

# PLANNING COMMITTEE



**28 MARCH 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..

**APOLOGIES:** None

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

**OBSERVING:** Councillor Mrs French and Councillor Owen

The Chairman stated that an Urgent Item under Agenda Item 3 would be heard as the first item of today's meeting. He also stated that the application regarding Land East of 11-21 Park Road, Manea would be heard as the final item in today's meeting.

## **P69/17      PREVIOUS MINUTES**

The minutes of the meeting of 28 February 2018 were confirmed and signed.

## **P70/17      NOTIFICATION OF INJUNCTION PROCEEDINGS.**

The Chairman explained that this Item had been added to the agenda as an urgent item. Stephen Turnbull (Legal Officer) presented the report to Members concerning the recent application by the Council to the High Court for an injunction to prevent a site on Newbridge Lane, Wisbech being developed by residential purposes. He highlighted that the injunction was granted by the Judge as a temporary injunction until 13 June 2018 when the case for a full injunction will be heard at the High Court.

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

- Councillor Mrs Laws asked if Fenland District Council will have to re-apply for an injunction after the 13 June 2018. Stephen Turnbull clarified that a hearing will take place on 13 June 2018 and the Judge will decide whether the injunction will be made permanent or not, on this date.

## **P71/17      F/YR18/0028/FDL 15 STATION ROAD, MARCH,CAMBRIDGESHIRE ERECTION OF 1X RETAIL UNIT AND UP TO 34 X FLATS INVOLVING DEMOLITION OF EXISTING BUILDING**

The Committee had regards 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 report and update to Members. He explained that the application had failed to demonstrate that the scale of the proposal can be accommodated on the site or demonstrate that it could provide an adequate or satisfactory relationship with existing properties.

He stated that the application had allocated only 10 car-parking spaces to the site however a development of this scale would require approximately 43 car-parking spaces and added that there are concerns over the potential risk of flooding in the underground car-park. He explained whilst the principle of developing the site is acceptable, the scale of the proposed development cannot be accommodated on the site.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Councillor Kit Owen.

Councillor Owen explained that the application submitted is an outline planning application and is therefore subject to amendment. He stated that if 34 flats cannot be accommodated on the site, negotiations and compromises should take place to enable the development to proceed. He explained that in regards to the number of car-parking spaces allocated to the development, unless planning regulations have altered, there is not the requirement for parking provisions in a town centre location such as this site. He added that the proposed site is not in a conservation area and another site situated in High Street, March has underground parking facilities, which should set a precedent for this application. Councillor Owen stated that the proposed design of the underground car park, would alleviate and remove any possibility of flooding and drainage concerns and added that the site contains a dilapidated building which has been in a deteriorating state for approximately 13 years. He stated that a number of people consider the site in its current state, an eye-sore and are keen to see development take place.

Councillor Owen referenced the report and the issue regarding smoking in the locality of the site but explained that a number of people smoke outside the adjacent pub and this should be no cause for concern. He added that the development has been aesthetically designed to be in keeping with surrounding buildings, both of which are approximately 3-4 storeys in height. He stated that the application would have no negative impact on the area or neighbouring properties and whilst adjacent to a conservation area, complies with recommendations under the Fenland Local Plan. He explained that recently the March Town Neighbourhood Plan had identified the proposed site for development and added that no sustainable objections had been received during consultation. He told Members that when he had been a Member of Planning Committee, he had always looked at ways to approve applications and not ways to refuse them and urged Members to take the same approach. He stated that any refusal reasons noted in the report are negotiable as this is only an outline planning application. He concluded by saying that March would like to see an end to this eyesore and asked Members to consider this application for approval.

Members asked Councillor Owen the following questions;

- Councillor Court asked for confirmation that the March Neighbourhood Plan had identified this site as an area requiring regeneration for quite some time. Councillor Owen confirmed this was correct as visually the building is in a very poor state of repair.

Members received a presentation, in accordance with the Public Participation Procedure, from the Applicant's Agent Ted Brand.

Ted Brand stated that he had been informed last Tuesday that officers recommended that the application is refused however they had only received comments from the Conservation Officer yesterday so suggested this recommendation had been made prior to this being received. He stated that due to this, there had been no time to negotiate on the proposal and added that his client welcomed support from officers but understands that the application needs careful consideration due to its scale and location.

