

PLANNING COMMITTEE



19 JULY 2017 - 1:00PM

PRESENT: Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman), Councillor D W Connor, Councillor S R Court, Councillor Mrs M Davis, Councillor Mrs A Hay, Councillor Mrs D Laws, Councillor P Murphy, Councillor W Sutton .

APOLOGIES: Councillor Mrs F S Newell

Officers in attendance: Nick Harding (Head of Shared Planning)David Rowen (Development Manager), Alex Woolnough (Highways Officer) Chris Gordon(Legal Officer) and Mrs Joanne Goodrum (Member Services)

P11/17 MINUTES OF 21 JUNE 2017

The minutes of the meeting on 21 June 2017 were confirmed and signed.

P12/17 F/YR16/1083/F 29 DARTHILL ROAD, MARCH ERECTION OF A 2- STOREY 4 BED-DWELLING INVOLVING DEMOLITION OF EXISTING DWELLING AND FORMATION OF NEW ACCESS AND KERB

Further to minute P67/16 from the Meeting which took place on 26 April ,2017, the application was deferred on that date for a specialist shadow report to be prepared.

Members received a presentation, in accordance with the public participation procedure, from Mr Matthew Hall, the Applicants agent. This application had previously been presented at the April planning meeting, where the planning application had been deferred to enable the submission of a shadow analysis and revised plans showing a hipped roof instead of a gable roof. Mr Hall commented that in the Officers report it states there are letters of objection received however there were objections which were part of a previous scheme but there have been none received, which the Planning Officer had confirmed last week.

- Councillor Sutton commented on the original application but that was another scheme in the locality but no objections for this application.
- Councillor Connor asked whether the seven letters of support received were actually from Local residents. The Agent confirmed some are from residents within the street and others were from residents of March.
- Councillor Laws commented that she applauds the Agent who have gone away and listened to the planning committee concerns over the overshadowing issues and loss of light and have addressed them.
- Councillor Sutton commented there are lessons to be learnt here following the last meeting the Planning Committee have acted in the correct manner as there was a conflicting view at the last meeting and were not able to make a decision at that time.The Agents have gone away and revisited the application and have listened to the views of the Planning Committee.
- The Chairman concurred with Councillor Sutton and commended the Agents on the full

analytical report that has been provided and to the Committee for bringing it to light.

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

Approved, as recommended

(Councillor Court registered in accordance with Paragraph 14 of the Code of Conduct on planning matters, that he is a Member of March Town Council)

**P13/17 F/YR16/1181/O
LAND NORTH WEST OF COBBLE HOUSE, GULL ROAD, GUYHIRN
ERECTION OF UP TO 4 DWELLINGS(OUTLINE APPLICATION WITH ALL
MATTERS RESERVED)**

Members considered letters of support and objections.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04) refers)) during its deliberations.

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

Members received a presentation, in accordance with the public participation procedure, from Mr Gareth Edwards the applicants Agent. Mr Edwards confirmed the Applicant and land owner is a charitable organisation who rent out the land to local residents and farmers. The rental income is given to local residents as further education bursaries on an annual basis. The bursaries are dependent on the rental income. The Charitable trust are currently maintaining the strip of land themselves as it is not economically viable to farm it due to commercially due to the size of it and the machinery that would be required to work it. The land has not been used for food production for a number of years. The Charity are keen to provide affordable dwellings on the land. Roddons had a previous application refused on the flood risk design it should be noted that the EA support this application. The design is only an outline application and should the Committee feel that the the dwellings should be chalet bungalow's then they would be more than happy for this to be a condition should approval be granted. The proposed development levels are also consistent with others in the area both to the south and north west of the site and also with other development on Gull Road. Most other developments that have taken place in recent years are in in flood zone three. A sequential and exception test assessment has been provided and there are no other building plots for sale in the Village according to Right Move. The Agent commented that whilst they appreciate that this development isn't infill and development it has potential for this to happen in the future. A community payment has been agreed with the Parish Council who have supported the application and which satisfies the exception test. The distance between the proposed development and the dwellings opposite is on average is 44 metres.

The applicant would accept a footpath condition to the front which once the remainder of the site was developed would would continue the footpath to improve highway safety.

