

PLANNING COMMITTEE



11 OCTOBER 2017 - 1:00PM

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

APOLOGIES: Councillor S R Court

Officers in attendance: Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Stephen Turnbull (Legal Officer) and Joanne Goodrum (Member Services Officer)

P28/17 MINUTES OF SEPTEMBER 13, 2017

The minutes of the meeting of 13 September 2017 were confirmed and signed.

P29/17 F/YR16/0965/F 33 GAUL ROAD, MARCH ERECTION OF 6X2 STOREY DWELLINGS COMPRISING OF 3X2 BED AND 3X3 BED WITH GARAGES INVOLVING DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS

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 Nigel Lowe, the applicant's agent.

Councillor Mrs Hay asked for clarification with regards to the viability assessment as it mentions that there will be a deficit on completion, does this mean that the applicant will not make a profit after completion. Mr Lowe stated there will be a profit, but there would not have been a profit as originally it was going to be one house and point 2 of a house which then would not have made it viable.

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

- Councillor Connor commented that the site needs to be tidied up and is minded to go with Officer's Recommendation.

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

APPROVED, as per the Officer's recommendation.

F/YR17/0544/RM
P30/17 **LAND NORTH OF SNOWLEY PARK AND GLENFIELDS, WHITTLESEY**
RESERVED MATTERS APPLICATION RELATING TO THE DETAILED MATTERS
OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING PURSUANT TO
OUTLINE PERMISSION F/YR14/0365/O (RESIDENTIAL DEVELOPMENT (148
DWELLINGS MAX) WITH ASSOCIATED INFRASTRUCTURE)

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 Legal Officer, advised Members that as this is an application for reserved matters approval, Members should be aware that their role today is only to look at those details for the reserved matters application and the Committee cannot revisit the principles of the development or the outline planning permission or the section 106 agreement associated with the outline permission.

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

1. Councillor Mrs Laws asked whether the revision in the drawing pack to reflect the change of layout and the engineering pack had been circulated to Whittlesey Town Council. David Rowen confirmed that the Town Council have received the same documentation.
2. Councillor Mrs Newell commented that she feels the matter should be deferred as the response from Anglian Water in the Officer's report with regard to the outstanding foul water strategy has still to be submitted and reviewed. David Rowen said this is one of the outstanding conditions on the outline planning permission that is currently on-going and that he does not see the need to defer for that outstanding information.
3. Councillor Connor referred to comments made by Whittlesey Town Council with regard to the absence of the submission of a full travel plan and of cycling provision. David Rowen advised that a discharge of condition application was submitted to the Council some time ago which highlighted 10 conditions and that 8 of those have been approved by consultees. The travel plan is an outstanding condition and work is underway with the applicant and Cambridgeshire Highways to address this. David Rowen showed Members on the presentation the location of the cycle way and advised that there are conditions in the outline planning approval and the reserved matters approval to address the cycle way.
4. Councillor Mrs Laws referring to the condition concerning the travel plan, stated that it says that the travel plan should be in place prior to the first occupation along with the cycle route which is still not shown on the plans. She would like the matter deferred until everything is in order, as it is a large development and having an impact on local residents. She added that there is an adjacent development already constructed, where the developer is no longer on site, which suffers with flooding and has been left with a drainage problem. She is concerned as the site is sensitive to water and the developer hasn't complied with all of the conditions therefore she would like the matter deferred.
5. Councillor Mrs Hay stated that it has been suggested the section 106 contributions with regards to secondary education is incorrect and asked whether the housing mix changed sufficiently since the original application to warrant revisiting this. The Legal Officer confirmed that this cannot be revisited unless it is a new application.
6. Councillor Mrs Laws referring to F/YR14/0365 section 5(k) stated that it makes reference to a secondary education contribution of £23,800 and is based on housing need but it does state in the Officer's original report that it could be subject to change when the reserved matters application is submitted. David Rowen stated that the section 106 agreement is clear, £23,000 is the contribution and there is not an option within the section 106 to negotiate or revisit that.
7. Nick Harding explained the method that is used at Fenland to calculate the contributions. A typical house mix is applied in order to calculate with colleagues at County Council's Education Department what the contribution would be towards education or alternatively what affordable housing provision should be.

