

# PLANNING COMMITTEE



**16 AUGUST 2017 - 1:00PM**

**PRESENT:** Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman),Councillor Mrs M Davis, Councillor Mrs A Hay, Councillor, D Hodgson, Councillor P Murphy, Councillor Mrs F S Newell and Councillor W Sutton, .

**APOLOGIES:** Councillor D W Connor, Councillor S R Court, and Councillor Mrs D Laws

Officers in attendance: Nick Harding (Head of Shared Planning), Jennifer Thomas (Senior Development Officer), Alison Callaby (Development Officer), Alex Woolnough (Highways Officer), Louise Humphreys (Legal Officer) and Mrs J Goodrum (Member Services)

## **P21/17      PREVIOUS MINUTES**

The Minutes of the meeting of the 19 July 2017 were confirmed and signed. Mrs Joanne Goodrum, Member Services Officer, advised Members that Councillor Connor had asked for two amendments to be noted with regard to Declarations of Interest at that meeting.

Minute Number P14/17. Councillor David Connor asked for the minutes to be amended to reflect that he is not a Wimblington Parish Councillor but was present at the Parish Council Meeting in his capacity of District Councillor and County Councillor when the matter was discussed but took no part in the voting.

Minute Number P20/17. Councillor David Connor asked for the minute to be amended to reflect that he is not a Wimblington Parish Councillor and he left the room when the item was discussed at the Parish Council.

## **P22/17      F/YR17/0469/F LAND WEST OF TOWNFIELD HOUSE, MAIN ROAD, ELM ERECTION OF A 2-STOREY 4-BED DWELLING WITH DETACHED DOUBLE GARAGE INVOLVING DEMOLITION OF EXISTING STABLES**

Councillor Clark left the Council Chamber whilst this planning application was discussed.

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/4 refers)) during its deliberations.

The Planning Officer advised Members that a further update had been received from Elm Parish Council who had no objection to the proposed development.

Members received a presentation, in accordance with the public participation procedure from Mr Paul Oldroyd, who spoke as an objector to the proposed development. With regard to Halfpenny Lane, even though it was adopted after the last new development, Mr Oldroyd commented that there are access issues as it still remains a narrow grass track and is totally unsuitable for emergency vehicles and refuse collection vehicles. He understands this has been accepted by the applicant, who has suggested a different route for their waste. Mr Oldroyd referred to the Cambridgeshire RECAP policy, Page 6, 1.8 adopted by Fenland District Council, which stated that residents should have to take their refuse more than 30 metres to their bin storage area and

should not have to carry their refuse bins more than 25 metres to their refuse collection point at the kerbside in accordance with Building regulations. Mr Oldroyd stated that the proposed development exceeds this by a calculation 76 metres which exceeds 40% over the guidelines and breaches the FDC, CC and Government Policy and therefore taking this into account, in his opinion that this back land development is totally unsuitable for its location and will detract from the Elm conservation area.

Members received a further presentation in accordance with the public participation procedure from Mr David Housden who spoke as an objector to the proposed development. Mr Housden explained when he had his development approved three years ago it was for executive homes and to attract entrepreneurs into the area and complied with all the legal requirement and said now there will be a road across the back of his property which will overlook his property affecting his privacy. Halfpenny Lane is an extremely narrow Lane with only one passing point and the road has no turning spaces. The road has been damaged and after contacting Highways they have said this is due to heavy and wide vehicles damaging the road surface. With the proposed development this will only add to the damage already caused. With regard to turning space, when Mr Housden had his development approved it included the requirement for a turning space to be provided on a third plot, however Mr Housden will no longer be building on this plot as he has turned it into his private garden incorporating a wildlife garden and insect hotel.