- Councillor Laws asked for the Charity aspect to be expanded and the Agent confirmed that the Charity used to receive a small income when the land was rented. Councillor Laws asked whether the land had been advertised as it hadn't been deemed as suitable for agricultural use. The agent advised that the land hadn't been advertised for rent for some time.
- Councillor Sutton asked for confirmation as to whether North Level IDB had adopted the ditch at the rear of the site and if they have, Councillor Sutton also asked Mr Edwards for the distance between the garages at the rear of the plots 1 and 4 whether there is a maintenance strip. Mr Edwards confirmed that North Level IDB have no problem with the

application in its current form. Councillor Laws said that even though the agent says its only an indicative layout any application would have to include a maintenance strip. The Chairman commented that this would be for the IDB to enforce and/or recommend.

- Councillor Murphy commented that it isn't infill and the application says its only for a maximum four houses but this is only at the moment and the site could expand. The Charity aspect is nothing to do with the local authority and is not a planning concerning. The application goes against the following policies LP3 LP12 c, d, e, LP14 AND LP16d, LP2 and LP16 e. and also it is built up with a 2metre high base.
- Councillor Laws policy LP14 is important because obviously its in Fenlands Local plan 2014, and paragraph 100 of the National Planning Policy Framework the application is required to pass the sequential test and she thinks the application has failed to do this.

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

Refused, as recommended.

**P14/17 F/YR17/0039/RM
LAND EAST OF, 38 MARCH ROAD, WIMBLINGTON
RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF
APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE
PERMISSION (F/YR14/0232/O) FOR THE ERECTION OF 67 X DWELLINGS,
COMPRISED OF: 6 X SINGLE STOREY 2-BED, 2X 2 STOREY 2 - BED, 27 X 2
-STOREY 3-BED AND 32 X 2-STOREY 4-BED WITH ASSOCIATED GARAGES,
PARKING AND LANDSCAPING**

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

The Chairman clarified that applications 7, 8 and 9 are all linked by the address and items 7 and 8 will be taken as one report but there will be 2 votes and application item 9 will be a separate agenda item/ report with a separate vote.

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

- Councillor Mrs Laws asked for clarification whether the drainage area is a detention basin and if so who is responsible for its maintenance. David Rowen clarified that this was his understanding and ultimately it would be down to the Developer to sort this out with the lead local flood authority who would be Cambridgeshire County Council. Councillor Laws commented that as a local authority the Committee are looking to approve something and we are unsure who is responsible for the maintenance of the drainage basin which is vital to the site. The Council need to be mindful of what contracts they take on and here the Committee are looking at adopting another local space can she suggest that the Developer finds a Management Company and the residents there who purchase a property sign into a Maintenance agreement with the Management company and then it doesn't become a burden on the Local Authority.
- David Rowen clarified that the adoption of the Local Space was part of the stipulation of the 106 agreement that is already in place with the outlying planning application and therefore this has already been agreed.
- Councillor Mrs Laws reiterated again, may she suggest that when applications are looked at this aspect needs to be looked at very closely with future developments. David Rowen confirmed that this needs to be a decision that needs to be taken by 'The Council' and not for the Planning Committee to decide. Councillor Mrs Laws commented that if a Developer

put this situation forward then can this be considered.

