

PLANNING COMMITTEE



7 DECEMBER 2016 - 1:00PM

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

APOLOGIES: Councillor Mrs A Hay

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

P37/16 PREVIOUS MINUTES

The minutes of the meeting of 7 December 2016 were confirmed and signed.

P38/16 F/YR16/0436/O LAND NORTH OF WOODVILLE, WISBECH ROAD, MARCH ERECTION OF 9 X DWELLINGS (MAX) (OUTLINE WITH MATTERS COMMITTED IN RESPECT OF ACCESS) THIS IS A MINOR APPLICATION.

Members considered 3 objections and 1 representation concerned with the access. This application had been deferred for consideration on highway safety.

David Rowen confirmed the proposed outline planning permission and reminded members this application was deferred previously for additional advice given on highway issues. He clarified that Peterborough City Highways Team have no safety implications arising from this development and referred to further information contained in the updates. David Rowen summarised that officers recommendation is to grant subject to the conditions as in the report. Councillor Miscandlon stated that Mr Richard Hall the Road Officer from Peterborough Highways department is in attendance for any questions.

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

- Councillor Mrs Laws asked for clarification that a serious accident that had occurred on the road outside of this site and if it was before the 40 mph limit was introduced.
- Councillor Miscandlon confirmed that the accident occurred when the speed limited was 50 mph which was before it was reduced to 40 mph and added that the lorry involved in the accident was on the wrong side of the road.
- Councillor Mrs Laws stated that as members have Highways information she suggested that members accept the officers recommendation. Councillor Mrs Newell stated that she will be abstaining as she was not at the original meeting where the application was discussed. Councillor Miscandlon confirmed overall majority for the application to be approved.

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

GRANTED as per the recommendation of Officers and subject to:

1. **There being no new objections forthcoming within the consultation period which have not already been considered by the Planning Committee.**
2. **Conditions listed in the report at Appendix A**
3. **Completion of a Section 106 Agreement as set out within Appendix A**

(Councillor Miscandlon and Councillor Mrs Laws 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)

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

P39/16

F/YR16/0765/F

43 WEST DELPH, WHITTLESEY, CAMBRIDGESHIRE, PE7 1RD

ERECTION OF SINGLE-STOREY FRONT AND REAR EXTENSIONS TO EXISTING DWELLING AND ERECTION OF A SIDE PORCH

Members considered 2 objections from a Ward Councillor and Whittlesey Town Council.

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 Councillor Mrs Kay Mayor objecting to the application:

- Councillor Mrs Mayor confirmed that she has been asked to object as Ward Councillor on behalf of neighbours who are elderly and nervous about making any comments and another neighbour who is a Ward Councillor. She stated that they have asked her to represent their objections in capacity of a Ward Councillor and also object as a resident in the Ward. .
- Councillor Mrs Mayor stated that the front extension offers no architectural value to the property and although there are roof ties into the main tiled roof it will appear to be an afterthought. She added that the proposed front extension does not compliment or is it compatible with the street scene.
- Councillor Mrs Mayor confirmed that Whittlesey Town Council's consultation response was to recommend refusal which is contrary to the planning officers recommendation to approve. She stated that the initial application submitted was for a very large front extension and a rear extension which the planning officer was mindful to refuse. She added that after officers discussed the proposal with the applicant a revised proposal was submitted which has reduced the front extension considerably and this is what members have before you today.
- Councillor Mrs Mayor stated that Whittlesey members agreed that the proposed rear extension would be acceptable but the front extension was not in keeping with the street scene and does not retain the design of open frontage for all the dwellings of 6 bungalows and 3 houses numbers 35 to 51 West Delph, which was insisted upon in the original planning permission when these properties were build. She stated that the open frontages have been maintained and blend into the country and local area and achieved the conditions of the original application.

- Councillor Mrs Mayor asked members to consider the local area and Fenland's Local Plan Policy LP16 which states: proposals for all new development, including where appropriate advertisements and extensions and alterations to existing building, will only be permitted if it can be demonstrated that the proposal meets all the relevant criteria. In particular section 'd' which states it must make a positive contribution to the local distinctness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area.
- Councillor Mrs Mayor concluded by reminding members that West Delph is registered as a flood zone 3 and at risk of flooding, not a potential risk, it is at risk and the Environment Agency can implement a controlled flood of West Delph to protect Whittlesey Town centre should the need arise.

