

PLANNING COMMITTEE



28 FEBRUARY 2018 - 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, Councillor Mrs V M Bucknor(Substitute), Councillor D Hodgson(Substitute).

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

P56/17 PREVIOUS MINUTES

The minutes of the meeting of 31 January 2018 were confirmed and signed.

P57/17 F/YR15/0668/O - LAND NORTH OF 75 - 127, ESTOVER ROAD, MARCH, CAMBRIDGESHIRE

The Chairman advised the Committee, that this item had been withdrawn from the agenda for today's meeting and would not be discussed.

P58/17 F/YR17/1230/F THE PIGGERIES, FLAGGRASS HILL ROAD, MARCH, CAMBRIDGESHIRE

Councillor Court moved to the Public Gallery as he had been lobbied on this application and prior to the meeting he indicated his support to the proposal.

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 drew their attention to the update that had been circulated to the Committee.

Members received a presentation in accordance with the public participation procedure from the Applicants Agent, Mrs Shanna Jackson who explained to Members that the application is for 2 dwellings. The site was previously a pig farm, however the buildings and land have now become redundant and due to the poor state of the existing buildings they are no longer suitable for conversion and therefore the proposal is to demolish the buildings and rebuild. The site is situated in flood zone 1 and lies within an area of established residential development with existing dwellings on all four sides and does not encroach into the countryside. The buildings have been designed so that they have an agricultural feel and the first floor windows have been placed away from the garden areas and therefore there is no loss of privacy to neighbouring properties. Mrs Jackson commented that Officer's have raised concerns that the proposal of the 2 storey dwellings are positioned behind the existing single storey properties which will cause harm to the character of the area, however the proposed location of the new dwellings is already dictated to the applicant. During the design process it was decided that two storey buildings could be accommodated on the site due to the distance away from the existing properties. The redevelopment of the site within a residential locality will enhance the area and comply with policy

LP16. Mrs Jackson commented that the ecology Officer stated that a biodiversity study is required before planning permission could be granted and this was cited as one of the reasons for refusal in a previous application for this site. This survey was not submitted as part of this application being determined today as it was felt it would be better to ensure support of the application before carrying out a costly study. Should the application be approved then Mrs Jackson stated that they would be happy to accept an extension of time in order to carry out the biodiversity study.

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

- Councillor Mrs Laws stated that although the Agent stated that the site is untidy, it did not follow that this should be a reason to give planning permission. The site could be tidied up and cared for without having to build on it.
- Councillor Sutton agrees with Councillor Mrs Laws and noted that in point 5.2 of the Officer's report, Councillor Court states that the land is in a poor state and whilst Councillor Sutton concurs with that view, the site could just be tidied up and he agrees with the Officer's recommendation.

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

Refused as recommended.

(All Members of the Planning Committee registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that Mrs Shanna Jackson, the Applicants Agent was known to them, due to the fact that she had previously been employed by Fenland District Council as a Planning Officer)

(Councillor Court registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application and would take no part in the discussion or vote)

P59/17 **F/YR17/1196/O**
LAND EAST OF FRA JEN, FITTON END ROAD, NEWTON-IN-THE-ISLE,
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)) during its deliberations.

David Rowen presented the Application to Members and advised them that there was no update report connected to this application today.

Members received a presentation in accordance with the public participation procedure from Mr David Broker, the applicant's agent. Mr Broker advised Members that the application has been supported by the Parish Council who recognise the need to sustain the rural community. Fenland is made up of small settlements and this application is for three individual self builder type plots. Mr Broker stated that Fenland is known for its attraction in self building and this provides a substantial amount of employment for the building trade. Self build properties enhance the area and raise the standards and attract residents. Mr Broker raised concerns over the translation of the policy presented as a means to refusing badly needed sites for individual housing. The executive summary states that there is history relevant to the site and Mr Broker states that this is misleading as there is no planning history associated with the site. The summary also states that three

dwellings could be sensitively designed that would not be out of keeping with the adjacent farm, but it gives a reason for refusal at point 2 which refers to the proposal being out of keeping. All matters with this application with the exception of the means of access are reserved and could all be subject to negotiation with Planning Officers. Mr Broker stated that Fitton End is 1km from the centre of Gorefield which according to the Officer's report offers limited facilities although it does have a church, a guest house, pavilion, school, garage, two shops, a public house and a guest house. Mr Broker stated that there is also a residential home there and the residents use the facilities of Gorefield and the company who run the care home, think that the area is sustainable. The second reason for refusal refers to the open countryside and Mr Broker said that on the site visit Members would have appreciated how 'unopen', Fitton End is. Mr Broker drew Members attention to the two metre high brick wall which is on the frontage of the Residential home for 140 metres. There are 14 houses within 250 metres of the proposed site, Mr Broker questioned how the proposal can be deemed as out of character.