- Councillor Sutton commented that he doesn't think planning rules would allow the authority to follow that route. Yes he agrees it is another burden to Council Tax payers and he takes on what Councillor Mrs Laws has said but he is concerned about too many Management Companies becoming involved.
- The Chairman commented that FDC will be receiving Council Tax contributions from 80 properties and if the Authority cannot maintain a small amenity area within the Development then there is an issue. With regard to the attenuation lake then it needs to be guarded and asked whether we can encourage the developer to guard the area from a safety factor.
- Councillor Mrs Laws asked whether a walking out slope can be incorporated into the attenuation lake. David Rowen advised that Anglia Water will be adopting the balancing pond and will be bound by Health and Safety legislation.
- Councillor Mrs Hay asked for clarification with regard to the Section 106 agreement. David Rowen clarified that the recommendation for the 106 agreement is in relation to the full application which is a standalone element which wouldn't be governed by the initial section 106 agreement and to ensure that the 13 dwellings are captured in the section 106 requirements for the full site that is why its necessary to have a further 106 agreement for those further 13 dwellings.
- Councillor Mrs Hay commented that if agenda items 7 and 8 are approved and the committee don't agree with the change with the Section 106 where does that leave the Committee. The Chairman confirmed that the 106 application can be refused if that is the Committees decision.
- Councillor Mrs Davis asked whether the path at the top of the development will be tarmacked and have street lighting. The Highways officer clarified that it was a conditional recommendation that it will be lit, widened and tarmacked and maintained by Cambridgeshire County Council.
- Councillor Mrs Davis also asked with regard to sewerage and drained to a neighbouring estate who have continual problems with sewerage and drainage. David Rowen clarified that it falls under Anglia Waters jurisdiction and they have the statutory duty. They have raised no objections and need to ensure that the sewerage infrastructure is adequate.
- Councillor Connor asked whether the recommendation could be put forward for the path to have path lighting as well. The Highways Officer clarified it is a detailed design matter and this can be discussed at the detailed design stage so it is safe for people to walk along.
- Councillor Connor reinforced Councillor Davis' s comments concerning sewerage and the Chairman reiterated David Rowen advice concerning how the sewerage falls under the remit and duty of Anglia Water.
- Councillor Mrs Laws asked whether Anglia Water have indicated whether any new pipework is planned or whether the existing pipework is adequate. David Rowen referred Members to paragraph 5.5 concerning Anglian Water where they indicate that the impacts on foul sewerage have been adequately addressed. Councillor Laws asked whether as a planning department can this issue be raised. David Rowen responded that he didn't think it would be beneficial or advantageous.
- Councillor Connor referred Members and Officers to the Local Plan Policy LP3 where it mentions that Development at Wimblington and Doddington will be appropriate, provided that capacity at, or in the sewerage network leading to, the waste water treatment work in Doddington can be addressed.
- David Rowen reminded Members that in essence the site has already got planning permission for 80 dwellings.
- The Chairman commented that at the outline planning application stage, Anglian Water gave assurances that sewerage deficiencies would be dealt with at the time of the site construction and the Committee were assured of that.
- Councillor Sutton mentioned that there looks as though there is a fence around the basin although it isn't very clear but thinks it should be a recommendation. Councillor Laws confirmed that fences are normally aren't incorporated as that would require maintenance, there walk out options are looked at nowadays.

The Chairman asked the Committee for a recommendation on item 7 - F/YR17/0039 Reserved Matters.

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

Approved as per Officer's recommendation.

(Councillor Connor asked for a caveat to be added that the Applicant be contacted to feed back to them there are concerns over drainage issues and problems.)

(Councillor Mrs Davis and Councillor Connor registered in accordance with Paragraph 14 of the Code of Conduct on Planning matters, that they are both Members of Wimblington Parish Council.)

P15/17 **F/YR17/0043/F**
LAND EAST OF 38, MARCH ROAD, WIMBLINGTON
ERECTION OF 13 X 2-STOREY DWELLINGS COMPRISING OF:9X 3 BED AND 4 X
2-BED, INVOLVING THE FORMATION OF A NEW ACCESS

This agenda item was discussed under item 7.

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

Approved, as recommended.

P16/17 **F/YR17/0318/PLANOB**
LAND EAST OF 38, MARCH ROAD, WIMBLINGTON
MODIFICATION OF PLANNING OBLIGATION ATTACHED TO PLANNING
PERMISSION F/YR14/0232/O (ENTERED INTO ON 24/09/2015)RELATING TO
FINANCIAL CONTRIBUTIONS AND AFFORDABLE HOUSING

The Chairman advised the Committee that this item is to determine the Planning obligation on the same site as previously discussed in Agenda item 7 and 8.

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

- David Rowen advised the Committee that this application seeks to modify the existing section 106 agreement.
- Councillor Mrs Hay commented how she would like to know what has changed between the period of 24 September 2015, when the applicant at that time was happy to sign the Section 106 agreement.
- David Rowen responded saying this is a valid question and as per the report, the viability assessment has indicated an increase in costs due to archaeology and the attenuation on

the site of surface water and the costs are higher than originally anticipated. Officers have thoroughly investigated the viability of the information that has been provided and have confirmed it is acceptable.