8. Nick Harding stated that as we have a reserved matters application to determine on the basis of whether the layout is acceptable we cannot defer the application whether conditions on the outline have been discharged yet or whether they are being dealt with promptly enough by the developer. If there are concerns over this, then it would be a matter for planning enforcement to look into. If the matter is deferred then the Council is at risk of having an appeal lodged against them upon the grounds of non-determination of the application. He added that we can communicate with the Developer and advise them of the comments and issues raised today and explain they need to expedite the outstanding issues otherwise they could be faced with enforcement action.
9. Councillor Mrs Newell reiterated that the point concerning flooding is her main concern. Nick Harding commented that when the outline planning was considered a drainage strategy was submitted and that was accepted by the Lead Flood Authority (Cambridgeshire County Council). He confirmed he has reviewed the discharge of condition application and the Internal Drainage board are happy with the detail of the drainage scheme.
10. Councillor Sutton asked for clarification regarding the extra four houses that David Rowen referred to in his presentation for the previous reserved matters site plan and asked whether on the new plan the additional four homes are semi-detached. David Rowen confirmed this.
11. Councillor Mrs Laws expressed her concern about drainage and the water issues in this area. North Level IDB also have concerns. She added that Anglian Water are already experiencing problems in this area and they will be responsible for any issues in the future which may arise once the developer has left the site.

Proposed by Councillor Mrs Laws and, seconded by Councillor Connor that the matter be deferred to enable the applicant to provide the outstanding information. A vote was taken which resulted in the need for a casting vote by the Chairman resulting in the failure of the proposal.

Proposed by Councillor Sutton and, seconded by Councillor Mrs Hay that the matter be approved. A vote was taken which resulted in the need for a casting vote by the Chairman resulting in the application being APPROVED as per the Officer's recommendation.

(Councillor Mrs Laws and Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of Whittlesey Town Council but take no part in planning matters)

**P31/17 F/YR17/0773/F
LAND SOUTH OF 218-222 MAIN ROAD, CHURCH END, PARSON DROVE
ERECTION OF 4X2 STOREY 3 BED DWELLINGS WITH GARAGES INVOLVING
DEMOLITION OF EXISTING SHEDS**

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 Ms Alexandra Patrick, the Applicants Agent. Ms Patrick advised the committee that this application is a resubmission.

She stated that she had been originally advised that the initial submission would be recommended for approval. However, subsequent correspondence was received to advise to the contrary. Following meetings with the Parish Council to address any concerns, they have no objection to this application. Six letters of support have also been received from local residents. Ms Patrick stated that with the position of the existing houses which were approved in 2006 along with the current proposal which includes the demolition of the existing buildings, the new proposal will enhance the appearance and also follows the same building line of recent developments. She drew Members attention to John Pecks Close which is built adjacent to Parson Drove Surgery, four dwellings

currently under construction adjacent to Silvers Lane and a further four large houses east of Parson Drove Surgery on the outskirts of Church End; Stating that these developments are all situated in flood zone 3 and the Planning Officer has concerns over the said 'gap' of Church End and Parson Drove.

Ms Patrick commented that she has consulted with local residents who confirmed the gap between the settlements has been closing consistently over the years. She confirmed that the development does not overlook any existing properties in a way that would reduce their value and is not set on the edge of any village that would close any defining gap. It is also not contributing to the loss of any farming land. The site does not promote the loss of any wide open character space and the properties have an additional third story escape in the event of a flood. Ms Patrick commented that this proposal will complete this type of rear development in this area.

Councillor Connor asked who the six letters of support have been received from and Ms Patrick said the letters were from the six houses on the frontage.

Members received a presentation, in accordance with the public participation procedure from Mr Gary Patrick, the Applicant. Mr Patrick confirmed that the proposed site has been in his family for 70 -80 years and that there used to be a butchers shop on the site in the 1950's.

Councillor Mrs Laws asked whether it was a retail outlet and Mr Patrick confirmed that it had been in the past.

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

1. Councillor Mrs Laws asked about a sequential test that has been submitted and stated that the site is located in flood 2/3 which is against our policy. David Rowen commented that there is no flood zone 1 land in the settlement and would normally look to steer developments to an area of lowest flood risk.
2. Councillor Connor asked when the houses at the front received planning permission which was clarified as 2006 by a number of Members, which was before the Local Plan.
3. Councillor Sutton commented that Church End is another village and we normally restrict to a single dwelling or infill of sites and as this is neither it does not meet our policy and therefore he feels that Officers have made the right decision.

Proposed by Councillor Sutton, seconded by Councillor Mrs Davis and decided that the application be: REFUSED as per the Officer's recommendation.