Ted Brand explained that he and his Client are happy to discuss and negotiate an acceptable design and highlighted that as this is an outline application with all matters reserved, the design, appearance and number of dwellings can be discussed. He added that his client wants outline

planning permission as confirmation that the principal of development is possible on the site and re-iterated that the number of dwellings and design can be negotiated at a later stage. He explained that his client has incurred thousands of pounds of costs at this stage and has a prospective purchaser for the site, subject to obtaining the relevant planning permissions. He added that if the sale of the land does not proceed, his Client may consider developing the site himself however this would require planning permission too. He explained that the drawings submitted are purely illustrative and officers should not consider these as fixed and asked them to approve the application in order for him to produce further drawings under the reserved matters scheme. He said that in regards to the flood risk of the underground car-park, the Environment Agency had raised no concerns and appropriate drainage would overcome these concerns. He highlighted the Conservation Officer's comments in the report to Members and added that the design submitted is not fixed and had been loosely based on the design of the neighbouring Jim Hocking Court, Station Road, March. He explained that as the site is of local importance, he and his Client would be happy to negotiate with officers at the reserved matters stage if outline permission is granted today. He concluded that the site has been a block on the landscape for many years and asked Members to approve the application in order to produce a viable scheme.

Members asked Ted Brand the following questions;

- Councillor Mrs Laws asked if pre-application advice had been sought prior to submission of the application. Ted Brand confirmed this and explained that following pre-application advice, the development had already been reduced from 38 dwellings to 34 dwellings as a result of concerns raised over the size of the scheme. He re-iterated that 34 dwelling could be reduced further in order to obtain planning permission.
- Councillor Connor asked why no viability assessment was carried out in relation to the development. Ted Brand stated that an assessment could only be carried out once the final number of dwellings is agreed and added that his Client will not invest in this until planning permission is granted. He added that once planning permission is approved a viability assessment would take place.

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

- Councillor Mrs Laws asked David Rowen for clarification regarding the number of required parking spaces in a town centre location. David Rowen explained that the parking standards were set out in the Local Plan and that the policy allowed for a reduced parking requirement to be negotiated in suitable circumstances for town centre sites, but in this case only 10 spaces have been proposed on a scheme that requires a minimum of 43.
- Councillor Mrs Hay stated that whilst she appreciates the site requires tidying up, we must ensure that whatever is built on the site is sympathetic to the surrounding areas and the scale of the development proposed is completely wrong for the area and therefore the application should be refused.
- Councillor Connor asked for clarification on whether the Committee could approve the application today subject to an agreement reducing the number of dwellings on the site. Stephen Turnbull stated that the planning application submitted is for up to 34 flats and it is not the Planning Committee's duty to negotiate downwards from this number. The application needs to be decided as it has been submitted and that is for up to 34 flats. Nick Harding explained that if the planning permission was granted today, then there would be the expectation that there would be a realistic prospect of 34 flats being able to be delivered on the site through an appropriate design. It would not be appropriate to approve the proposal knowing that it would be likely that this could not be achieved. Councillor Connor thanked Stephen Turnbull and Nick Harding for the clarification.
- Councillor Mrs Laws agreed that the site would benefit from being sympathetically developed however in her opinion, the size of the proposal is too large. She added that she agreed with officer's recommendation to refuse the application on this basis.
- Councillor Sutton stated that whilst he is very keen to support an application for

development on the site, the Agent should have listened to the pre-application advice and reduced the number of dwellings further.

- Councillor Mrs Davis agreed with Councillor Sutton's comments and reiterated that had the Agent taken into consideration pre-application advice and reduced the scheme, the application would have been viewed more favourably. In regards to parking, she highlighted that locals already use the car-park on the site and the development would impact this further.
- The Chairman agreed with Councillor Mrs Davis and said that consideration needs to be taken in regards to the people using the site car-park as they will lose this if and when the development goes ahead.

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

*(Councillor Court stated that he is a Member of March Town Council and abstained from voting on this item)*

*(Councillor Sutton abstained from voting on this item)*

**P72/17      F/YR18/0070/F  
20 DEERFIELD ROAD, MARCH, CAMBRIDGESHIRE  
ERECTION OF 4 X 2-STOREY 1-BED DWELLINGS INVOLVING THE DEMOLITION  
OF EXISTING DWELLING AND OUTBUILDINGS**

The Committee had regard to its Inspection of the site (as agreed with the Site Inspection: Policy and Procedure (minute 19/04) during its deliberations.