- Councillor Hay commented she is concerned that time and time again Developers will agree to anything to obtain outline planning permission and then plead poverty when it comes to commencing the building.
- Councillor Connor commented he wonders how the Developers got their sums so wrong and maybe we should ask Developer agents to put more work into section 106 social housing agreements so when it comes to committee we can get what was actually promised. The Government ties our hands on this. The disparity is so great he would also like the Officers who completed this to go back and recheck their figures.
- Councillor Sutton said he believes he can answer Councillor Mrs Hays question on what has changed, its ownership. Owners of the outlying planning permission can promise the earth and when it is sold on the problem arises, but central government has put out a directive that we have to take consideration of viability and we may not like it but our hands are tied.
- Councillor Murphy commented that the viability on this scheme is £65,000 for 80 houses which works out at £812 per house. If the applicant cant afford this £812 per house then they shouldn't be in the business. He doesn't agree with viability and its getting worse.
- Councillor Mrs Davis asked when ownership changes like this do the new purchasers not question the section 106 arrangement that is in place.
- Councillor Mrs Laws would like to see some consistency with section 106 agreements and doesn't see this happening.
- Councillor Sutton commented that he has raised this previously with David Rowen and the figures came out the same.
- Councillor Mrs Laws commented that if the application went to appeal then other areas could be demonstrated with inconsistency with 106.
- Councillor Sutton commented that it is difficult to compare site for site.
- Councillor Mrs Davis asked a question with regard to the installation of the £8000 bus stop and whether any consultation with local residents has actually taken place, as the school buses will not stop on the road as it is too dangerous. The Chairman said the question should be directed to County Council and the Highways Officer present mentioned that the request would've come via the transport planning officers and passenger transport team. This would've been carried out with consultation with the bus companies. The Chairman said no location has been decided for the specific location for the bus stop and he would hope the bus companies when consulted, will respect the fact that you cant stop there as it is considered as dangerous and will look at an appropriate safe location. The Highways officer advised that the construction of the bus stop is subject to a highways works agreement. Councillor Mrs Davis asked whether the Parish Council will be consulted and the Highways Officer confirmed that there will be some consultation.

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

Approved, as recommended.

**P17/17 F/YR17/0085/O
LAND SOUTH OF 72 FIELDSIDE, COATES
ERECTION OF UP TO 2 X DWELLINGS(OUTLINE APPLICATION WITH ALL
MATTERS RESERVED)**

Members considered letters of support.

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation in accordance with the public participation procedure, from Mr Lee Mawby, the owner of the land and a summary was provided on the history of the application. Permission was previously refused by one vote for three dwellings and dismissed on appeal in February 2016 for 3 dwellings. Since the appeal permission was granted for four houses on land between this site and the village and Mr Mawby highlighted this material change in circumstances This application is now for two dwellings not three.

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

- Councillor Mrs Laws asked what the threshold is within the village of Coates and David Rowen confirmed that the village of Coates is beyond its threshold.
- Councillor Sutton commented that in his opinion the site is not suitable for development at all, regardless of number of dwellings and it is disappointing that the Planning Inspector went against the Committee views with regard to the adjacent site although he appreciates that the development there is more in keeping. There is no doubt at all that if passed then the leap frog effect would occur and it would be totally out of character with the area and he wouldn't want to go against what the Inspector has said.
- Councillor Mrs Laws totally supports Councillor Suttons comments.

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

Refused as recommended.

Councillor Mrs Laws and Councillor Miscandlon registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are both Members of Whittlesey Town Council where the application was discussed but they took no part in the discussion or vote)

Committee was suspended for a ten minute comfort break.

**P18/17 F/YR17/0178/F
21 WILLEY TERRACE, CHATTERIS
ERECTION OF A 2-STOREY REAR EXTENSION AND SINGLE-STOREY GARAGE
TO EXISTING DWELLING INVOLVING DEMOLITION OF EXISTING STORE**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

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

- Councillor Murphy commented that this application is totally out of place, the scale is wrong, visual impact, its totally out of character and the prominence of it and it is also against LP2, LP16, LP16 d and e.
- Councillor Hay commented it is the worst set of plans she has ever seen. The scale is totally out of keeping and to have a brick wall against a neighbouring property is totally out of keeping.
- Councillor Connor said it will stand out like a sore thumb and concurs with Councillor Mrs

Hay and Councillor Murphy.

- Councillor Mrs Laws, says no consideration has been given to the Neighbouring property at all.
- Councillor Court commented was it paced out at 30 metres and the Chairman confirmed it was.

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

Refused as recommended

(Councillor Mrs Hay and Councillor Murphy registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are both Chatteris Town Councillors)

**P19/17 F/YR17/0241/F
ELGOOD HALL, WILLIAM ROAD, WISBECH
CHANGE OF USE OF EXISTING HALL TO 1X1 BED FLAT AT GROUND
FLOOR(WITH RETENTION OF EXISTING FIRST FLOOR FLAT) AND 2 X SINGLE
STOREY 1-BED DWELLINGS AND ERECTION OF A SINGLE STOREY 3-BED
DWELLING INVOLVING DEMOLITION OF WORKSHOP AND GARAGE**

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Mr Omad Javani, the applicant who was accompanied by his architect Mr Tony Hayle. Mr Javani gave Members an outline on the application and mentioned that he has spoken to local estate agents and small flats are in short supply in the local area. Mr Javani mentioned that there is off street allocated parking and landscaped private gardens incorporated with the proposal. There are no objections to the proposed development and Wisbech Town Council support the application.