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

- Councillor Hodgson commented that he knows the area very well as a serious walking area and asked Mr Housden whether he envisages any more vehicle movement down the road with the proposed development. Mr Housden said yes especially once the construction starts, there will be heavy vehicle movement. He mentioned that in the 16 years he has lived there he has never seen a single vehicle drive down to the stables and once the property is built vehicle usage for the new property will increase. Mr Oldroyd commented that as this will be an executive home, he can expect the property to own three or four vehicles which will increase the amount of traffic.

Members received a further presentation in accordance with the public participation procedure from Mr Ted Brand, the applicants Agent. Mr Brand explained that this proposal is for a high quality new home to be built by the present occupants who are looking to downsize from their current property. There was an outline planning applications submitted previously which was withdrawn after discussions with the Planning Officer and Conservation Officer. Following further meetings with the Planning Officer and Conservation Officer a scheme was developed. There are 15 objections listed in the Planning Officers report with the main objections being highways issues and loss of privacy for neighbours. The Planning Officers report has dealt very well with regard to loss of privacy and extra planting is now going to be incorporated to screen the neighbouring houses and also the driveway is going to be relocated and moved away from the neighbouring houses, so the responses have been taken on board from the local community with the revised design. From the highways point of view the road has been in existence since 1880 and since the Applicant moved in 15 years ago the rear access point has been used since that time. As there is no front vehicle access anything that has needed access to the rear of the property such as access to the house and stables and garden has to access via the rear.

The Planning Inspectors report looked at this when permission was previously granted for the three homes in Halfpenny lane and it is clear that the number of houses at that point was 17 with possibly two more proposed with planning permission if they are built, then the turning area and road widening will take place. There are no objections from Highways, the Parish Council or Planning Officers and the report is clear that the road is safe for the number of dwellings and on balance there is no evidence to support refusal on grounds of Highways.

With regard to construction traffic, the Applicant has come to an agreement with the land owner to

the North of the site and all the heavy traffic and possibly all the traffic will come in off the main road further down and across the land to the North of the site during the construction period so no concrete lorries will use Halfpenny Lane during construction. There is no evidence to support any of the concerns of the objectors there is overwhelming support from Officers, Statutory Consultants, Parish Council and Local Residents as a result of the Community Consultation and the Applicant has worked with the Planning Officer and Conservation Officer to provide a high quality design to enhance the village and the local community.

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

- Councillor Hodgson asked Mr Brand what is his opinion on the increase in driving and also the opinion on the placement of the refuse and recycling bins. Mr Brand commented that he thought that the bins were going to be placed at the front but he has now discovered that Fenland District Council have suggested they can be collected from the back and Mr Brand stated that they will comply with whatever the best way is for Fenland District Council to service the property.
- Councillor Davis asked for clarification concerning whether there will be more stables constructed. Mr Brand clarified that the existing stables will be demolished and that no new stables will be erected.
- Councillor Sutton asked for clarification concerning the proposed roadway which had been mentioned for the construction traffic. Mr Brand passed a map to Councillor Sutton to identify the access off Main Road just past Townfield House and the applicant has an agreement with the land owner for this access to be used.
- Councillor Sutton asked who the owner of the land is that the applicant has reached this agreement with. Mr Brand advised that he was unsure as it is something that his client has negotiated independently. The Chairman asked the Planning Officers whether they are aware of this access and the Planning Officer confirmed that she had seen it, it is a grass track and Councillor Sutton asked whether Members were aware of this on the site visit and the Planning Officer said it didn't come up at that time.
- Councillor Hay asked what the paddock is used for at the moment and Mr Brand said he was unsure as his Client has negotiated separately with the land owner.
- Councillor Murphy said he was having trouble getting his head around the access track which as he understood meant heavy traffic would be going across meadow ground. Mr Brand said as he understood it some sort of hard core base would be laid to help protect the surface.
- Mr Nick Harding, commented that Members will note from the Officers report that there has been no objection from the Highways Authority and the assumption made by Highways and Planning Officers was that if the development was approved then the property would be constructed by means of access via Halfpenny Lane. However if an alternative means of access was going to be utilised then it may or may not in its own right require consent, however the information we have received thus far suggest that access exists already and if that is the case then that would need no further consent and there is nothing the council can do to stop it being used for that purpose. Having said that, given that this issue has arisen at short notice, a condition could be added to say that the means of access for construction would need to be submitted to us for approval in order to ensure that any mitigation that maybe required can be put in place.
- Councillor Sutton asked whether the Highways Officers present had any problem with the additional access on the main road. Alex Woolnough from the Highways Department said

he would need to look at the plans and the construction management plans in place before he could possibly comment.