Members received a presentation in accordance with public participation from Linda Emery the applicant supporting her application:

- Mrs Emery thanked the committee for allowing her to speak today.
- Mrs Emery confirmed that her family are looking to the future for her son who needs support from a Carer as he has severe learning difficulties and disabled. She stated that at the moment he has difficulty showering in the bath so it is hoped to put in a shower room to assist with these problems of which they will also fund.

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

- Councillor Mrs Davis asked for clarification on visiting the site that the property next door has an extension which is completely flat and that this extension will be a half front. David Rowen confirmed that this is the case the extension for this application is a half width and the neighbouring property was completely flat at the front and showed photos of the dwellings on the screens.
- Councillor Sutton stated that Whittlesey Town Council had objected to the original extension and the applicant has reduced this in line with other properties and yet Whittlesey Town Council still object and he feels that this objection is subjective. He confirmed that in his opinion he could not see anything wrong with the extension and that it would enhance the property.
- Councillor Davis asked for clarification on the objection from Whittlesey Town Council and that they say that aesthetically it does not fit in with the rest of the street scene. Councillor Sutton clarified that was correct.

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

GRANTED as per the officers recommendation.

(Councillor Mrs Laws declared a non-pecuniary interest in item 6 and will take no part in this item)

(Councillor Miscandlon and Councillor Mrs Laws 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 meeting but takes no part in the decision making)

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

P40/16

F/YR15/0940/F

LAND SOUTH WEST OF, 127 NEW DROVE, WISBECH, CAMBRIDGESHIRE
ERECTION OF 3 X 2-STOREY 3/4 BED DWELLINGS WITH GARAGES AND 1.2
METRE HIGH (MAX) BRICK WALL

Members considered the representation from the Town Council as it is contrary to Officer recommendation.

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 of the update that has been received as per documents circulated to members. He clarified via the presentation that this development is to a standard design and appearance. David Rowen stated that although there are no undue concerns with the plans and no objections from the statutory consultees a significant part of the site is located within flood zone 3 and the application failed to provide the sequential test required by the NPPF (National Planning Policy Framework), therefore the recommendation of officers is to refuse this application on that basis.

Members received a presentation in accordance with public participation from Councillor Samantha Hoy in support of the application.

- Councillor Hoy asked that members consider this application and to go against the officers recommendation and approve it. She said that all planning issues other than flood risk were ok. She stated that the majority of Wisbech is classed as being in a flood zone and with all the thousands of homes to be built in the area this would need to be considered at some point.
- Councillor Hoy stated that Fenland does not take into account the new flood defences built in Wisbech and that the only risk assessment done on the flooding zone came out with less than 1% of flooding, which is a very low risk. She stated with this being a small scale development she feels this is the type of development that should have support.
- Councillor Hoy stated that directly adjacent to this site are existing housing and she feels that it is unfair to refuse with this site next to an existing site in the local plan.
- Councillor Hoy concluded that both Town Council and local residents are in support of this small development so asked for members to consider supporting this application.

Members received a presentation in accordance with public participation from Mr Nick Seaton as the agent for the applicant and supporting this application.

- Mr Seaton stated that he would expand further on comments made by Councillor Hoy and that he is the agent for Mr & Mrs Lunn have asked him to speak on their behalf.
- Mr Seaton stated that members have heard that the officer recommendation is for refusal on the flood risk issue but meets all other issues and with the Town Council supporting it.
- Mr Seaton stated that the full submission of the application states a flood assessment was carried out and that risk of flooding on site from the main river to be very low being less than 1%. He acknowledges that part of the site is in flood zone 3 on the Environment Agency flood mapping but these do not consider the existing defences and there has never been any objection on flood risk grounds to the application from the Environment Agency.
- Mr Seaton stated that land levels are generally consistent in the area of the town and as far away as the by-pass are all in flood zone 3 and will only extend as far as the estimated flood water and concluded theoretically without the defences in place this is slightly over a kilometre from the main river.
- Mr Seaton stated using Fenland District Council's own strategic flood risk assessment of Wisbech which does take into account the existing defences that the site is actually in flood

zone 1. He added that the Wisbech defences have been strengthened at a cost of about £20 million in the past 5 years to provide protection against a 1 in 200 year flood event. He added that this has taken into account climate change over the next 50 years.