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

(Councillor Clark, registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters that she is a Ward Councillor and will take no part in the Discussion)

**P60/17 F/YR17/1237/F
LAND WEST OF THE LODGE, MOUTH LANE, GUYHIRN, CAMBRIDGESHIRE
ERECTION OF A 2-STOREY 3-BED DWELLING WITH 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)) during its deliberations.

David Rowen, gave Members an overview of the application and explained that there had been a previous refusal of planning permission in 2017, which was also dismissed on appeal.

Members received a presentation in accordance with the public participation procedure from Mrs S Jackson, the Applicants agent. Mrs Jackson confirmed this was a resubmission and clarified that the previous concerns have been considered with this resubmission. One of the issues raised previously was the impact on the character and appearance of the area and the flood risk implications. Mrs Jackson commented that both the Planning Officer and the Inspector confirmed that the design and construction of the proposal could be supported by paragraph 55 of the NPPF and therefore there was no question that that the principle of the development could be supported. The Inspector had noted that the siting of the dwelling would result in the loss of open space between buildings, therefore in the current proposal the dwelling has been sited further westwards within the site resulting in larger gaps between the proposal and the neighbouring properties and is more spaced out. The landscaping has also been increased to soften the appearance of the building. Mrs Jackson stated that Officer's have commented in their report that paragraph 55 must enhance its setting or be sensitive to the defining characteristics of the area, however the omission from the Officer's report is that paragraph 55 specifically states that the proposal should help to raise the standard of design in all areas and this proposal meets this requirement. With regard to the issue of flood risk, the Officer's recommendation is to refuse the application as the proposal is within flood zone 3, which Mrs Jackson states is disappointing as the sequential and exception test carried out was done so following Officer's advice. In the previous application, the Agents were advised to carry out the sequential test within Guyhirn and were provided a map and Officer's had previously considered that the sequential test was passed but the scheme failed the exception test. The current report does not contain any of the history of the previous application however states

that the site is now not within a sequential preferable location but the exception test is now passed and this conflict of information is very misleading. Mrs Jackson stated that this site has been specifically chosen for its credentials, which includes its orientation, its proximity to the applicant as it is a self build project and due to its accessibility to public transport. The project is the first straw baled house within the district and the proposal will make best practice in sustainable design and construction which is of the benefit to the community and district. It is hoped to include the College of West Anglia and Peterborough Regional College in the project so that the construction students can use it as a case study in sustainable design.

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

- Councillor Mrs Laws stated that from a positive point of view it is welcome that development can be used to educate students. However her total reservation is a that there are other sites available that are not in flood zone 3 and contrary to the Cambridgeshire Flood and Water SPD.
- Councillor Sutton stated he cannot understand why the application is being considered as especially 'eco', it is a steel structure which has bales of straw placed around it. Councillor Sutton stated that he knows the last application was refused and went to appeal and was dismissed and contained within section 10 of the report it states that in a 1 in 200 year tidal event ,taking into account climate change the site would likely to be flooded to a depth of half to one metre and this would be caused by over topping of the existing defences. Also contained within the report it states that the site would be at high risk of flooding.

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

(Councillor Miscandlon registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

**P61/17 F/YR17/1114/O
LAND SOUTH EAST OF 433, WISBECH ROAD, WESTRY, 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)) during its deliberations.

David Rowen presented the Application to Members and advised them there were no updates to report to Members on this application.

Members received a presentation in accordance with the public participation procedure from Mr John Maxey, speaking on behalf of the Applicant. Mr Maxey explained to Members that the application was for frontage development to utilise the gap within Wisbech Road, Westry and there are no technical objections to the application from any of the agencies consulted including Highways. Mr Maxey referred Members to the slides being shown and highlighted to them the northern approach to March where there is a linear development along the eastern side of Wisbech Road, Westry and although more sporadic on the opposite side of the road. Contained within the Local Plan's settlement policy, it shows on a plan the urban extent of the settlement of March and within the policy. Mr Maxey stated that March has an allocation of 4200 houses to provide and policy LP9 identifies 3100 homes, which leaves an 1100 shortfall and therefore Mr Maxey believes that this proposal is a good example to round off the built network of the town of March in a location that would be keeping with the homes already there and is within Fenlands policy as a small extension to the built area of March. Mr Maxey believes it is a sustainable location which is on a bus route and in the locality of essential services and employment. Mr Maxey commented that if you consider what Sustainability means within Fenland, very few sites

would not be reliant on the use of a private car, however this site is significantly more sustainable than for example an application in Christchurch where an appeal was granted. Mr Maxey concluded by saying that this application does fall within Fenlands policy and it is a sustainable location.

