed that the foul water and flooding are conditions within the application. Councillor Cornwell stated his concerns about drainage issues and would like this dealt with at the same time if they are deferring the application. Nick Harding asked Councillor Cornwell to clarify what information is required on the drainage issues. Councillor Cornwell would like the developer to clarify how the drainage system is to be maintained and asked if this could be dealt with in the deferral time. Councillor Miscandlon asked for clarification of officers that they consider that the drainage matter can be dealt with as a condition and the conflicting information. Nick Harding asked for clarification on drainage in respect of a group foul drainage system or individual units. Councillor Cornwell stated that he would like the developer to clarify whether it would be either a group or individual foul and surface water drainage. Nick Harding confirmed that each property will undoubtedly have soakaways to deal with water and the communal areas would be highways which would likely to go to a drainage dyke. Councillor Conwell stated that as there is a surface water drainage problem and have photographic evidence that there are substantial problems on that site and would it therefore not be unreasonable to ask the developer for an assessment to come up with a solution. Nick Harding confirmed that on this and previous agendas the Council have a conditions attached to proposals in respect of highways which states that before developments commence there would be a need to have details of how the road is going to be maintained between its construction and when it is adopted, if it ever does get adopted, so that the matter that is of concern to members could be dealt by an amendment of a condition asking for a management proposal as well as the details of the foul and surface water itself. Councillor Miscandlon clarified that if developers do not meet that criteria then that officers have delegated authority to refuse on that development and that has process has worked in the past and sure it will work in the future if developers do not comply and come up with a suitable and satisfactory information.

- Councillor Miscandlon as Chairman confirmed that he has a proposal from Councillor Cornwell, seconded by Councillor Connor to defer this application for the investigation of Highways and drainage. Nick Harding confirmed that if the members are happy with the condition then it would be highways safety only. Councillor Miscandlon confirmed that members are happy with conditions and it would be deferred subject to highways safety for the investigation via expert advice.
- Councillor Bucknor asked for clarification that if approved a condition to specify left hand turn out of the access only and can this be done afterwards by highways. Councillor Miscandlon confirmed that members are not approving the application but deferring it. Alex Woolnough clarified that members will need evidence of accident statistics to prove there is a problem with right turning traffic. Nick Harding clarified that members would need evidence from a third party on highway safety to give a reason for refusal and if the advice is for a right turn then it would be whether it could be accommodated within the existing highway but that any road widening involved would be disproportionate of this site.
- Councillor Miscandlon asked for one more comment from Councillor Sutton concerning the highway safety and then would need to go for vote.
- Councillor Sutton stated not against deferring for a second opinion but he is concerned that the second opinion would only be able to take into consideration accidents statistics which members have seen today.
- Ruth Lea reminded members that they have the opinion of a highways expert here today and what members are proposing for is a second opinion to satisfy themselves that this is the correct advice and not to find a reason to refusal taking into consideration facts including the accident statistics. Ruth Lea clarified that once members have listened to the expert opinion they must consider it and give it due weight as with in any other matter. Councillor Miscandlon confirmed that the expert will be asked to come to committee to give advice on the report in respect of highway safety.
- Ruth Lea reminded members that every application has a right of appeal if refused and members need to consider the application on its merit and to consider the expert independent advice given.
- Councillor Mrs Newell wished to make a statement concerning traffic from Tesco can only turn left only but KFC/Cobblestones can turn left or right and right next door to each other and this can be confusing for traffic. Councillor Miscandlon stated that he agrees with her concerns but this is not relevant to this application and hopefully these issues will be addressed when the new roundabout is put in.
- Councillor Miscandlon confirmed proposal from Councillor Cornwell, seconded by Councillor Connor is to defer this application for additional expert advice and asked for a show of hands, There were 8 votes in agreement with 1 vote against.

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

DEFERRED for further advice regarding road safety matters.

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

(Councillor Mrs Laws and Councillor Miscandlon stated that they attends the Whittlesey Town planning meetings but take no part in the decision making)

(Councillor Bucknor stated that he attends the Wisbech Town planning meetings but takes no part in the decision making)

TWO HOOTS, CHURCHFIELD WAY, WISBECH ST MARY, CAMBRIDGESHIRE
ERECTION OF A PART SINGLE-STOREY, PART 2-STOREY SIDE AND FRONT
EXTENSION TO EXISTING DWELLING, FORMATION OF VEHICULAR ACCESS
TO CHURCH ROAD

Members considered a petition submitted with 7 signatories

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 Mr Nick Seaton the Agent supporting the application.

Mr Seaton confirmed that he is the agent for Mr & Mrs Bailey who have asked for him to speak on their behalf in support of this application.

Mr Seaton stated that his clients have lived in the property since 2002 and at that time they had 2 small children, these children a boy and a girl are now teenagers and require more space as one of the bedrooms of the 3 bedroom house is less than 2.5 meters by 2.3 meters in size. He stated that an extension on this property is required to allow Mr & Mrs Bailey to remain in the family home within a village area where they have lived for the last 14 years.