**P32/17 F/YR17/0443/F
LAND SOUTH OF NEWBRIDGE LANE CARAVAN PARK, ELM
CHANGE OF USE OF LAND TO 8NO PITCHED TRAVELLERS SITE INVOLVING
THE SITING OF 8XMOBILE HOMES AND 8X TOURING CARAVANS WITH
ASSOCIATED WORKS**

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 Seaton, the applicants agent. Mr Seaton stated that he sent in a pre application in June 2016 for 10 pitches. Following a meeting with the Planning Officer, it was agreed that the proposal would be discussed with Cambridgeshire County Council, Highways Department and the Traveller Liaison Officer at Fenland District Council about the condition of Newbridge Lane. Following various meetings, it was agreed to submit a formal application which included information that had been requested. It was also agreed to reduce the area of the proposed site and reduce the number of

pitches from 10 to 8. Mr Seaton highlighted the positive points from the Planning Officer's report, stating that there had been no objection from the Environment Agency as the site is in Flood zone 1, and no objections from Highways, Parish Council, Traveller Liaison Officer or any local residents and he believes the recommendation for refusal stems from the Gypsy and Traveller Needs Assessment 2013 Legislation document (GTANA), which states that there is only the need of six new pitches for the period of 2016 to 2021.

Mr Seaton stated that he had requested a list of vacant sites from the Planning Officer but this was not available. He stated that he feels the GTANA legislation is misleading and incorrect and has made enquiries with regard to all of the County Council owned traveller sites and they are all full with long waiting lists. He referred to a planning inspectorate appeal where two pitches at another site were approved. Referring to paragraph 37 on the appeal which states 'that there appears to have been a failure to reach the districts share of regional needs since at least 2006 and on this basis it is likely that by now there is a substantial accumulated need for more sites to make up this historic shortfall'.

Mr Seaton mentioned that if permission is granted then the applicant will install CCTV to deter the flytipping in that area and increase landscaping to reduce the visual impact.

Councillor Mrs Laws asked for clarification of a demonstrated need of traveller plots and Mr Seaton confirmed that this was in paragraph 37 of the appeal with reference to another site.

Councillor Mrs Davis, asked for clarification on the date of the appeal. Mr Seaton confirmed this as 2006 and referred to and reiterated the Inspectorates comments.

Councillor Miscandlon asked for further clarification with regard to the Planning Inspectorate carrying out the assessment in 2006, Mr Seaton confirmed it was the Planning Inspectorate who referred the assessment.

Councillor Miscandlon asked Mr Seaton whether he was under the impression that no re assessment of the need for Traveller pitches has been carried out from 2006 to 2017 and Mr Seaton confirmed that is what the GTANA agreement states.

David Rowen clarified that the GTANA, was carried out in 2013 and was then updated in January 2017, which gives an assessment of any available pitches, any pitches that have arisen due to planning applications, turnover of pitches and assessment of trends of need and it concluded there was only a need for 6 additional pitches up to 2021. He asked Mr Seaton to clarify the appeal decision that he had referred to was made and Mr Seaton said it was in 2013.

Nick Harding commented that Officer's have looked into what the need is, that has been identified in the GTANA, and we have looked at what planning permission has been granted and as a local authority feel we have met our requirements under the GTANA.

Councillor Sutton asked Mr Seaton whether he would agree that it is a difficult job for anyone to assess the needs of travellers. Mr Seaton replied that generally a lot more sites are needed for travellers and he disputes the GITANA report.

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

1. Councillor Murphy stated that he feels the figure of 8 pitches is misleading as each plot has enough room for 2, so that would be 16 caravans which he feels is far too much. It is right beside the busy A47, and the site already in place in his opinion is quite sufficient.
2. Councillor Mrs Newell commented that there has been a lot of information given during the presentation which she feels needs to be clarified and the Officers should be in a position to check the finer detail.

3. Councillor Miscandlon concurred with Councillor Mrs Newell and stating that Officer's consider the GTANA information when preparing their report, and it is the only information they can refer to and they do obtain legal advice for clarification on certain points.
4. Councillor Mrs Newell asked whether the Traveller Liaison Officer had been consulted and the Chairman clarified that he had been consulted.
5. Councillor Mrs Newell mentioned the fly tipping that Members observed on the site inspection.
6. The Chairman confirmed the fly tipping is at the entrance of the current site and not on the development site which is beyond the concrete blocks.
7. Councillor Mrs Hay asked for clarification clarify that the original report had been compiled in 2013 David Rowen confirmed that original GTANA had been written in 2013 and had been reassessed more recently.
8. Councillor Mrs Hay stated that she feels the appeal decision cannot be considered as it would appear that the figures provided from 2013 are now out of date and therefore irrelevant.
9. The Legal Officer commented that it would appear that the appeal has been superseded by a more recent assessments and that is the factor to take into account.
10. Councillor Mrs Laws and stated that she is grateful for the clarification from Officer's, however we do have a policy and agrees that Officers have looked at LP5 and LP15 .

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

REFUSED, as per the Officer's recommendation.

15.00pm

Chairman