- Councillor Hodgson said there should be full information provided that there is a public footpath and from what he has heard he doesn't feel there will be an increase in vehicles.
- Councillor Murphy said with regard to his views concerning back land development if you don't approve back land development the first time you don't have to approve it going forward. With regard to the temporary roadway across grass he doesn't think it is going to work.
- Councillor Murphy asked Officers to clarify with regard to linear development, which is discussed month after month. The Planning Officer commented with regard to the back land development as referred to in the report this is a balanced decision and development will not extend beyond the western end of the development in Halfpenny Lane and because there is an existing access it was considered on balance to be acceptable in this instance.
- Councillor Sutton said the planning committee strive to be consistent when making decisions and he appreciates that Planning Officers are also consistent with their recommendations, however in this case in his opinion this recommendation isn't consistent with what has been presented in the past. Over the past few months there have been a couple of back land developments where the recommendation was for refusal and the committee agreed with these and it is imperative that the committee remain consistent.
- Councillor Sutton referred to a couple of previous planning applications and he understands the Officers are making recommendations on balance but in this case the Officer is taking too much notice of the Inspector.
- Councillor Sutton mentioned he is aware previously he has spoken at Planning Committee to say that the Committee shouldn't go against the Inspectors report, but he has seen nothing in the Inspectors report which covered extending the development in Halfpenny Lane.
- Councillor Sutton agrees with Councillor Murphy and said it doesn't matter where you access it from Main Road or Halfpenny Lane it is back land development and it is not consistent with what we have done in the past and it doesn't suit LP16 of the local plan and he cannot go with the Officer's recommendation.
- Councillor Newell commented that it is consistent with LP16 and if it goes to appeal then it will cost Fenland District Council money.
- Councillor Sutton said as long as the Committee make a reasonable decision based on policy, then he has no problem with going against Officer's recommendation.
- Councillor Hay said she agrees with both Councillors Sutton and Murphy and she looks at it as back land development and on the site inspection it was a very narrow lane and when you turn the corner the access was even narrower and was just a dirt track with grass growing on it and how this can be considered as an acceptable access is beyond her.

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

**Refused for the following reason:**

**Policy LP16(d) of the Fenland Local Plan aims to deliver high quality environments, seeks**

to ensure that development responds to and improves the character of the local built environment, reinforces local identity and does not adversely impact on the street scene or settlement pattern of the surrounding area. The proposal because of its siting behind Townfield House and behind the existing linear development pattern in the locality would constitute back land development. This is considered to be harmful to local identity and the character of the built form in this location which would be contrary to the above aims of Policy LP16(d).

(The Chairman, registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters that all members of the Planning Committee had been lobbied on this matter)

**P23/17**      **F/YR16/1036/F**  
**2 NEWFIELD COTTAGES, CHALK ROAD, GOREFIELD, WISBECH**  
**ERECTION OF A 2-STOREY SIDE EXTENSION, INVOLVING THE DEMOLITION**  
**OF EXISTING ATTACHED STABLES AND STORAGE OUTBUILDINGS,**  
**EXTENSION OF THE EXISTING RESIDENTIAL CURTILAGE TO THE REAR AND**  
**CHANGE OF USE OF LAND TO SITE 2 X MOBILE HOMES(DURING**  
**CONSTRUCTION) (PART RETROSPECTIVE)**

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 Planning Officer gave a further update to the Committee from the Environment Agency who have no objection subject to a time restraint condition being imposed regarding the mobile homes to ensure they are only used during construction and the development being undertaken in accordance with the FRA, i.e. FFL a minimum of 300mm above Chalk Road and the inclusion of flood resilient and resistant techniques, with this being secured by condition and that the applicant should be advised that the foul drainage system should be maintained in a good state of repair.