David Rowen presented the report to Members. He added that there were no updates on this application.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Dr Robert Wickham (a representative for the Applicant).

Dr Wickham stated that in his opinion, there is a discrepancy with a measurement in the report (paragraph 10.11). He believed the figure 6.4m should be 1.4m. He added that Deerfield Road has several properties that are set back from neighbouring dwellings and in reference to concerns relating to loss of light and secondary windows, there are several examples of this in Deerfield Road as well as residents parking vehicles in front of their properties too. He stated that the type of houses proposed will appeal to buyers in the area and similar developments locally have been very well received. He disagreed with the conclusions reached in the officer's report and stated that if the application was refused, the Applicant would be making an appeal and an application for costs from Fenland District Council.

Members asked Dr Wickham the following questions;

- Councillor Sutton considered that it was inappropriate for the Planning Committee to be threatened with an appeal and a cost application as nothing in the report is unreasonable in relation to the planning application. Dr Wickham reiterated that the Applicant would submit an appeal and application for costs if the application is refused.
- The Chairman asked Dr Wickham to refrain from threatening the Committee.
- Councillor Connor agreed with other Members comments and reminded Dr Wickham that decisions are made based on planning policies.

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

- David Rowen clarified the distance measured in relation to Dr Wickham's statement and said, in his opinion, that the figure was not incorrect.
- Councillor Sutton stated that he supports the application and highlighted that there are several developments in the District of this style and whilst they are not always in-keeping with the area, it does not necessarily mean they detract from the area. He added that the properties would be ideal for first-time-buyers locally and believed the Committee should support improvement of the area.
- Councillor Mrs Laws disagreed with Councillor Sutton and believes that Deerfield Road does have a traditional development pattern which should be maintained and suggested that two semi-detached properties on the site, would be more appropriate. She highlighted that the parking spaces mentioned along Deerfield Road, are not as such designated parking spaces but rather residents utilising their front gardens. She concluded that Deerfield Road has a traditional, distinctive look and therefore a smaller proposal would be more in-keeping with the area.
- Councillor Mrs Hay agreed that four-dwellings would result in over-intensification of the site and added that the proposal is poorly laid out with gardens behind gardens and inadequate parking facilities.
- Councillor Connor agreed that whilst the site would benefit from development, the scheme proposed would result in over-intensification of the site.

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

*(Councillor Court stated that is a Member of March Town Council but takes no part in any planning decisions)*

**P73/17      F/YR16/0194/F  
LAND SOUTH EAST OF MOLE END, GULL ROAD, GUYHIRN  
ERECTION OF 4X2 STOREY 4-BED DWELLINGS AND THE FORMATION OF 2  
NEW ACCESSES**

*(The Chairman stated that he has known the owners of the land in question for many years and left the room for the duration of the item. He took no part in the discussion or voting. In his absence, Vice-Chairman Councillor Sam Clark chaired this item)*

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 report and update to Members.

Members received a presentation, in accordance with the Public Participation Procedure, from Gareth Edwards (Applicant's Agent).

Gareth Edwards thanked Members for the opportunity to speak in support of this application. He said it was disappointing that after two years of positive dialogue with officers, the recommendation for the application is refusal. He explained that during this period the process of a legal agreement had commenced however due to unforeseen circumstances, this had been retracted. He highlighted that in regards to the proposed dwellings these would all be located within flood zone 1, with only a small portion of the site sitting in flood zone 3. He added that a re-assessment had resulted in the majority of the site being removed from the Environment Agency's flood zones 2 & 3 map. He highlighted that the land had recently been tidied up after becoming unkempt. He stated that planning permission had recently been granted for the erection of 30 static caravans on the