- Councillor Sutton noted that Mr Maxey had mentioned an appeal concerning the village of Christchurch and stated that a previous Inspector had stated that Christchurch wasn't sustainable as a location for development. Therefore one Inspector contradicted another which made it difficult which Inspectors report Members should take notice of ?. Mr Maxey responded by saying the NPPF sets out the criteria under which the application can be considered and he has related his comments on this application being considered today back to the recent appeal decision said was acceptable in Christchurch. Mr Maxey stated the application being considered today is a better related site to services in March rather than Christchurch.

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

- Councillor Mrs Laws commented that in previous years other developments along this road were discussed and refused as it was in the open countryside. Councillor Murphy confirmed that yes this was the case.
- Councillor Sutton commented that this proposal is not within the town , it is in its own hamlet of Westry and the town of March starts at the roundabout.
- Councillor Court observed that trying to cross the road here is extremely difficult and the safety factor also needs to be considered.
- Councillor Mrs Laws commented that the agent has made a very good argument for the application but looking at the Officer's reports and also considering consistency of what has been done in the past in the same area she is minded to go with the Officer's recommendation.

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

**P62/17 F/YR17/1181/F
LAND SOUTH WEST OF, 32 EASTWOOD END, WIMBLINGTON,
CAMBRIDGESHIRE**

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

David Rowen presented the application to Members and drew their attention to the fact that there has been a history of refusals and unsuccessful appeals on this site previously and overall it is considered that Eastwood End is an unsustainable location.

Members received a presentation in accordance with the public participation procedure from Mrs S Jackson the applicants agent. Mrs Jackson explained that the site has had various uses over the past including the accommodation of mobile homes and workshops. Previous applications had been submitted for a similar proposal which had been refused by the local planning authority and then both dismissed at appeal due to the fact that the proposal did not constitute sustainable

development, however Mrs Jackson stated that the Inspector at the latter decision had stated that the site forms part of existing dwellings. The proposal before Members today has overcome the previous concerns raised at the appeals. It should be noted that previous dwellings have been built opposite and adjacent to the site which have extended the settlement along Eastwood End and this has created a vacant plot where the proposed site lies and therefore it no longer appears to be within the countryside setting. The increase in housing within the vicinity has created a community in its own right and therefore the addition of a new dwelling would contribute to this community. Mrs Jackson stated that Officer's have raised concerns over the scale of the dwelling, however the dwelling is the same scale as the neighbouring property to the north and it does not appear the build form in this location. The drawings that have been submitted to support the application show that the proposed dwelling is not excessively elevated. Although the Environment Agency have raised an objection in respect of the water recycling centre capacity, however Mrs Jackson confirmed that they would be willing to accept a drainage condition similar to other schemes in the area to overcome the problem or to install a private treatment plant on site.

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

- Councillor Mrs Laws stated that she has read the details from the Environment Agency and also the flood risk and sequential test as the proposal is partly in flood zone 2 and the also flood zone 3 she observed that the applicant has not supplied any evidence based on the sequential test and exception test.
- Councillor Mrs Davis asked whether the vehicular access is across the byway and David Rowen confirmed that yes that was the case.
- Councillor Sutton stated that he can see the reasoning behind filling and finishing that area off, however he has reservations due to the fact that the proposal already has an Inspector appeal decision against it and to go against an Inspectors decision it needs to be for an exceptional reason. The proposal before Members today is very indifferent to what was seen before and while he can see the plus points of finishing that area, he is still minded to refuse.
- Councillor Murphy commented that every time this application is brought before committee, the proposal appears to be growing in size and the land falls away from the frontage he cannot approve it.
- Councillor Mrs Davis commented that she disagrees with Councillor Suttons comments and she doesn't feel that it finishes off the corner, she feels it goes beyond and out into open countryside.

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

(Councillor Mrs Davis and Councillor Connor registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters that they both attend Wimblington and Doddington Parish Council Meetings where Planning Matters are discussed but take no part in the Voting.)

(Councillor Mrs Newell registered a non pecuniary interest in this item)

P63/17

F/YR17/0682/F

LAND NORTH OF 37 - 45, KING STREET, WIMBLINGTON, CAMBRIDGESHIRE

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 drew their attention to the update report which had been circulated. David Rowen also advised Members that as part of this application

there is no Section 106 contribution that has been put forward and the viability of the scheme has been assessed by Fenland District Council Officers and also County Council Officers who have concluded that to achieve section 106 contributions who render the scheme unviable.