- Mr Seaton stated that the site immediately adjacent to this site in the Fenland Local Plan also sits in the same flood zone 3 on the Environment Agency mapping.
- Mr Seaton concluded that the lack of objections to the flooding by the Environment Agency and the support of the Town Council he asks the committee to approve the application.

Questions for Mr Nick Seaton:

- Councillor Bucknor asked for clarification if the Environment Agency have changed the specification from zone 3 to 1. Mr Seaton confirmed that the majority of this site is 3 and part 1 and always has been like this.
- Councillor Murphy asked if Mr Seaton had sent in a sequential test. Mr Seaton replied no.

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

- Councillor Mrs Laws asked planning officers if it was correct that the Environment Agency do not always reply to consultation in respect of flood zone issues, for example if it is a flood zone 3. Nick Harding replied that the Environment Agency in this type of scenario would not be commenting on whether the sequential test has passed or not as this is for the local planning authority to determine. He added that the Environment Agency is interested in whether or not the flood risk assessment has been undertaken in a manner which complies with the guidance and would comment on whether or not the floor levels have been set to the right height.
- Councillor Mrs Laws referred to the site visit and remained concerned that this site is in flood zone 3 and if there has not been a sequential test which she feels should be essential for this type of application. She added that in her opinion she feels that the flood zone 3 is still a risk no matter what defences have been put in place.
- Councillor Sutton confirmed that he agrees with Councillor Mrs Laws and reminded committee members only last week two appeals have been upheld on that very point and he is concerned that there has been no highways objection but the road is terrible and not fit for purpose to develop along this road.
- Councillor Murphy confirmed that he agrees with the officers recommendation to refuse and not just because it is in flood zone 3 but for various reasons and stated: there has been no sequential test done; against LP2, LP14 and the NPPF; brown infill land situated in an industrial site; this site would be residential in an industrial area and at the end of a drove.

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

REFUSED as per the officers recommendation.

(Councillor Miscandlon and Councillor Mrs Laws 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 meeting but takes no part in the decision making).

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

P41/16

F/YR16/0543/F

**LAND EAST OF ELM CHILDREN AND FAMILIES CENTRE MAIN ROAD
FRONTING, GOSMOOR LANE, ELM, CAMBRIDGESHIRE.**

**CHANGE OF USE OF AGRICULTURAL LAND TO FORM A SCHOOL CAR PARK
INVOLVING THE DEMOLITION OF EXISTING BUILDING AND FORMATION OF
ACCESS ROAD.**

Members considered 2 objections from residents and various objections from the Elm Town Council.

Councillor Miscandlon confirmed that items 8 and 9 both relate to the same property and will take items 8 and 9 as a single presentation with the speakers in order under the normal protocol.

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 clarified that item 9 is outline planning permission for 50 dwellings and the second application item 8 a car park for the School with 50 spaces and that the application for the car park with pedestrian access to the school is linked to the application for the development.

David Rowen brought to the attention of members the update report and further objections received indicating that there are further technical matters that need resolving from a highway prospective. He confirmed that it is considered the residential development is acceptable and complies with the policies in principle in addition the provision of car park is considered a benefit and clarified that the two applications are linked as because they are joint package.

David Rowen concluded that if members accept the recommendation to grant planning permission for the residential development as part of the Section 106 agreement the provision of the car park would be secured. He stated that to address the issues of the highway matters it is recommend that the members grant delegated authority to the Head of Service to deal with the technical matters and associated issues.

Members received a presentation in accordance with public participation from Councillor Graham Stokes from Elm Parish Council as an objector.

- Councillor Stokes stated that the Parish Council are against the 50 homes as Gosmoor Lane is very narrow with only enough space to allow 2 cars to pass but would be difficult for 2 lorries, as one would have to go onto the verge.
- Councillor Stokes stated that there is a speeding issue in that vicinity of Elm and Cambridgeshire County Council carried out a survey of which 30% of traffic coming into the Village is speeding and 28% going out of the Village is speeding.
- Councillor Stokes is concerned with the threshold of number of dwellings that have been built and the Elm Parish Council think there are 75 over the threshold for the Village which does not include Henry Warby Avenue. He added that he believes the paperwork on the agenda is not up to date and that there are 28 objections received. Councillor Miscandlon stated that an update from officers today has been received with an additional 23 objections.
- Councillor Stokes concluded by reading out that LP12 clearly states that when the target is exceeded the proposal should have demonstrable evidence of local community support otherwise there would be a requirement for support from the Parch Council. He added that there is no such support from the Parish Council and double the number of objectors. He added that the Committee must be consistent as the Committee decision on the Hendy Warby application and refused on LP3 and LP12 that the target has been exceeded and question how officers are supporting this when clearly well over the limit of threshold.

