

PLANNING COMMITTEE



8 NOVEMBER 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 Mrs F S Newell, Councillor W Sutton. .

OFFICERS IN ATTENDANCE: Sheila Black (Principal Planning Officer), Nick Harding (Head of Shared Planning), Stephen Turnbull (Legal Officer), Rikki Parsons (Highways Officer)and Joanne Goodrum (Member Services Officer)

P33/17 PREVIOUS MINUTES

The minutes of the meeting of 11 October 2017 were confirmed and signed.

P34/17 F/YR17/0563/O LAND SOUTH OF, 85 - 89 UPWELL ROAD, MARCH, CAMBRIDGESHIRE

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.

Sheila Black advised the Committee that she had received a late communication from a neighbouring property containing comments detailing concerns over the accuracy of some of the information contained in the Officer's report. Within the executive summary on page 9 of the agenda, Sheila Black advised the Committee that the second paragraph within that section should now finish at the word area and therefore the last three lines of the summary should be disregarded. Members were also advised that the Consultation from Fenland Highways Division at 5.4 should be disregarded as a further update had been received from them detailing no objections, subject to conditions relating to parking and visibility.

There had been one further consultation response from the County archaeology team who had no objection and if permission is granted then the site should be subject to an archaeological investigation.

Members received a presentation, in accordance with the public participation procedure from Mr Ted Brand, the applicants agent.

Mr Brand highlighted to Members point 7.19 of the March Neighbourhood Plan and commented that March Town Council have no objection to this application but he could find no reference to Policy H2 and the relevance if it within the Planning Officer's report. The development is within a sustainable location within March which ties in with National and Local planning policies with support sustainable development. These policies also state that efficient use of land should be considered to make use of green infill sites. The reasons for refusal stated are the settlement pattern and the character of the area and the fact that the street scene does not respond to the existing linear settlement pattern. Mr Brand commented that he agrees the character of the area is important but it must be based on an accurate analysis of the area. The majority of Upwell Road has back land development and he disagrees with the character of the area being described as being a sensitive location. With regard to policy LP16d, which is the reason for refusal with regard to the settlement plan it states does, not adversely impact on the street scene or settlement

pattern. Mr Brand commented that the impact on street scene and settlement is minimal and believes there must be a balance on the sustainability of the site, the March Neighbourhood Plan and the efficient use of the land.

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

- Councillor Mrs Laws asked whether Officers would have read and taken into account the recently adopted March Neighbourhood Plan (MNP). Nick Harding advised the Committee that the MNP should not be read as a stand alone document and the Fenland District Council Local Plan should also be referred to. He added that the Neighbourhood plan in policy H2 states that the proposal will be acceptable where it does not result in unacceptable impact of levels of light and privacy, private amenity space for the occupants of the proposed dwellings and the impact of the proposals on existing neighbouring properties will be assessed against local plan policy LP16.
- Councillor Murphy commented that this is a back land development and not linear development and this is something that we do not approve.
- Councillor Sutton stated that he has looked at the policies previously quoted and this development does not fit with LP16 and thinks that Officers have made the correct decision with their recommendation.
- Councillor Connor agreed with the comments made by Councillors Murphy and Sutton.

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

REFUSED, as per Officer's recommendation

(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 but takes no part in Planning matters)

P35/17 F/YR17/0815/O
LAND SOUTH OF 7, APPLE TREE CLOSE, MARCH, CAMBRIDGESHIRE

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.

Councillor Connor moved to the public seating area as he registered to speak on this application as an objector and for this agenda item would be referred to as Mr David Connor and took no part in the vote.

Sheila Black referred Members to the update which had been circulated to them and contained comments referring to land ownership, boundary issues and rights of way which are not planning related issues. A further plan had also been submitted which had also been circulated to Members. Following the site visit further clarification has been obtained from the Highways Authority regarding additional use of the access and they have not raised any objections to the additional vehicle movements from one additional dwelling.

Members received a presentation, in accordance with the public participation procedure, from Mr Alan Slater an objector to the application and Mr David Connor, both residents and objectors to this application.

Mr Slater advised the Committee that upon the site visit he is sure that the Committee would have seen the blue paint which identifies the border of his property and it is his intention to move his

fence line to that point which will reduce the width of the road and the turning point. Mr Slater referred to the maintenance that he along with other neighbours have carried out over numerous years.

Mr Connor thanked the Chairman and Committee for allowing him to speak as an objector to the application and sited the main reason as highways safety. Mr Connor referred to the Highways engineers comments and quoted that a new shared access should be 5 metres wide for the first ten metres, however the access is less than four metres and he would have thought it was against highways policy. Mr Connor commented that within the highways officers comments it also states that access to the site is not ideal and if two vehicles should meet each other at the access point then they should seek refuge on the private driveway of number 18 or 20 Wimblington Road. He mentioned that the owners of these properties would not allow this under any circumstances and would seek legal advice should this happen and it is clear there is no other available refuge. He stated that he is convinced that no turning circle can be achieved and therefore that is the reason why a small refuse vehicle collects the refuse at the existing properties. This will also prove to be problematic for construction vehicles and cause safety issues.

