

PLANNING COMMITTEE



1 FEBRUARY 2017 - 1:00PM

PRESENT: Councillor A Miscandlon(Chairman), Councillor Mrs M Davis, Councillor Mrs A Hay, Councillor Mrs D Laws, Councillor P Murphy, Councillor Mrs F S Newell, Councillor W Sutton, Councillor D Hodgson(Substitute).

APOLOGIES: Councillor S Clark, Councillor D Connor, Councillor Mrs Newell and Councillor Bucknor

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

P53/17 PREVIOUS MINUTES

The minutes were confirmed as a true record and signed.

P54/17 F/YR16/0746/O LAND NORTH WEST OF 162, COATES ROAD, COATES ERECTION OF 12 X 2/3 STOREY DWELLINGS COMPRISING OF 3 X 3-BED, 6 X 4-BED, 2 X 5-BED AND 1 X 6-BED WITH GARAGES (OUTLINE APPLICATION WITH ALL MATTERS COMMITTED IN RESPECT OF ACCESS, APPEARANCE, LAYOUT AND SCALE).

Members considered 1 letter of objection and the views of the 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 referred to the updates and what is proposed is a replica of a village layout with village green and pond. He confirmed that there is an extant Outline Planning Permission for 12 dwellings which runs out in April and therefore the principle has been established. He stated that the requirement of Section 106 agreement as outlined in the update report has seen some questions raised concerning the viability of the scheme in relation to potentially what the development can deliver and requested that members give delegated powers to officers if approved to resolve the issue on Section 106 viability.

Members received a presentation in accordance with public participation from Gordon Smith the planning consultant and Brent Warner the developer supporting the application:

- Mr Smith introduced himself as the planning consultant for the builder Postland Developments and that Mr Warner is here to assist in answering any questions in detail about the scheme.
- Mr Smith confirmed there are 2 key areas would like to address: 1 why the case presented today. 2 broader advantages of the scheme.
- Mr Smith referred to the report and that there had been an objection from the Town Council and quoted from the committee report section 5.1 where the Town Council refused this

application and preferred the original application as this totalled 12 dwellings, 4 of which were affordable and it was implied by the Town Council that the amount of homes had reduced but the affordable housing have not. He added that there are 3 units or equivalent cash contribution will still be provided which is consistent to the policy and the case previously had permission for 12 units which is the same as this application being applied for.

- Mr Smith stated that the scheme still has 12 units and with regard to the layout the officers have no issue with the design and the affordable homes will be met in line with the policy, there is no loss and we will meet the policy.
- Mr Smith stated that the advantages of this scheme with the site will be in demand for local purchasers and clear local benefits.
- Mr Smith confirmed that Postland is local firm and Mr Warner employs local people, buys materials from local suppliers.
- Mr Smith stated that this will be a quality scheme as Postland take pride in its developments and designed this development around a lot of open space to encourage the community spirit, distinct character and there will be a good mix of houses.
- Mr Smith confirmed that the development will be well managed, self contained with no burden on the public purse with the residents managing their own open space, own drainage and own private road.
- Mr Smith stated that the development will help the custom build market which Postland specialise in, give the purchaser a choice to build to their own specification with the builder to assist and this will be offered to some plots on this site.
- Mr Smith confirmed that Postland Developments do not land bank and that this land will be developed as soon as practically possible as it is needed to keep the team employed.
- Mr Smith concluded that there will be prompt delivery of housing and will be starting possibly in six months time and with Fenland in need of new housing delivery this will make a small but very important contribution.

Questions for Mr Smith and Mr Warren

- Councillor Miscandlon asked for clarification on phase 2 where it is proposed to put the access. Mr Smith referred to the site plan and pointed out a rectangular area which is for future housing development, subject to permission, and the access would be across the green in front. He added that the open space area has been calculated to compensate for this.
- Councillor Hodson asked for clarification why there was a second entrance. Mr Smith stated that there would be one main access with a subsidiary access to 2 houses and that it is to meet highways standard for road speed and an efficient layout. Mr Warren added that this was thought to be a good design for the site and no other reason other than that and felt it fitted in with the street scene.
- Councillor Mrs Laws confirmed that the design entrance and exit was approved by highways and asked Mr Smith if he would expand on the comment earlier that there would be no burden on the tax payer for maintenance and would there be a management company. Mr Smith confirmed that there would be a management company to improve the efficiency of the delivery as these schemes are self-contained from construction to subsequent management and cannot leave issues uncertain. He added that future occupiers would pay an annual fee into the management company which includes grass cutting, drainage, road maintenance and everything that is needed to maintain the development.
- Councillor Mrs Laws stated she was interested to hear about land banking and the developers intention to build more or less straight away to keep local employment going, which is encouraging. Mr Warren confirmed that there are 6 direct people employed with the rest staff being sub-contract labour but are all local and regular sub-contractors, giving an example of Doddington site 2 years employed and this will keep the continuity. Mr

Warren added that he cannot afford to land bank and usually have 2 to 3 developments a year and as soon as procure land get on with building on it.