Questions for Councillor Stokes:

- Councillor Connor referred to page 50, number 5.1 of the report which stated that the Parish Council supported the car park but not the 50 dwellings and asked for clarification of the consultation and if the threshold has been exceeded. Nick Harding confirmed the threshold has been exceeded hence this application going through the consultation exercise pre-submission of the application.
- Councillor Sutton asked for clarification from Councillor Stokes concerning his comments in respect of the Henry Warby Avenue application regarding a Planning Committee decision of refusal, when in fact this was an officer decision and did not come to the Planning Committee. Councillor Stokes confirmed that he stated the application decision at Henry Warby was made by the Planning Committee. Councillor Miscandlon clarified to Councillor Stokes that this was not the case the application in respect of Henry Warby did not come to the Planning Committee and was a delegated officer decision to refuse.

Members received a presentation in accordance with public participation from Mr Gareth Edwards from Swann Edwards the agents in support of the application.

- Mr Edwards thanked the committee for allowing him to speak on the 2 applications and clarified that Mr Ayres sent his apologies for not being here today due to ill health.
- Mr Edwards stated that he has worked closely with officers during these applications and thanked them for the recommendation of approval.
- Mr Edwards confirmed that the original application was withdrawn following comments from the Elm Parish Council. He stated that he had attended Parish Council meetings to overcome their objections on numerous occasions and following their comments to the original application it was felt by the planning amending the proposal would satisfy the Parish Council comments.
- Mr Edwards confirmed that the original application was withdrawn and amended to take into account the Parish Council's comments. He stated that the Parish Council's response to the original application was to recommend refusal with a final statement that said 'however if the proposal was revised to include the gift of land to Elm Primary School for the purpose to provide off street parking provision for parents to drop off and collect pupils with vehicle access provided via the proposed development, members would be minded to consider the application favourable'
- Mr Edwards stated that after putting his clients through additional expense it was somewhat frustrating that the Parish Council have ignored what they previously said and objected to the 50 houses but not to the car park, which is to be gifted to the school but access can only be gained through the proposed estate.
- Mr Edwards confirmed that as part of the Section 106 agreement they are proposing to install the car park and provide a foot pathway to the school grounds to allow children and parents a walk way to the school playground from the car park. He added that this car park will allow an access to the rear of the school which should remove issues of cars parking on the main road in front of the school and allow pedestrian to gain access to the school. Mr Edwards confirmed that there are currently parking issues and that the Head Teacher has mentioned this in several recent newsletters.
- Mr Edwards clarified that the report stated from the consultation everyone was in support with the exception of the Parish Council, even though the application had been amended in respect of comments made by the Parish Council.
- Mr Edwards stated that the proposed outline application will provide a good mix of family homes in a popular Fenland Village and will help underpin the services that already exist in the Village and as shown on the plan propose an area of space to the north which at the end of the Village.
- Mr Edwards confirmed that there had been a request for an archaeological investigation which he felt is unjustified, given that this particular site is a brown field site and a previous

- investigation proved there is nothing in the ground which was adjacent to the proposed site.
- Mr Edwards confirmed that they would recommend all site traffic access should approach and leave via Gosmoor Lane in a easterly direction towards Collett Bridge with less disruption to the village.
 - Mr Edwards confirmed that the proposal will provide 50 dwellings towards Fenlands housing supply and will give existing and new inhabitants the opportunity to live in Elm.
 - Mr Edwards stated that with regard to the threshold this is not a limiting factor as demonstrated in the community response document which is part of the application and has demonstrated local support for the proposal.
 - Mr Edwards stated that there have been issues raised regarding highway matters in Gosmoor Lane and the school. He confirmed that as seen on the proposed plan there are proposals for highway improvements including traffic guidance similar to that at Friday Bridge to reduce speed, which is to be added to the Section 106 agreement.
 - Mr Edwards mentioned that Cambridgeshire County Council statistics for the school intake for 2016 states of the 30 children entering the school and places would have been available to children in the village.