Mr Peter Humphrey the Applicants Agent had registered to speak, however he confirmed that he had nothing further to add and therefore did not present to the Committee.

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

- Councillor Mrs Davis raised a question with regard to access from King Street and stated that she has reservations and concerns as on regular occasions King Street is blocked causing access issues for buses to be able to get through. Alex Woolnough from Cambridgeshire Highways stated that the proposed development will generate 31 two way movements in a peak hour and 27 in a pm peak hour which equates to 1 vehicle movement every two minutes during a peak hour so the proposal will have very little impact. Mrs Davis clarified that King Street gets blocked due to parking either side of King Street and that causes issues for buses, meaning very often the bus does not service the village, effecting the local residents. The Highways Officer clarified with Councillor Mrs Davis, that she is presenting an existing problem which needs to be looked at separately to the proposed development being discussed today. Councillor Mrs Davis stated that she disputes the Highways Officers figures and as the proposed development features bungalows, on average many dwellings will have 2 vehicles. The Highways Officer stated that the development has been modelled on trip generation and the impact has been modelled on survey data and not the type of proposed dwelling on that development.
- Councillor Sutton stated that the side issue that Councillor Mrs Davis referred to needs to be looked at separately possibly by a local highways improvement bid or double yellow lines. He noticed in the Officers report that a comment was made by a member of public that there was local public support for the proposed development. Councillor Sutton stated that a good thing about this application is that the Developer involved with it has a proven track record for delivering and this is imperative when considering the 5 year land supply issue and he supports the Officer's recommendation
- Councillor Murphy stated that he welcomes the proposal and he is pleased to see the proposal for 37 bungalows as he believes Fenland does need more bungalows to be built and he also supports the Officer's recommendation.
- Councillor Connor reiterates Councillor Mrs Davis's concerns and commented that he fails to see how there is no section 106 contribution of any kind. Whilst Councillor welcomes the idea of bungalows, there should be something given back to the community. Section 106 is a topic that is always discussed at Planning Committee and as he understands it, previously it had been agreed that confidential paperwork would be provided to Committee with regard to the matter and this hasn't been provided and whilst he is happy for the development as long as the traffic issue can be investigated further and he would like to see paperwork relating to Section 106 viability and would rather the matter be deferred.
- Councillor Mrs Davis stated she also has the same concern as to how 37 bungalows could not produce some form of affordable housing contribution.
- Councillor Sutton stated that it wasn't agreed last month that Members would be provided with the details of S106 viability on every occasion. It was agreed that if Members wanted to see the details then they should request it in advance and nobody has requested it.
- Councillor Mrs Laws stated that she would welcome this development and believes the layout is very good, however agrees with Councillor Connor and not to deliver social housing or some financial contribution to the village worries her. With regard to the Highways Officer's comments, Members have to listen to his professional opinion and whilst she does appreciate that some Members do know the local area. Councillor Mrs Laws stated that she noted that Cambridgeshire County Council, the Lead Local Flood Authority, has been consulted on this application, however moving forward she would like to know who

is going to be responsible for the drainage system going forward and with regard to the open space she would hope this will not be adopted by Fenland District Council. David Rowen confirmed that with regard to the surface water drainage scheme there is a condition in place with regard to the maintenance and adoption and if planning permission is granted then details of who takes it over can be resolved. With regard to the open space area, David Rowen stated that there are certain landscaping conditions that are proposed and security there for the long term arrangements. Councillor Mrs Laws replied by stating that she would feel more confident with that arrangement as there have been other applications where after a period of time, drainage has become a problem and would welcome that the conditions in place can be strengthened.

Councillor Sutton proposed that Members go with Officer's recommendation to approve the application.