- Councillor Mrs Laws stated that he is aware of another development in the village and wanted to complimented Mr Smith and Mr Warren on the design which adds to the village. Mr Warren stated that from his perspective there are a lot of big developers and he cannot compete at that level. He added that prefers to offer a more bespoke design of high quality with a different need for customers who love the idea of contributing to the internal layout or design finishing and offers that service which is very successful.
- Councillor Murphy stated that he likes this type of development which is different and exciting but has a concern in respect of the open spaces in between properties and hopes that the developer is not going to come back with viability to say they cannot do it to make it payable. He added that in Fenland we have had a lot of this coming back. Mr Warren confirmed that what is on the layout plan is what will be built and has already build one or two of these schemes and people like them. He added people like the fact that they can let children out the front door and play on the green in front of them and if take this away then taking away the edge from the development, want to provide something different. Mr Warren confirmed that the pond would be integral to the SUDs requirement of getting rid of the water in a practical manner but like this because it is attractive and wants people to live in nice places, will not come back and change the scheme.
- Councillor Sutton asked for clarification and referred to Councillor Murphy's question as Mr Warren has stated that he is not going to change the scheme and the question on viability as mentioned in the update states that the developers have some issues with viability. Mr Smith confirmed that part of the viability the Council asked for money for open space located off site and he thinks that the scheme has been misunderstood as providing open space to meet the standards and those things need ironing out as it is a considerably sum of money and if asked to produce this it would affect the scheme. Mr Smith added that would have to go through that exercise with officers looking at the open space and education contribution as it is quite substantial and negotiations over the financial contribution towards affordable housing is to make sure it is fair and make the scheme viable with these discussions which are quite common.
- Nick Harding clarified that if the committee is happy with the scheme layout and access then as in the revised recommendation to grant permission on that basis with delegated authority to officers to complete the negotiations on the Section 106 content, however if members do not wish to delegate authority and want the application to come back before committee with the finalised Section 106 arrangement that is a decision for the committee to make.
- Councillor Miscandlon asked for clarification in respect of the pond which is there to remove excess water and enquired how deep intend to make the pond and how constructed in virtue of the fact that it was mentioned that someone opens their door and lets children go out to play. He added as we all know water and children attract, sometimes with disastrous effects. Mr Warren confirmed that the pond and the depth will be designed by an engineer and never overly deep for the reason Councillor Miscandlon mentioned. Mr Warren added that the pond would have a fence around it and this is common practice.
- Councillor Laws stated that in the past members had a discussion in respect of Snowley Park and engineers put in steps so if a child fell in there would be the opportunity to climb out. Councillor Miscandlon confirmed that the steps are called walk out slopes.

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

- Councillor Mrs Laws stated that she is happy to recommend the application.
- Councillor Sutton is concerned with the time limit that has been put on Section 106 and would like an amendment on the recommendation in respect of the 4 month time limit which was recently decided upon. Councillor Sutton confirmed that there have been issues on applications where for no real reason other than outside influences they have been unable

to meet the 4 month deadline. Councillor Sutton suggests that members rephrase the conditions with input from officers to say something like 'if the 4 months is not met but a willingness by both parties is shown then in conjunction with the Chairman and Vice Chairman the 4 months could be extended' Councillor Miscandlon confirmed there have been conversations concerning this issue earlier in the week and it is felt that the 4 months is too rigid because legal issues can delay the process and go on for longer than expected. Councillor Sutton stated that this would give a little more flexibility to officers. Councillor Mrs Laws stated that the officers could pursue the issue with Section 106 and does not need to come back to committee. Nick Harding refereed to the discussion and understand what members are trying to achieve with some wording to say it will go to officers whether or not an issue for refusal if not making satisfactory progress but to have a deadline to make a call to whether or not to proceed. He added that 4 months may be optimistic as only now starting the viability route and would have to get financial information on the development from the application which he would imagine could take 3 to 4 weeks so already lost a month so. Nick Harding stated that if the deadline was 5 months would be more acceptable but clearly would go as quick as can. Discussed by members and 5 months suitable with discession from officers to go ahead. Councillor Miscandlon clarified that members are in agreement and not in a position to tie the developers hands to a specific date as it could be delayed for various issues and is detrimental to the development going forward.