same side of Gull Road as the proposed site and other developments have taken place across the road in recent years with permission approved on others also. He explained that the site plan in the report is out-dated and misleading as it does not show the properties that have been built on the other side of Gull Road in recent years. Following the reassessment of the site's flood zone by the Environment Agency, further ecology and tree surveys were requested by the Council's wildlife officer and carried out with no issues raised. The application has the support of Highways, the Parish Council, the Wildlife Officer, the Environment Agency, Environmental Health and 75% support from the Community Consultation that was carried out. He added that officers at Fenland District Council had also indicated the planning permission would be granted via their delegated powers. As a result of additional reports, the applicant has incurred significant expense in submitting the planning application following officer's indication of approval and is very disappointed that after two years, the application is recommended for refusal. He added that Guyhirn as a village needs housing in order to sustain the village's facilities. He highlighted that having dwellings on both sides of Gull Road would lead to improved highway safety and an increase in pupils at Guyhirn village school. Following recent research, Gareth Edwards informed Members that there are currently no building plots for sale in Guyhirn and asked where could developers build in Guyhirn if this application was to get refused. He concluded by reminding Members of the footpath opposite the site, that provides access to the bus stops on the A47 which would provide enhanced travel links to potential owners of the dwellings. He asked Members to support and approve the application.

There were no questions for Gareth Edwards.

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

- Councillor Sutton stated that the change in officer's recommendation was disappointing and believes that the application should be approved. He explained that sites opposite have been developed in recent years and this has as a result, set a precedent. He added that developments such as this in flood zone 1, would help the Council rectify their 5 year land supply shortage and proposed that Members vote against officer's recommendation and approve the application.
- Councillor Mrs Davis agreed with Councillor Sutton and explained that if sites like this are not approved, the Council will never resolve the 5 year land supply issue. She added that the site was sustainable and surrounded by other dwellings/sites of similar size and layout.
- Councillor Mrs Laws stated that the issue with lack of housing in Guyhirn is not necessarily down to lack of planning approvals but rather developers not building out schemes that have been granted planning permission.
- Councillor Mrs Newell asked why it had taken 2 years for this application to be brought to Planning Committee for a decision. David Rowen explained that when the application had originally been submitted, the site had been in flood zones 2 and 3 and therefore could not be supported. Consequently this was re-assessed and as a result of other issues, time had passed which is regrettable.
- Councillor Sutton referred to Councillor Mrs Law's earlier point regarding sites with planning permission not being developed. He highlighted that this development would provide individual plots for homeowners looking to self-build and added that Guyhirn is a very sustainable village with good transport links and services.

**Proposed by Councillor Sutton, seconded by Councillor Mrs Davis and decided that the application be APPROVED against officer's recommendation.**

Councillor Sutton proposed that conditions attached to the planning permission would be approved by Vice-Chairman Councillor Clark and Nick Harding. Members agreed.

**P74/17**

**F/YR18/0015/F**

**LAND NORTH AND WEST OF 3 -5 LOW CROSS, WHITTLESEY.  
ERECTION OF A CONVENIENCE STORE RETAIL UNIT AND 3 X 2-STOREY 3  
BED DWELLINGS AND ERECTION OF 1.8M BOUNDARY WALL, INVOLVING THE  
FORMATION OF NEW ACCESSES AND THE DEMOLITION OF EXISTING  
BUILDINGS WITHIN A CONSERVATION AREA**

The Chairman returned to the Chamber.

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers) during its deliberations.

David Rowen presented the report and update to the Committee.

Members received a presentation in objection to the application from Mr Stephen Hodson, in accordance with the Public Participation Procedure.

Mr Hodson explained to Members that he was a retired resident of Whittlesey and wished to object to the application. Firstly he said the National Planning Policy Framework (NPPF) and Fenland Local Plan state that there is a presumption in favour of development unless material consideration. He said that in regards to this application there are many material considerations that should result in the refusal of this planning permission, such as the site being located outside the commercial area of Whittlesey and being surrounded by residential housing. Mr Hodson believes that as the proposed site will be located away from Whittlesey Town Centre, this will result in increased traffic and noise and become an intrusion to local residents. He added that Whittlesey already benefits from a Co-op store which is open from 6:30am-11pm. He explained that having a store in a residential area, would result in deliveries occurring late at night causing disruption to residents as lorries tend to deliver outside of store opening hours. He added that an increase in heavy goods delivery vehicles would also increase fumes and emissions in the area and raised concerns regarding contamination on the site as it was a former bus depot. He highlighted that the proposed site has a pelican crossing close to the site and raised concerns that increased traffic will be a risk to people using this. He added that as the Government are keen to increase housing supply, the site should benefit from residential housing as oppose to commercial use. He asked Members to consider existing trades and businesses operating in Whittlesey that could be affected by a new Co-op store. He concluded that there had been a public petition to refuse the application and asked Members to consider this when making their decision.

There were no questions for Mr Hodson.