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

- Councillor Sutton commented that this application is way out of keeping and couldn't possibly support it.
- Councillor Connor commented that although this site is ripe for development, however this proposal is over developing and he couldn't support it.
- Councillor Mrs Laws asked whether the amenity space meets the policy for a dwelling. David Rowen confirmed that some of the garden areas are only 3 to 4 metres and it isn't felt that this adequate amenity space.

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

Refused, as recommended

**P20/17 F/YR17/0342/F
KNOWLES TRANSPORT LIMITED, MANEA ROAD, WIMBLINGTON
ERECTION OF A GRAIN STORE WITH CANOPY AND 2.5 METRE HIGH**

PALISADE AND SECURITY MESH FENCING INVOLVING DEMOLITION OF EXISTING STORAGE BUILDING

Councillor Mrs Davis sat in the Public Seating area for the start of this agenda item

The committee had regard to its inspection of the site as agreed with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Councillor Mrs Davis. Councillor Mrs Davis commented that the site has stood idle for many years and the applicant has tried various applications to put the site into use and the neighbours in the locality are frustrated that the site has remained vacant. Councillor Mrs Davis was asked in her position as Parish Council Chairman to review the plans by a local resident and in turn asked the owner of the land to answer some questions which had been raised by a local resident. The Parish Council supported the application as no objections had been raised however Councillor Mrs Davis is now aware that an objection had been raised and cant understand some of the points that the objector has raised. The new application is supported by the Parish Council and the PCC, provided that the screening that is to be implemented along the blank wall of the grain store is sufficient. The applicant is also quite happy to plant established trees. Councillor Mrs Davis mentioned there is an issue with the entrance of the site which highways have an issue with and as the application had been previously approved in 2011 where that entrance was approved and is confused as to why there is now an issue.

- Councillor Court commented with regard to the consultation report, Cambridgeshire Highways have included as part of there report that there is an increased risk of more accidents.
- Councillor Sutton said the approval in 2011 was against Highways advice so the advice that Highways have given now is no different with this application.

Councillor Mrs Davis left the Council Chamber at this point.

Members received a second presentation, in accordance with the public participation procedure, from Mr Tim Slater, the Applicants Agent. The proposal is for agricultural use and is entirely appropriate for its use. The site itself has a permitted and lawful use for a storage yard. In 2011, (permitted in 2012) and revised in 2014 permission, there is already permission in place for the access that is currently proposed. The current proposal seeks an additional 1950 square metres of storage space with a drive through canopy of canopy of 1300 square metres although operationally this is not used for storage, this is a net increase of 850 square metres as opposed to the 2011 permission most of which is drive through rather than canopy and this will not alter traffic movements compared with the previous approvals. There are not significant traffic movements as it is mostly used for storage. A revised heritage statement has been prepared to seek the impact on the local church. The bypass follows the same path as the old railway. The village boundary is well screened by the planting around the church. Whilst the applicant respects the view of the Conservation Officer but does not feel that there views has a material impact on the setting of the Church. In essence if approved the site would be tidied up, removal of existing store implementation of landscaping and increase of rural. jobs which form part of the NPPF.

- Councillor Connor reminded members that this site was a haulage yard for many years.
- Councillor Sutton is concerned that although there is no dimension on it, if a vehicle arrived at the site, has to stop and open the gates, then the rear of the vehicle would be sticking out on the highway. The Chairman asked if the Highway Officer could assist with the concern

and the Officer confirmed that it is something that could be conditioned that the gates be set back 16.5 metres.

- Councillor Sutton concedes that this is a better scheme and although he would like to support the application he is very concerned about Safety and will struggle to support this.
- Councillor Murphy said that fairness has been spoken about and referred to other properties which were refused historically and feels that if we have a policy then this should be considered across all applications Councillor Murphy referred Members to LP18 and agrees with Officer's recommendation.
- Councillor Mrs Laws commented that the owner has had ample opportunity to tidy up the site. Councillor Mrs Laws is very mindful of the Highways issues and concerns like Councillor Sutton and would expect vehicle movements to have increased since 2011 and whilst she is mindful about the employment opportunities and we don't want to derail opportunities, but on balance including the LP18 policy she has to go with the Officers recommendation.

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

Refused as recommended.

(Councillors Mrs Maureen David and Councillor Connor registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they are both Members of Wimblington Parish Council.)

3.00pm

Chairman