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

GRANTED as per the officers recommendations and with a slight modification to the conditions.

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

**P55/17 FR/YR16/0795/O
LAND WEST OF 15, FAIRBAIRN WAY, CHATTERIS, CAMBRIDGESHIRE
ERECTION OF 26NO DWELLINGS (MAX) (OUTLINE APPLICATION WITH ALL
MATTERS RESERVED)**

Members considered 12 objections from local residents

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 have been received.

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

- Councillor Murphy stated that during the site visit he was aware of and is concerned that the riparian drain was overlooked and that riparian drains cause a lot of problems in respect of ownership/maintenance as they are owned half and half and gave an example, really concerned if not dealt with at the start. Tim Driver clarified that riparian ownership is a concept that has been around for hundreds of years and effectively means a convenient way whereby judges dealt with similarly as they do with public highway, it is a convenience where judges in the past decided who would be responsible for the drains as no one wanted to be responsible for them as drains fell into disrepair and this was the concept judges came up with riparian ownership up to the middle. Tim Driver added that in terms of drains there are not navigable but do present problems as in some instances some riparian owners have sought to prevent developments because they have got a drain and may be crucial in terms of the development and difficult for planning to deal with as planners do not have the powers to influence, it is a private matter between the riparian owners. Tim Driver clarified the concept of riparian ownership, which is a matter for the developers of the site and the riparian owners concern as it is a theoretical ownership to deal with the responsibility of the drain and does not necessarily follow that they are the owners of the land in which the drain is located, merely that they have the obligation to maintain the drain. Tim Driver added that this is something unfortunately the planning authority is not able to influence and a matter purely between the riparian owners and the developers. He added that in this case he hopes that the riparian owners will recognise that the planning authority of this council is prepared to grant planning permission, if that is members decision, and that the development will be inevitable and wont try to use the drain as some way of preventing it. Tim Driver confirmed that he did not think in this case there would be a problem with the riparian drain because of where it is situated. Tim Driver added that in terms of dealing with this issue of future maintenance of the drain, which is the point Councillor Murphy was making, as it can be difficult for the aforementioned reason for the planning authority to deal with it. He added that because of owners of those houses will back onto the drain means that the developer has got to get this sorted out, otherwise these purchasers may inadvertently find that they have become riparian owner of one half of the drain. Tim Driver concluded that that this is something which unfortunately planning cannot do much about and to put an informative on any permission that may be granted making it clear that the developer must address this.
- Councillor Murphy asked for clarification that the planning officers that they can record as a condition and this issue is dealt with by the developer and gave an example of Cricketers Way in Chatteris where one person decided to fill in the riparian drain and wanted his half which created issues as the drain stopped flowing.
- Nick Harding confirmed that the planning system does not allow to duplicate any matters which are dealt with by any other legislation and if the drain is covered by drainage legislation planners are not allowed to duplicate that. He added that the applicant has identified in the site location plan that the whole of the drain is within their ownership and therefore would not have this problem, if this is correct. Nick Harding brought to members attention that a detailed surface water scheme is required to be submitted as in the report and that the drainage strategy is satisfactory to the lead flood authority at the Country Council as on the layout plan which is not one that members would not necessarily be approving when it comes to reserved matters. He added that it may not be a case that gardens back up to the drain and if the drain is going to be an integral part of the drainage system it will require maintenance and access with the layout having to facilitate that.
- Councillor Miscandlon confirmed that there is under section 7 of the report details of a long

term maintenance arrangement for the surface water drainage system to be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling hereby permitted.