- Councillor Mrs Laws asked whether the existing properties had issues with construction traffic when they were built and did those vehicles have to reverse out of the site. Mr Connor confirmed that those three properties were not built at the same time and therefore there was enough space for the construction traffic to be able to turn around although it still was not ideal.
- Councillor Mrs Laws asked Mr Slater whether he will be moving his boundary fence and he confirmed that is his intention.
- Councillor Sutton commented that as home owners surely it is their responsibility to maintain the shared roadway and Mr Slater confirmed the residents have no problem with the maintenance of it.

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

- Councillor Mrs Laws commented that when the site visit took place, it was apparent a large vehicle could not gain access. On the site inspection the Committee witnessed two vehicles at the entrance to the site and it resulted in one vehicle having to reverse out onto Wimblington Road, which is a very busy road and it is important to be mindful of health and safety. There is also a large tree which causes visual impairment and Councillor Mrs Laws feels that this would be one property too many at this location.
- Councillor Mrs Davis referred to policy H3 of the local plan where the Inspector quoted YR06/0206/O which raises the issue that the properties were all built individually so there was no issue with construction traffic and now there is not the space left for construction traffic. So the statement that was made was made at a time when it was not as relevant.
- Councillor Mrs Hay was also very concerned at the site visit when she saw a vehicle having to reverse out onto the highway which she thought was illegal and finds it very difficult to understand how construction vehicles would be able to gain access to the site and turn around at the end.
- The Highways Officer commented that in terms of construction traffic going to site, vehicles can turn around and the Agent has provided track plans to show this. Going forward a construction management plan would be submitted. The original consultation that was provided for the site has exceeded the five dwellings that would normally be accepted.
- Councillor Mrs Laws asked the Highways Officer to clarify that he believes there is a turning circle which does not affect third party land. The Highways Officer said going forward there is enough space within the turning area to be able to turn an 8 metre long box van or a 7

metre long sprinter vehicle.

- Councillor Mrs Laws said on the site visit they saw the blue lines which is a reduction in the access and to the rear as well. The Highways Officer said according to the plans that have been provided by the Agent then there should be enough space. Councillor Mrs Laws asked about the issue concerning 18 to 20 Wimblington Road, the Highways Officer confirmed that the comment was with regard to number 18 and there is a section of public highway which is a 6 metre refuge area which acts a cross over area for access for number 18 and Apple Tree Close. Councillor Mrs Laws asked for clarification that there is no issue of vehicles going onto third party land and the Highways Officer commented that not as far as he is concerned.
- Councillor Mrs Davis commented that the Committee saw an example of that at the site visit and there was no refuge for the vehicle that was trying to turn in and it had no option other than to reverse out onto the public highway which she believes is illegal.
- The Highways Officer clarified it is not third party land it is highway land and at the back end of the carriageway there is a 6 metre verge which is public highway.
- Nick Harding asked for a google street view map on a hand held device to be passed to Members of the Committee which shows the depth of the highways verge that the Highways Officer is referring to.
- Councillor Mrs Laws asked the Highways Officer whether he was comfortable with emergency vehicles and refuse collection vehicles being able to access the site and he clarified that it is not something he would consider.
- Nick Harding clarified that in terms of refuse collection vehicles, Fenland District Council would not normally take a vehicle down there unless there was an indemnity in place as it is a private drive and in terms of emergency vehicles it comes down to the issue of post development delivery.
- Councillor Sutton commented that the issue concerning the fence lines is a civil matter.
- Councillor Murphy referred to 2.5 in the Officer's report where it makes reference to land immediately to the east which is now a strategic allocation for 600 dwellings. He asked if was refused now could it potentially be approved at the same time that the 600 homes are developed. Nick Harding confirmed that it could be added onto that larger scheme.

Proposed by Councillor Mrs Laws seconded by Councillor Mrs Davis and decided that the application be REFUSED for the following reasons:

Members do not support the Officers recommendation to approve planning permission as they feel that there is Inadequate space for 2 vehicles to pass where the existing access meets the adopted highway.

(Councillor Sutton voted against the proposal to refuse the application and asked that this be recorded in the minutes)

(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 but takes no part in Planning matters)

- The Legal Officer advised Members that to reverse into the highway is not an offence and therefore not illegal, so it would be wrong for Members to make a judgement based on that point.
- Councillor Sutton asked that if this application is turned down due to Highways reasons and then goes to an appeal will Highways stand by their decision. Nick Harding clarified that if the matter went to appeal it would be dealt with by a different case officer to the one that has dealt with the application and made the recommendation.
- Councillor Mrs Davis asked whether the disruption of construction vehicles to the existing

residents can be taken into consideration. Nick Harding advised he would not be able to recommend an additional reason for refusal based on the construction element that would impact on existing residents. Whilst he appreciates the disruption whilst construction takes place it is only a temporary issue.

Mr Connor returned to his seat to continue to take part as a Member of the Planning Committee in his position as Councillor David Connor.