- Councillor Connor asked that before Councillor Sutton's recommendation is considered can the issue concerning the section 106 be responded to.
- Nick Harding stated that it would be a matter for the Committee to vote on as to whether they wish for the application to be deferred so that the Committee can consider detailed S106 information.
- Councillor Mrs Newell stated that she feels the item should be deferred because as a Committee they should be appraised of all the facts.
- The Chairman stated that the proposal he has from Councillor Sutton is to go with Officer's recommendation, however he asked Councillor Newell whether she wished to make an amendment. Councillor Newell clarified that yes she wished for the matter to be deferred. Whilst she agrees with the Officer's recommendation she thinks the matter should be deferred to see the paperwork on viability.
- Councillor Connor commented that the application should be deferred on that issue only.
- Nick Harding clarified that if Committee were to resolve to go for a deferment so that the viability figures are reviewed, the assumption would be that the Committee were happy with all other aspects of the development proposal, so when the application is brought back to Committee the only thing that Members would be considering would be viability.
- Councillor Mrs Hay commented that there comes a time when Members have to trust the Officer's conclusions. In this application it has been reviewed by Fenland District Council Officer's as well as County Council Officer's and both sets have reached the same conclusion and at this stage Officer's judgements need to be trusted.
- Councillor Sutton agrees with Councillor Mrs Hay and stated that Members are not experts and rely on expert advice from Officer's. The calculations are worked out via a national template and are used across all authorities. If this template is then questioned then where is the evidence going to be clarified from Members are not experts in this matter. This issue has been explained to Members previously in detail and nobody has the expertise to question it.
- Councillor Connor commented that after the last meeting when the presentation on viability was given, Members all agreed that they would look at Section 106 viability of anything over 10 or 12 houses.
- The Chairman stated that on the subject of requesting that information, it was agreed that should the Committee require it, a request would be submitted on or prior to the day of the site inspections, however this did not happen and what Councillor Sutton stated is quite correct it was agreed around the table that should the Committee require the information it would have to be requested and that has not happened. At this point in time, after the two authorities namely Fenland District Council and Cambridgeshire County Council, have reviewed the documents to now question this, it would be wrong of the Committee to question the decision and assessing what Members have requested here today with regard to viewing the viability paperwork, the Chairman is of the opinion that a formal request

should have submitted by Members of the Committee. To delay a decision for another month is now very prudent on behalf of the Committee after the opportunity arose after last months meeting to request the documentation.

- Councillor Connor commented that he did mention it but did not submit a formal request.
- Councillor Mrs Davis commented that the question of viability was raised on the Site Inspection.
- The Chairman stated that there is a proposal that has been brought forward by Councillor Sutton and an amendment by Councillor Mrs Newell.

The amendment was proposed by Councillor Mrs Newell to request a deferment for the viability study to be reviewed by the Committee, this was seconded by Councillor Connor.

The vote for the amendment failed and therefore the original proposal from Councillor Sutton was put forward.

Proposed by Councillor Sutton and Seconded by Councillor Murphy and decided that the application be approved as per the Officer's recommendation.

(Councillor Mrs Davis and Councillor Connor stated that they are both Members of Wimblington and Doddington Parish Council and take no part in Planning Matters)

(The Chairman advised the Committee that this item would be the first application considered today due to the availability of the Highways Officer.)

**P64/17 F/YR17/1201/F
WEST OF, 2A BRIDGE LANE, WIMBLINGTON, 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.

David Rowen presented the application to Members and advised them that there had been a previous appeal decision in 2016 and this current application is effectively a resubmission of that scheme.

Members received a presentation in accordance with the public participation procedure from Mr Humphrey, the Applicants agent. The proposal is for three well designed bungalows that are surrounded by new development in Bridge Lane which forms part of the village of Wimblington and is next to the existing developed footprint and in accordance with Fenlands policy. Mr Humphrey commented that there is a shortage for the 5 year land supply and this will help to contribute towards that issue. The local school is under subscribed and two classes of children are joined together to form one substantial class. Wimblington is a popular village and it wants their school be full and therefore another three family homes can help this. The Parish Council recommend the application for approval, certain elements of the village are in favour of the application and mitigating factors in support of the application to be considered would be the five year land supply issue and the under subscription of the school. Mr Humphrey stated that three proposal for the three properties is adjacent to the existing dwellings that are into open countryside.

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

- Councillor Connor stated that the local school is possibly undersubscribed due to a result

of a poor OFSTED inspection.

- Councillor Mrs Davis asked Mr Humphrey that if the application was to get approval whether he would be prepared to improve the footpaths and include another passing place and additional street lighting. Mr Humphrey stated that yes and he would hope this could be included as part of the section 106 or a planning condition to ensure that that would be delivered.
- Councillor Murphy stated that he would not support the application due to the fact that it is encroaching on the visual gap and Members have always said that there should be a gap between Wimblington and King Street.
- Councillor Mrs Hay stated that this application is no different to the previous application that was rejected and went to appeal and was rejected again and for that reason she will go with the Officer's recommendation.
- Councillor Sutton commented that if this application was approved, it has already had a Planning Inspector's decision against it and Members would have to have an exceptional reason to go against the Planning Inspector and Councillor Sutton cannot see any reason before Committee today.

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

(Councillor Mrs David and Councillor Connor stated that they are both Members of Wimblington and Doddington Parish Council, but take no part in Planning matters)

P65/17

F/YR17/1067/O

LAND SOUTH OF 92, ELLIOTT 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.

David Rowen presented the application to Members and informed them that an update report had been circulated to them in respect of this application.

Members received a presentation in accordance with the public participation procedure from Mr Colin Riches, who had registered to speak in objection to the application.