Questions for Mr Edwards:

- Councillor Mrs Laws asked for clarification on the public consultation distribution. Mr Edwards confirmed that the consultation included the distributed of approximately 1500 flyers, hand delivered to individuals and with additional flyer inside the Village News.
- Councillor Mrs Laws asked for clarification on the percentage response in respect of the consultation. Mr Edwards confirmed that all this information is in the community document in the report. Councillor Mrs Laws asked if the consultation was extensive throughout the Village. Mr Edwards confirmed the whole of the Village received a flyer.
- Councillor Murphy asked for clarification of the length of the pathway from the car park to the school door as it was noted on the site visit that it seemed a long way and if that is the case would people still park outside of the school. Mr Edwards confirmed that the car park to the playground is approximately 100 meters.
- Councillor Mrs Davis stated that she is concerned that parent's will not use the car park and walk across a muddy playing field to get to the school entrance. Mr Edwards confirmed that as part of the car park there will be a hard standing footpath and that this is part of the Section 106 agreement and this will go to the Children's Centre which is the nearest building leading onto the playing ground.
- Councillor Mrs Davis asked for clarification from Mr Edwards in respect of the demonstrable support. Mr Edwards confirmed that there was extensive consultation throughout the village and this information is in the community response document in the report which included open afternoon with forms available to take away and fill out.

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

- Councillor Mrs Newell stated that Anglia Water had mentioned that an informative note is required in the report and asked if this was received? David Rowen confirmed that an informative note is placed on any planning permission to cover assets in respect of Anglia Water and that should the application be granted it would be part of that.
- Councillor Mrs Laws is concerned about the opening and closing times of the car park facilities and less noise and disruption for residents in the proximity and closed after school hours. Councillor Laws also asked about speeding in respect of highways and technical issues. Nick Harding confirmed that no indication from highways that any traffic calming or speed reduction is required by them.
- Councillor Mrs Laws asked for clarification if approved that the car park and footpath are delivered. Nick Harding clarified that there would be a trigger as a condition on when the car park has to be provided by, but mindful that it will take some time for the access road through the development to get to the car park which will be as and when the homes are

under construction. Councillor Mrs Laws stated she is mindful that we ensure that it is delivered. Councillor Sutton referred to information on page 63 number 9.5 on the consultation response clarifies this situation.

- Councillor Miscandlon as Chairman of the Planning Committee asked for proposals and confirmed that would be taking a proposal on item no. 8 the car park proposal first. Councillor Mrs Laws stated that she would like to propose but insists on a trigger for the car park and appropriate closing time for school use. Nick Harding clarified that schools can be open outside of normal school hours and that the new residents purchasing properties will be aware that they will be adjacent to the car park and that this should be left for the school to manage the car park as it is outside of any planning conditions.

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

GRANTED subject to the conditions and delegated authority given to Head of Planning to resolve technical highway issues and any necessary highway conditions.

(Councillor Sutton declared a non-pecuniary interest in items 8 & 9 and will not take part in the decision making).

(Councillor Miscandlon and Councillor Mrs Laws 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).

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

P42/16

F/YR/0545/O

**33 AND LAND NORTH OF 17-31, GOSMOOR LANE, ELM, CAMBRIDGESHIRE
ERECTION OF 50 DWELLINGS (MAX) INVOLVING THE DEMOLITION OF
EXISTING BUILDINGS (OUTLINE APPLICATION WITH SOME MATTERS
COMMITTED - ACCESS)**

Members considered application number F/YR16/0543/F item number 8 on the agenda and application number F/YR16/0545 item number 9 on the agenda together as these items are linked of which all details are noted in the previous item number 8.

Item No. 9 application number F/YR16/0545

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

GRANTED as per the officers recommendation and subject to Section 106 Agreement with delegated authority be given to the Head of Planning to resolve the technical highway issues and to agree the necessary highway conditions.