P36/17 **F/YR14/0706/F**
CHURCH HALL, STATION ROAD, WHITTLESEY, CAMBRIDGESHIRE

The Chairman advised the Committee that this item had been withdrawn.

P37/17 **F/YR17/0868/F**
17 LEVERINGTON ROAD, WISBECH, CAMBRIDGESHIRE, PE13 1PH

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.

Sheila Black presented the application to members and informed them that one update had been received. Following the site visit Members had raised a couple of queries with Officers with regard to the ground floor and first floor windows of the adjoining property and it has been confirmed that these serve the hall, stairway and landing. The second query was regard to the cellar which is currently empty and will remain that way and be used for storage.

- Councillor Mrs Laws commented that previously the cellar was going to be bricked up. Sheila Black clarified that it says it will be blocked up.

Members received a presentation in accordance with the public participation procedure from Sandra Sparrow the applicant.

Ms Sparrow reiterated to Members that they will recall that this application went to appeal and the Inspector found the application be lacking in bathrooms and shower facilities. The plans have now been resubmitted with the shower rooms included in the larger bedrooms and feels that the standard of living now being provided is now sufficient for approval. Ms Sparrow commented that she has managed Houses of Multiple Occupancy (HMO's) in the past and wanted to advise Members why tenants choose to live in HMO's. The reasons include changes in domestic situation, employment, and it is not something that will be a permanent accommodation solution so their will be turnaround of residents which then gives the opportunity for the Management of the HMO to redecorate and maintain the standard of the property.

Councillor Mrs Hay referred to the Inspectors report on the previous appeal where it refers to living space and asked whether the ensuite facilities are the same size now as were detailed on the original application, as the Inspector had also commented that there was no communal internal living space proposed and each room would be self - contained. She expressed her concerned that although space has been provided to encompass ensuite facilities, this has reduced the living space within the bedrooms.

Sandra Sparrow commented that the rooms that have the ensuite facilities are large rooms which leaves quite a big space for a double bed and another piece of furniture.

Councillor Mrs Hay asked whether there would be enough room for a sofa as there is no other communal living area within the property.

Sandra Sparrow confirmed that is the case, however if this is an issue and the Committee would allow a further conversation with the Planning Officer in order to provide that facility then that is something that could be investigated.

Councillor Mrs Hay asked how this could be achieved and Ms Sparrow said the number of bedrooms could be reduced in order to facilitate a communal living space.

Councillor Mrs Hay commented that she would feel happier with that scenario.

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

- Councillor Mrs Hay commented that her main concern is that in her opinion there was not sufficient space in the bedrooms for the residents to have a sofa or television. She recalled that when they visited the site, it was apparent that the residents were all gathered outside as there was not room for them to sit together in a living environment and if the property contained a communal living space she would have no objection.
- Councillor Connor commented that he was very pleased that the Agent and Applicant have taken on board the comments that the Inspector and the Planning Officer had put forward incorporating more ensuite and shower facilities and agreed with Councillor Mrs Hay's comments concerning a communal living area.
- Councillor Sutton commented that within properties of this type, House of Multiple Occupancy (HMO), it is very often the case that the communal areas do not get looked after and nobody is responsible for them and therefore he is not supportive of that suggestion.
- Councillor Mrs Davis agreed with Councillor Sutton stating that she does think there would be room for an armchair or another piece of furniture in the room and that a communal area would not be looked after and can often cause additional problems.
- Councillor Murphy commented that the applicant has addressed the concerns very well and feels that the application should now be approved. Going forward when looking at applications for HMO's, where possible every bedroom should have a space to facilitate washing facilities, even if it is just a wash basin, this will improve health and wellbeing and we must strive for this going forward.
- Councillor Miscandlon asked the Planning Officer to refer members to the site plan and highlighted that where red and black writing is shown there is a large designated community space at the back of the development, albeit outside.
- Councillor Sam Clark reiterated Councillor Murphys comments with regard to the improvements to the application relating to health and wellbeing and congratulated the Applicant.
- Councillor Mrs Laws agreed with Councillor Mrs Hay's comments stating that when Officers have pre applications moving forward wash basin facilities and a seating area should be considered. She added that the residents living in HMO's are going to be very mixed and questioned whether the residents would be prepared to take responsibility of maintaining a communal living area. There is a communal area present which is a kitchen and she would hope that this area would continue to be looked after. She commented that the new plans that the applicant has submitted to incorporate the washing facilities show a considerable improvement and agrees with Councillor Mrs Hays comments and has doubts over the maintenance and upkeep of the property.
- Councillor Sutton commented that he was very concerned with the last decision made on this application but congratulated the Members that made that decision, as Officer's are now in a much better position than previously as they now have the decision of the Inspectors at the pre application stage. In the last application this guidance was not in place but now there is some direction to adhere to, a positive outcome has been reached.

- Councillor Mrs Hay commented that she has listened to the other views and agrees this is a vast improvement on the previous plan. She would have preferred a lounge area for the residents to use but is willing to go with the Officers recommendation.

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

14.10pm

Chairman