Mr Riches stated that he had seen the concerns raised by local residents who would be affected by the proposed development and commented that he wished to add some further observations. Mr Riches stated that the development is to build two properties in a back garden and this proposal will not help 1st time buyers and will only attract buyers from high priced areas into a more modest location. The proposal is purely for monetary gain to raise funds to possibly move onto another site to develop again. Mr Riches highlighted that the proposal of the new development could also add to extra vehicular movements to a restricted driveway. Mr Riches commented raised the concern of garden flooding which is becoming an increasing problem and stated that he wished to know what measures the developers are putting in place to deal with the increase in surface water created by new properties as soakaways cannot work on boggy land. Mr Riches listed locations which have seen an increase in development and stated that the utilities have not been updated in order to deal with the increase and Anglia Water are still to adopt. Mr Riches stated that had this proposal been a more modest development and had been situated on the west side of the

aforementioned plan it would have been more acceptable.

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

- Councillor Connor stated he cannot support this application as it is back land development in his opinion, garden grabbing and other similar applications have been refused in the past by the Committee and Members remain consistent in their decision making.
- Councillor Mrs Davis stated that she agrees with Councillor Connor and it is garden grabbing and she will not be supporting the application.
- Councillor Murphy stated that upon the site inspection his immediate thought was that it was back land development and he cannot support the application.
- Councillor Mrs Hay agrees with the other Members, it is obviously back and development and for that reason she will not be supporting it.
- Councillor Sutton stated that he disagrees and stated that Members need to be mindful when making decisions. In the past there have been similar applications, when Members went against the Officer's recommendation, the decision was appealed and ended up costing the Local Authority. If it was a linear development he would agree with Members comments, however this proposal is not linear, it is a built up area and cannot see anything wrong with it.
- Councillor Mrs Laws disagrees with Councillor Sutton and stated that every application is looked at on its own merits and believes that this application is over intensification and Mr Rowen has stated that relationships could be achieved and therefore it is obvious that there are issues with drainage in this area and this cannot be ignored. Having viewed the site, there is an overlooking issue and back land development and is not suitable.
- Mr Harding commented, that having listened to Members, it appears that many are concerned with the nature of the back land development proposal and as Members are aware that reasons for refusal have to be identified before a vote on refusal is taken so that the Local Authority have a reasonable prospect of defending should the matter end up in an appeal situation. Therefore if reasons are to be identified then they need to be sufficiently detailed so that the applicant is clear as to what the Committee had in their mind when they refused the application. Mr Harding highlighted to Members possible reasons they may wish to use to substantiate their decision for refusal. Mr Harding advised Members, that he would not recommend the issue surrounding surface water disposal as a reason for refusal as this issue could be resolved via a condition on a permission.
- Councillor Mrs Newell commented that there has been a problem with flooding in that area for some time and there has been no resolution to the issue and by building more properties, this will only add to the on going problem.

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

Refused for the following reasons-

1. The development proposed by virtue of its 'backland' location would be at odds with the prevailing pattern of development in the vicinity of the site and would therefore fail to make a positive contribution to the local distinctiveness and character of the area, contrary to Policy LP16(d) of the Fenland Local Plan.
2. The development of the site for two dwellings would represent an over intensive form of development which has failed to demonstrate that the amenity of neighbouring residents would not be adversely impacted in terms of loss of privacy and outlook. This would be contrary to Policy LP16 (e) of the Fenland Local Plan.

- Councillor Sutton requested that his vote against the proposal to refuse the application be noted.

P66/17 **F/YR17/1102/F**
1 HAWTHORNE GROVE, MARCH, CAMBRIDGESHIRE, PE15 8HU
ERECTION OF A 2-STOREY SIDE EXTENSION TO EXISTING DWELLING

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.

David Rowen presented the application to Members and advised them that there was no update on this application.

Members received an presentation in accordance with the Public Participation procedure, from Mr Matthew Hall, the Applicants Agent.

Mr Hall advised the committee that prior to submission the local area was assessed to review the character of the area and noted that there were other extensions to 1930's properties which had been approved. Mr Hall stated that as part of the Officer's report, no objections have been received and as part of the submission letters of support were included all from local persons in March, 5 of those being from persons in Maple Grove. Mr Hall drew Members attention to the power point presentation and highlighted to them a 2 storey extension in Acacia Grove which Hawthorne Road joins and pointed out the building line to them. Mr Hall then pointed out a further property in Maple Grove which had also had an extension added to the property which is the same as the proposal being determined today and highlighted the building lines for these. Contained within the Officer's report it states that the proposal is compliant with policy LP14, LP15, LP16e, has no issues on flooding, no parking issues, no overlooking, no over development in relation to the keeping of the area. Within the Officer's report, 10.2 states that the site is capable of a large development and Mr Hall stated that they would be happy to accept conditions on the application with regard to materials.