Members received a presentation, in accordance with the public participation procedure, from Mr Paul Bhogal, the applicant, who advised the Committee that this is not a new dwelling and just an extension to the family home, which will enable the family to support a family member to retain their independence yet not disrupt their existing home. The building will be clad and has taken into consideration the countryside element within the design of the build. The neighbours have no objection and the applicant is more than happy to work with the Planning department and his architect to achieve a satisfactory design.

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

- Councillor Sutton commented that he is currently struggling with his decision on this application. The neighbouring property has extended albeit a single storey as opposed to a two storey and he can see the opinions of both the officer and the applicant.
- Councillor Murphy commented that this application is a no go right from the start and he agrees with the Officers decision.
- Councillor Davis agrees with Councillor Murphy and we have had other applicants sit before us and cite family reasons for wanting to build outside of what would normally be acceptable and we have a precedent that we need to follow.
- Councillor Hay commends the applicant but the scale of the extension is just one step too far.
- Councillor Sutton commented that having listened to the other Members it looks as though this application won't be approved today, however he wondered if the applicant came back with a mirror image of the property next door could it be supported. The Planning Officer said this application has taken a while to come to committee and rather than resolve to refuse the scheme outright, discussions took place with the agent to see if there was an alternative proposal which could have been deemed acceptable but unfortunately the

discussions didn't reach a satisfactory outcome so the agent and applicant reverted to the original scheme and this has been brought to committee today. However, the Planning Officer would be happy to discuss with the agent and applicant alternative schemes and these would have to be considered on their own merits.

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

**Refused, as recommended.**

**P24/17**      **F/YR17/0490/F**  
**LAND WEST OF, 126 -128 ELLIOTT ROAD, MARCH, CAMBRIDGESHIRE**  
**ERECTION OF 4 X SINGLE-STOREY DWELLINGS COMPRISING OF :1X 3-BED**  
**WITH INTEGRAL GARAGE, AND 2X 3-BED AND 1 X 4-BED WITH DETACHED**  
**GARAGES**

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 Lowe, the Applicants Agent. Mr Lowe commented that an application for 9 houses was approved on that site last year by the Planning Committee subject to a Section 106 being entered into. Unfortunately the site was subject to a ransom strip with the land owner requesting a substantial amount of money which made the scheme unviable and the application was withdrawn earlier this year. The approved application for the 9 dwellings received 10 objections from local residents who agreed the site was ripe for development but would prefer the site to have bungalows. The application before the committee today has been sent to 47 local residents for consultation with only 2 objections being received. As stated in the Officers report the objections fall outside of the remit of the Planning process, so ultimately there are no resident objections. The Officers report states that the 4 bungalows have over developed the site which he finds difficult to understand as previously the application was approved for 9 properties; in fact this development equates to 23 dwellings per hectare which he believes is not over development. The site sits within flood zone 1 and as stated in the previous officers report is not prone to flooding. A report has been carried out on the suitability of infiltration drainage and the soak ways are proposed and have been deemed acceptable.

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

- Councillor Sutton commented that this reminds him of a previous development on a different site in Whittlesey which was a cramped development and the Agent went away and came back with a revised proposal and he think this is what is required here.
- Councillor Mrs Davis agreed and commented that when you stand in front of the proposed site and try to envisage the layout it comes across as very cramped and would be interested to know the previous development was the proposal for terraced houses. The Chairman confirmed that yes it was and access was through Peas Hill.

Proposed by Councillor Mrs Davis and seconded by Councillor Mrs Hay and decided that this application be:

**Refused as recommended.**