(Councillor Sutton declared a non-pecuniary interest in item 8 & 9 and will not take part in the decision making)

(Councillor Miscandlon and Councillor Mrs Laws 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 meeting but takes no part in the decision making)

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

P43/16 **F/YR16/0364/O**
FORMER HIGHWAYS DEPOT, QUEEN STREET, MARCH, CAMBRIDGESHIRE
ERECTION OF 34 X SINGLE-STOREY, 2 AND 3-STOREY DWELLINGS WITH
GARAGES OR PARKING COMPRISING OF 8 X 4-BED, 18 X 3-BED AND 8 X 2-
BED (OUTLINE WITH MATTERS IN RESPECT OF ACCESS, APPEARANCE,
LAYOUT AND SCALE) INVOLVING DEMOLITION OF FORMER DEPOT BUILDING

Members considered 6 various 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 outline application to members and informed them of the updates which have been received as per the documents circulated to members. He pointed out the pedestrian access, cycle way and that the reed bed to be retained and incorporated as part of the drainage catchment to the site. David Rowen confirmed that as part of Section 106 agreement planning officers have managed to secure £34,000 which is the most they could possibly expect and used towards station improvements, affordable housing and contribution to County Council for education and libraries. David Rowen confirmed that there has been an extensive highways investigation in respect of the impact of the Queen Street road junction which is concluded that there would be no severe impact on this junction.

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

- Councillor Mrs Laws noted that there were no objections to flood risk assessment but asked for a drain strategy update from planning officers. Nick Harding clarified that when a condition is proposed that requires a detailed surface water scheme it will take into account the corrected climate change figures and the strategy proposed will still work.
- Councillor Sutton had observed that planning does not always get most of Section 106 agreement and was pleased to see on this occasion it was challenged by officers who managed to increase this by £4,000 which is much better and it is good to see a challenge from officers.
- Councillor Mrs Laws stated that in her opinion this development would enhance the site as it is currently an eye sore but had noted the objections from residents, however highways have taken this into account and agree with officers decision to approve.
- Councillor Connor enquired if the site will be subject to a contamination report. Nick Harding confirmed that there are a series of conditions which effectively require more sampling to be undertaken and post mitigation report to be published and checked to demonstrate that this has been addressed.
- Councillor Mrs Newell stated that there is no sewer capacity to service the site and asked if this would be part of the agreement. David Rowen confirmed that Anglian Water stated that there is still capacity within the vicinity depending on the nature how this is done and that this will be a condition on how sewerage is to be provided on this development.

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

GRANTED as per the officers recommendation and subject to the conditions as mentioned in the report.

(Councillor Miscandlon and Councillor Mrs Laws 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).

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

**P44/16 F/YR15/0865/O
LAND NORTH OF 118-125 LEVERINGTON COMMON, LEVERINGTON,
CAMBRIDGESHIRE
ERECTION OF 6 X DWELLINGS (MAX) (OUTLINE WITH ALL MATTERS
RESERVED)**

Members considered the issue that the applicant no longer wishes to complete the Section 106 and the application was previously granted by Planning Committee Members subject to completion of a Section 106 agreement.

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 referred to the report concerning affordable housing on small sites and that the applicant is no longer willing to enter into the Section 106 agreement which was previously agreed. He clarified that the officers recommendation is for refusal.

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

- Councillor Connor confirmed that he agrees with the recommendation from officers
- Councillor Sutton stated that he is disappointed that agents and developers have made a living out of Fenland and are given the chance to give some support back to the community and it is disappointing. He reminded members of an appeal that was held and the inspector looked at the local plan against the ministerial statement but was on slightly different issues but still the local plan verses the ministerial statement and that has been held so confident could still go ahead.
- Councillor Miscandlon referred to the appeal as mentioned by Councillor Sutton. He confirmed that the Council were correct and that it involved a local plan approved in 2011 and Fenland's plan is 2014. He added that the advise that was given at a recent training seminar reiterated that policy.
- Councillor Mrs Davis agreed and stated that planning need to send out the message that if agreed to Section 106 then must stick to the agreement and cannot change mind.
- Councillor Connor stated that this discussion happens most months at committee and agrees with Councillor Sutton, Councillor Mrs Davis and the officers recommendations to refuse.

Proposed by Councillor Connor, seconded by Councillor Mrs Davis that the application be:

REFUSED as per the officers recommendations.

(Councillor Miscandlon and Councillor Mrs Laws 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)

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

14:11pm

Chairman