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

- Councillor Connor asked whether the Officer's have a date when the extended properties that the Agent referred to received approval. David Rowen advised Members that he was unaware of this, however the Chairman allowed the Agent Mr Hall, to return to the public speakers desk in order to address the Committee.
- Mr Hall advised the Committee that he understands the property in Acacia Grove was extended in 2003 and another which David Rowen highlighted on the plan was approved in 2006 and constructed in 2008,
- Councillor Murphy stated that Acacia Grove is not the application being determined today and neither is Maple Grove. The application being discussed is Hawthorne Grove which will stick out past the development line all the way along the road. Upon the site visit it was clear that all properties were in a line and that is clear from the plan contained within the Officer's report. Councillor Murphy stated that there is already a fence at the property being discussed today which comes out to the width of the garden wall which is the only 6ft tall fence along there.
- Councillor Mrs Laws agrees with Councillor Murphy and the site visit it gave a visual view of the street scene and she will support the Officer's recommendation.
- Councillor Sutton stated that had the proposal not been on the T junction, he thinks it is a very nice proposed extension and improves the plot. The issue concerning the building line

does not impact on Hawthorne as it does impact any further out than what is already there, the issue is on Maple Grove and the Agent has pointed out there is definitely a dwelling there that sticks out. Councillor Sutton stated that had there has been a precedent made and he believes that Committee Members should take note of that.

Proposed by Councillor Mrs Law, seconded by Councillor Mrs Newell to go with the Officer's recommendation for refusal.

This vote failed and therefore the Chairman requested a Proposal for the application to be approved.

David Rowen commented that the examples that the Agent had referred to in his presentation are somewhat different to the proposal being determined and both examples are at the end of the road and visually provide a full stop from an urban design perspective to the street pattern. The proposal before Members today is in the middle of the building line which interrupts the continuous line running from one end to another.

Proposed by Councillor Sutton, seconded by Councillor Connor and decided that the application be;

APPROVED against the Officer's recommendation.

**P67/17 F/YR17/1198/FDC
SITE OF FORMER 24, HIGH STREET, WISBECH, CAMBRIDGESHIRE**

David Rowen presented the application to Members and advised them that the site is owned by Fenland District Council owned site and the District Council are the applicants

Members received a presentation from the Applicants Agent, Mr Dallas who explained that they have worked closely with the Council closely with regards to the site, which has been derelict for 30 years. In 2015, the local community were consulted and their views obtained. The proposal contains a viewing platform which is reached by a spiral staircase which will give views from either side. There will be a community open space within the gap and the project is envisaged to have a 10 year life span. They have received support from Heritage England and hope to be able to produce a contemporary piece of architecture.

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

The Chairman asked Mr Dallas whether the proposal included disabled access to the upper floors. Mr Dallas stated that the approach was that they did try and factor this into the proposal with the funding provided from the Heritage Lottery Fund, however the lift alone would have taken two thirds of the budget and also takes up a great deal of space on the ground floor. To try to get around this issue, the suggestion has been put forward with regard to the display boards that would be on show permanently would have photographs showing the view that you would have got. Other ideas include cameras and live feeds have been suggested but unfortunately it all comes down to money and therefore the Council have concluded to go with the photograph display boards.

Councillor Mrs Laws stated that she has heard that the gap could be adapted as a frontage for another building and asked Mr Dallas how straight forward would the adaption be?. Councillor Mrs Laws stated that she thought that the proposal is a beautiful piece of contemporary work and

thinks that it is good and stands out and distinctive in the street scene, but it would be a shame to lose it, if it is unable to be adapted. Mr Dallas stated that he has worked closely with the structural engineers, due to the existing site and the props that are in existence for number 23. Number 25 can stand independently and the way the frame will be structured is so it can tie into the existing floor levels of number 23, so if it does undergo a conversion, it will all be at the right level and the steel frame itself is an investment for the future use of that site.

Councillor Sutton asked for clarification on the glazing. Mr Dallas pointed out on a three dimensional model that the frame that is clad with polycarbonate board and a different cladding for the roof. The bi fold doors will be able to be pushed back for entry and if the space is rented out the doors can be closed. It is also gated at the back, which can be locked and secured.

Councillor Mrs Hay asked how do you access the top and Mr Dallas pointed out that there is a spiral staircase which takes you to one level where the viewing platforms are.