Members received a presentation, in accordance with the Public Participation Procedure, from Matthew Wilkinson (a representative from the Lincolnshire Co-operative).

Matthew Wilkinson informed Members that the Lincolnshire Co-operative is a regional co-operative society that operates in Lincolnshire, Nottinghamshire and surrounding areas. They operate 83 food stores as well as pharmacies, funeral directors, florists and post offices. He said that Members should not confuse them with the Co-operative Group which currently operate a food store in Whittlesey as they are two separate entities. He informed Members that currently, the closest Lincolnshire Co-operative store to the proposed site, is located in Crowland. He explained that the groups priority is to improve life in communities and a new store would fulfil this and their other corporate priorities too. He said the store would be a local 'top-up-shop' providing convenience foods and amenity to residents. He stated that the site has been derelict for the past 12 years and is heavily contaminated with material from the former bus depot. He informed Members that investigations into this have been carried out and they have already consulted the appropriate tradesmen to decontaminate the site, subject to planning permission being approved. He highlighted that the design of the store and pre-application advice had been carefully

considered and additional car parking had been added. He stated that the site would be a benefit to local residents as it would prevent them having to travel in to the town centre to shop and would also provide new jobs to people living in Whittlesey and surrounding areas. He concluded that the development would provide a sustainable food store with good parking and complies with all local and national policies.

Members asked Matthew Wilkinson the following questions;

- Councillor Mrs Laws asked if they were considering the installation of an ATM machine as per the report. Matthew Wilkinson said this was being considered however they are highly aware of the security risks in relation to recent robberies involving ATM machines and assured Members that additional security would be a priority.
- Councillor Mrs Davis asked if deliveries would take place late at night or in the early hours of the morning. Matthew Wilkinson stated that the Lincolnshire Co-operative would be happy to have restricted delivery times as this is something that is common in their other stores that are located in residential areas.

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

- Councillor Mrs Laws stated that as a local Councillor for Whittlesey, the site is an eyesore and the regeneration of it would be a good initiative. She highlighted that this will greatly benefit elderly residents in the area as the current convenience stores are located quite a long walk away. In relation to an increase in car fumes and emissions, she reminded Members that the site was a former bus garage and stated that she cannot see this being any worse than before. She agreed that restrictions should be placed on delivery times and also a condition relating to the boundary of the conservation area and asked that any boundary installed needs to take this and surrounding properties into consideration. She concluded that she fully supports the application and sees no reason to refuse it.
- Councillor Sutton agreed that the existing site is an eyesore and said the application had many positives. He explained that there had been several issues regarding deliveries at a similar store in March and reiterated that conditions need to be in place to prevent this. David Rowen confirmed that Condition 15 of the planning permission contains specific information regarding this and assured Members that this was already in place. David Rowen confirmed the delivery times would be between 7am-7pm. Members agreed to this.
- Councillor Connor asked if conditions were in place regarding pollution on the site and protection of the Grade II listed wall on the site. David Rowen confirmed that conditions were in place to deal with both of these issues.
- Councillor Murphy agreed with other Member's comments and stated that the application should be approved.

**Proposed by Councillor Mrs Laws, seconded by Councillor Connor and decided that the application be APPROVED as per officer's recommendation.**

*(Councillor Mrs Laws stated that she attends Whittlesey Town Council Planning Committee but has taken no part in any discussions or vote in relation to this item)*

*(The Chairman stated that he is a Member of Whittlesey Town Council however has taken no part in any discussions or vote in relation to this item)*

**P75/17**

**F/YR17/0875/O**

**LAND EAST OF 11- 21 PARK ROAD, MANEA, CAMBRIDGESHIRE**

**ERECTION OF UP TO 15 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS ONLY)**

The Committee had regard to its inspection of the site, as agreed in accordance with the Site



Inspection: Policy and Procedure (minute 19/04) during its deliberations.

The Chairman adjourned the meeting at 2:30pm to allow Members of the Planning Committee to read a confidential report that had been circulated.

The meeting reconvened at 2:48pm.

David Rowen presented the report to Members.

Peter Humphrey (the Applicant's Agent) had registered to speak however confirmed that he had nothing further to add and therefore did not present to the Committee.

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

- Councillor Mrs Laws thanked officers for a very good report and stated that she saw no reason why the application should be refused.
- The Chairman also thanked the Section 106 officer for a comprehensive report.

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

2:53pm

Chairman