Mr Seaton stated that other than the senior planning officer making a decision on this application no one has objected to its design in its current format and that the proposal also has the support of the local councillor and that the council have received a letter in support from several close residents and neighbours.

Mr Seaton stated that Fenlands Local Plan Policy LP6 dealing with the design of extensions provides no clear policies to guide how this is to be applied or judged and it is his understanding that NPPF (National Planning Policy Framework) informs that where the development plan is outside local planning that the authority should grant permission without delay unless there are any adverse impact that will significantly demonstratively outweigh the benefits.

Mr Seaton stated that he had driven around the area of the proposal and there are a number of dual aspect dwellings with large blank gables in close proximity to the highway and it is his opinion that granting planning permission for this proposal would not significantly or demonstratively outweigh the benefits for the clients to continue to live in their home.

Mr Seaton concluded that he asks if the planning committee approve the application.

Councillor Miscandlon asked if any questions for Mr Seaton. There were none.

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

- Councillor Mrs Laws referred to the site visit and stated that in her opinion she was surprised that the extension to this dwelling wrapped around the property and not just an extension to the rear. Councillor Mrs Laws stated that in her opinion this extension does not fit in with the street scene and agree with officer's recommendation to refuse.
- Councillor Sutton stated he did not attend the official site inspection but he did visit the site and has to agree with Councillor Mrs Laws comments on the recommendation for refusal and in his opinion this application should have been dealt with by officer delegated decision as per the constitution. Nick Harding confirmed he did not have a copy of the constitution

with him but would check this.

- Councillor Murphy asked for clarification from officers if there is a policy on the limit as the maximum growth of an extension and referred to the application which is a growth of 70%. David Rowen confirmed that the percentage of growth could be more than 100% and it would depend on the application. In this instance the scale of the extension is considered unacceptable.

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

REFUSED as per the officers recommendation:

The proposal is contrary to Policy LP16 of the Fenland Local Plan in that it will fail to make a positive contribution to the character of the area and will significantly adversely affect the street scene by virtue of its scale, mass and positioning.

(Councillor Mrs Newell, Mrs Hay and Murphy stated that they attend the Chatteris Town planning meeting but take no part in the decision making)

(Councillor Mrs Laws and Councillor Miscandlon stated that they attend the Whittlesey Town planning meeting but take no part in the decision making)

(Councillor Bucknor stated that he attends the Wisbech Town planning meetings but takes no part in the decision making)

**P34/16 F/YR16/0712/F
74 QUEENS ROAD, WISBECH, CAMBRIDGESHIRE, PE13 2PH
ERECTION OF A DETACHED GARAGE WITH CAR PORT INVOLVING
DEMOLITION OF GARAGE TO EXISTING DWELLING**

Members considered 7 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 no updates had been received.

Members received a presentation in support of the application from Matthew Hall the Agent.

Mr Hall stated that the officer's report in respect of his client's application reflects the situation very well and that the principal concern seems to be the number of letters of objection of which the objectors are concerned with noise and loss of amenity area.

Mr Hall stated that a previous application has been approved on this site for a much larger garage which was set back on the site and that this application was in 2012 and still stands.

Mr Hall confirmed that this proposal is for a single storey garage and car port, which is to replace the former garage situated on the site and that members have seen the plans and photograph of the proposed structure which is immediately adjacent to the neighbouring garage.

Mr Hall stated that all the letters of objection are from residents who do not live on this street and are from the adjacent street to the rear of this site. Mr Hall stated that the nearest house objecting

is over 45 meters away. Mr Hall confirmed that this single storey structure is not for additional living accommodation as stated in the objectors letters of concern.

Mr Hall concluded that he is pleased that the officer's recommendation is for approval.

Councillor Miscandlon asked if any questions for Mr Hall and there were none.

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

- Councillor Mrs Laws stated that upon visiting the site it was very well kept and maintained and the property is in very good order. Councillor Mrs Laws stated that it appears that the materials from the old garage roof will be recycled and used for the new garage extension.
- Councillor Mrs Laws confirmed that in her opinion she could see how this proposed new detached garage and car port replacing the existing garage would enhance the property.
- Councillor Miscandlon asked for proposal.

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

GRANTED as per the officers recommendations.

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**
- 2. Prior to the first use of the garage/carport hereby approved the parking and turning area as detailed on the approved site plan shall be provided. Thereafter, these spaces, including those available in the garage and car port, shall be permanently retained for the parking of vehicles of residents and shall not be used for any other purpose. Reason - in the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.**
- 3. The development hereby permitted shall be finished externally in materials as specified in the submitted application. Reason - to safeguard the visual amenities of the area and to ensure compliance with Policy LP16 of the Fenland Local Plan adopted May 2014.**
- 4. The development hereby permitted shall be carried out in accordance with the approved plans and documents.**

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

(Councillor Mrs Laws and Councillor Miscandlon stated that they attend the Whittlesey Town planning meetings but take no part in the decision making)

(Councillor Bucknor stated that he attends the Wisbech Town planning meeting but takes no part in the decision making)

3.15pm

Chairman