Councillor Mrs Hay asked with regard to lack of disabled access and the legislation surrounding it, how does the Authority stand, as there is no access to the higher levels. The legal officer stated that it is not a factor which should be a reason for the Committee to refuse the application, it is not a planning factor as such. Councillor Mrs Hay commented so Members could grant planning permission and then it is up to the developers to make sure they are complying with building regulations and other legislations. Mrs Davis added is there a disabled toilet in the proposal. Mr Dallas confirmed that it is a disabled toilet.

Councillor Sutton stated that the legislation says that mediation should be applied where it is reasonably viable to do so. Although Members would love to see a lift in there, if the funds are not available to do it, then it is not an option.

Councillor Mrs Laws commented that she is aware it is a limited space and there are wheelchair accessible lifts which take up a smaller floor space. Mr Dallas stated that they are still expensive and these have been explored.

The Chairman asked whether the facility will be open for educational visits from schools as unfortunately some schools have disabled children. Mr Dallas stated that the viewing platform is the bonus to the facility and to fill the ground floor space with items is restricting the amount of natural light into the ground floor space. The Chairman concluded that Members do understand both the constraints of a very limited area plus the financial constraints which are not a planning issue and Members were reminded that they are determining the planning application before them today.

Councillor Sutton congratulated the team on their efforts to eradicate the eyesore on the High Street in Wisbech.

Proposed by Councillor Sutton and seconded by Councillor Mrs Laws and decided that the application be APPROVED as per the Officer's recommendation.

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

P68/17 FLOOD RISK SEQUENTIAL TEST METHODOLOGY REPORT

Mr Nick Harding introduced the item and advised Members of the objective of the guidance which if adopted can be used by Planning Officer's and applicants in relation to the application of the sequential test in relation to considering flood risk.

The objective of the guidance is three fold.

Firstly to make the operation of the sequential test more straight forward and simpler to use by both planning officers, applicants and agents.

Secondly to facilitate the situation in which fewer development proposals are to be subject to the sequential test.

Thirdly to achieve a greater level of consistency in terms of how sequential tests are undertaken by the applicant and how it is considered by planning officer's at the Council.

Mr Harding outlined the three key features of the guidance.

In certain circumstances it has been identified within the Wisbech area, there are no longer going to be the sequential test process to be gone through within certain proposals in Wisbech where you have got a redevelopment of an existing site coming forward.

Secondly there is a reduction in the physical extent of the area of search where a hunt will be made for alternative sites at lower flood risk.

Thirdly it has been recognised that over time new and more up to date information will be published and where more recent information has been identified and where as an authority we are comfortable for it to be used in agreement with the Environment Agency, then that information will be used instead of the Environment Agencies published flood risk information for planning.

The guidance has been produced that Members have received in association with the Environment Agency and with the Development Forum and within the report, the Forum still have a number of concerns. Mr Harding stated that in his opinion the three key features that he has highlighted are a significant step forward and an improvement to the process currently being worked to. One of the key things that has been identified by the Forum is the consideration of the size of the site when looking at alternative sites and the Forum feel that the Authority should be more refined when they are looking at what sites should be considered. Mr Harding stated he is comfortable that the proposal is the appropriate way forward as the physical extent of area of search in the settlements and it is easier and less onerous to look for alternative site sizes.

Mr Harding added that the Development Forum would like the guidance formally adopted as supplementary planning advice rather than informal guidance. At this stage Mr Harding does not think that at this stage he does not believe that is ready to be formally accepted as part of the development plan at this stage, however he would like to operate it as informal guidance and learn from that experience and then tweak it as deemed necessary before it is formally adopted as supplementary guidance.

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

- The Chairman advised Members that they have all been provided with a sheet to identify and explain the lettering and acronyms that Officers use.
- Councillor Mrs Laws stated that on the 15 Dec 2016 at Full Council, Councillor Sutton presented an item entitled the Cambridgeshire Flood and Water SPD and at this time discussions took place and it was proposed and agreed that this was adopted. Councillor Mrs Laws therefore feels that the report before Members today should be taken to Full Council for discussion.
- Nick Harding stated that if that is the Committees decision then he is comfortable with that decision.
- Councillor Sutton agrees with Councillor Mrs Laws and does not think that Planning Committee would have the authority to undermine something that Full Council has done.
- Councillor Mrs Laws stated that she can understand the views of the Development Forum but her concern is that the SPD was agreed at Full Council recently.

- The Chairman proposed that the item is returned to Full Council with a recommendation from the Planning Committee that they are comfortable with the content of the document.

Proposed by the Chairman, seconded by Councillor Connor and unanimously decided that the item is brought before Full Council for discussion and consideration with a recommendation from the Committee to approve.

15.53pm

Chairman