- Councillor Sutton stated that he agrees with Councillor Murphy's concerns as many developments in Fenland have gardens that back onto drains/ditches and with no access for maintenance and that he was encouraged to see that there is a fence line on the layout plan and it looks as if 3 meter maintenance strip has been allowed. He added that when the reserved matters come in that they need to be looked at very closely by the Drainage Board and respond on those works. Tim Driver clarified that if the developer is saying that they own the area and if this is correct they can control it and therefore overrides the riparian ownership issue but would depend on what has been submitted.
- Councillor Mrs Laws stated she is concerned about drainage issues and gave an example of a recent application where the developer stated he owned the drain to be used for the outfall but unfortunately he did not and that she had been proactive in contacting Anglian Water who have now got involved as there was a riparian drain, which unfortunately the developer had already piped which has caused problems as the diameter of the pipe was insufficient to handle the water outfall. Councillor Mrs Laws referred to 4.4 of the report which states that Anglian Water considered the surface water strategy and feels that residents need to be fully consulted. She concluded that in her experience there can be a catalogue of disasters and feels that consultation needs to take place in respect of riparian ownership.
- Councillor Sutton confirmed that as you never know what is going to happen you can only be reactive and that the application is for outline planning permission so will have to come back. He added that he agrees with the officers recommendation to grant but with the added wording in respect of 4 months and Section 106 as mentioned previously. He feels that this should be a standing sentence in future.
- Nick Harding confirmed that the officers can facilitate the wording concerning Section 106 timing.
- Nick Harding stated that as part of this application that the planning officers would have consulted all of the residential properties that abut the site and with everyone on the other side. He added that this should have therefore 'flushed out any riparian ownership issues but a lot may not realise they have these responsibilities.
- Councillor Sutton stated that there is a large gap where purchasers are not told about riparian ownership and responsibility in respect of the legal information.
- Councillor Mrs Laws noted on the report that Highways had no problems but that they were aware that there are parking issues with cars are parked half on the pavement. Councillor Miscandlon confirmed Highways satisfied and there would be parking available for every property on that site and parking issue is the same anywhere.

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

GRANTED as per the officers recommendations.

(Councillor Mrs Hay declared a non-pecuniary interest in item 6, will take no part in this item and left the room whilst this item was discussed)

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

P56/17 **F/YR16/0875/F**
LAND NORTH OF 20, ST FRANCIS DRIVE, CHATTERIS, CAMBRIDGESHIRE
ERECTION OF A SINGLE-STOREY 2-BED DWELLING WITH INTEGRAL GARAGE
AND A 2-STOREY 4-BED DWELLING WITH DETACHED GARAGE

Members considered 7 objections from local residents.

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 update report. The application proposes to utilise a private roadway with access for a bungalow and house on the site. There is outline planning permission for a single dwelling to be accessed from New Road and principle has been established.

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

- Councillor Miscandlon asked for clarification from officers with regard to the private road as original application was access from New Road and would the applicant need to seek permission from the owners of the private road to have access to the site. David Rowen confirmed that was correct.
- Councillor Murphy asked for clarification on whether the access road from New Road would be used to take works vehicles and when the building completed would this be fenced off when completed. David Rowen confirmed that the New Road access could be used to facilitate this development and the condition in the update report has requested details for delivery routes as part of the application and in the application there is no physical access proposed from New Road to serve the development. David Rowen stated that the way that the development is laid out it does not lend itself to this either and that it is unlikely that New Road would be used for access long term.
- Councillor Murphy asked for clarification concerning the New Road access as that the previous application stated it comes right up to the pavement and there would be a blind spot onto the highway. Councillor Murphy asked for clarification that it would be bungalow against bungalow and house against house. David Rowen confirmed that was the case and the two storey adjacent to the two storey and the bungalow adjacent to the bungalows.
- Councillor Miscandlon referred to the conditions which state that no development can take place until a construction management plan has been submitted and approved in writing by the Local Planning Authority and therefore safeguarded on the issue of access.

- Councillor Mrs Laws asked for clarification that there would be conditions on the construction working hours as important to residents that no working on Bank Holidays and Sundays. She also added concerns with mud on the highway from vehicles leaving the site and in particular movements of these vehicles as she had a bad experience with delivery lorries waiting for a site to open with engines running at 6am and would like smarter deliver times. Nick Harding referred to the vehicles waiting off site and as it is a public highway planners have no control by way of condition and can only control what happens on the site, however in respect of the wheel/body washing can word the condition that the chassis and wheel washing takes place as and when needed to prevent debris going onto the highway which would cause a road safety issue.
- Councillor Miscandlon stated that if access is via the private road residents will not be happy if they muddy up the road because it is a blocked paved road.
- Councillor Mrs Laws stated concerned about large vehicles accessing the side as the coach had problems in turning around and width of the access and mindful of the traffic management. Councillor Miscandlon stated that if the owner of the site having trouble with large vehicles they ask the supplier for a smaller vehicle but will have to submit details to the Local Planning Authority in respect of the construction management.

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

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

13:59 pm

Chairman