

PLANNING COMMITTEE



WEDNESDAY, 15 AUGUST 2018 - 1.00 PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor Benney, Councillor A Hay, Councillor D Laws, Councillor P Murphy, Councillor F Newell and Councillor W Sutton,

APOLOGIES: Councillor D Connor, Councillor S Court, Councillor M Davis and Councillor S Bligh,

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Shared Planning), David Rowen (Development Manager) and Alison Callaby (Senior Development Officer)

P15/18 PREVIOUS MINUTES.

The minutes of the meeting of the 18 July 2018 were confirmed and signed.

P16/18 F/YR16/0792/F. THE COLLEGE OF WEST ANGLIA, ELM HIGH ROAD, WISBECH. ERECTION OF 137 DWELLINGS, ALTERATIONS TO RAMNOTH ROAD AND ELM HIGH ROAD JUNCTION TO FORM A NEW VEHICULAR AND PEDESTRIAN ACCESS AND ASSOCIATED WORKS AND INFRASTRUCTURE

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

David Rowen presented the report and update report to Members.

Members received a presentation as an objector to the application, in accordance with the Public Participation Procedure, from Councillor Sam Hoy.

Councillor Hoy explained that she is speaking as an objector as there is some background to the application which she outlined. She stated that in principle she has no objection to the development, it is in the local plan. Councillor Hoy commented that when she read the report, her main concern was and remains, how the development ties in with the Wisbech Access project and she felt the information provided was not necessarily correct as it stated that there was no date set for Wisbech Access works, when in fact the date of March 2021 had been put forward as the date of completion by Fenland District Council's Cabinet, the Combined Authority and the County Council. Councillor Hoy commented that if Members were minded to grant permission the Developer could decide to start the access works themselves immediately and then in some 18 months' time, the Wisbech Access Study will commence and undo the works the Developer has already undertaken. This will be a waste of money and disruptive for the local residents.

Councillor Hoy commented that she has had various conversations with the Head of Planning and the Agent and thanked them for the help they have given. The update provided today does alleviate some of her concerns; and she does appreciate that applications need to be dealt with as they are submitted. The clause with regard to the monies is really important and she is pleased to see it included. One of the issues still to receive clarification is with regard to the financial contribution for the Ramnoth Road roundabout junction as originally it was a medium strategy for

the Access Study and when it went before the Combined Authority and Cabinet it got brought forward and Councillor Hoy asked whether this is because they are relying on a contribution from the Developer or because monies have been found elsewhere. Councillor Hoy commented that the clause outlines this issue and if the finances are needed for the Wisbech Access Study, the Developer's money could then be used and if they were not reliant on it the money could go towards other aspects such as affordable housing or items for the local community.

Members asked Councillor Hoy the following questions:

- Councillor Mrs Laws asked Councillor Hoy to confirm which aspect she required clarification on. Councillor Hoy stated it is clarification on who is financing the Wisbech Access Strategy. The study has three stages and in the middle stage the roundabout had been mentioned. When the Combined Authority became involved, the roundabout was moved forward. Councillor Hoy stated that the Agent has pointed out that it is not dependent on the funding. Councillor Hoy stated that originally today she was going to request a deferment, however the Agent and Developer have been very good with understanding the concerns raised.

Members received a presentation, in accordance with the Public Participation Procedure, from Matt Hare the Agent.

Mr Hare explained the application before Members today is for 137 dwellings. The scheme does not include any affordable housing. The application was first submitted in September 2016, following extensive discussion with Planning Officers and a public exhibition in the town.

The application was made following a previous resolution by Planning Committee to approve outline planning permission and the previous proposal was for a scheme of a greater density than the proposal before Members today. The site comprises of previously developed land and was formerly the site of the College of West Anglia. The principal of the residential development on the site is supported by the Councils development plan and the National Planning Policy Framework, which seek to approve use of brownfield land. The scheme proposes a mix of residential units, including 1 bedroom units, 2 bedroom houses and 3 bedroom houses, including some bungalows. The design and layout of the development has been carefully considered and the layout has been designed in order to facilitate the delivery of a safe and secure neighbourhood. The dwelling design is bespoke and has been produced by a firm of quality architects and the proposed houses will be unique in appearance. During the application process a number of points have been raised by consultees and local residents, as initially there had been a proposal to provide a pedestrian pathway from the site to Falklands Drive, however there were many objections from the residents and therefore the Applicant removed this from the proposal. Concerns were also raised by the Kings Lynn Internal Drainage Board (KLIDB) with regard to the surface water aspect and those concerns facilitated a total redesign of the drainage strategy and this is now acceptable to the Kings Lynn Internal Drainage Board and the Lead Local Flood Authority.

With regard to the relationship between the proposed development and the Wisbech Access Strategy, Members will have seen that the new access forms part of the development proposal and this comprises of the realignment of the junction of Ramnoth Road and Elm High Road and the provision of a new signalised junction. The proposed access has been subject to a stage 1 road safety audit and has been judged to be acceptable. The Wisbech Access Strategy includes a new roundabout to replace the existing signalised junction. The site access will not impact the formation of the new roundabout, however concerns have been raised for the impact of the disturbance to have two sets of roadworks in sequence and therefore the applicants have agreed should permission be granted they would prefer the implementation of the site access works in order to allow the access strategy works to commence and should that occur then the money that would have otherwise been spent on the proposed site access would be given to the Council and that could either be spent on the Wisbech Access Strategy or for some other form of public benefit.

Members asked Mr Hare the following questions:

- Councillor Mrs Laws asked with regard to the attenuation pond on site whether this would be a 'step out' pond, should anybody fall in and whether some consideration could be given to electrical points for electric cars.
- Mr Hare confirmed with regard to the drainage pond and the safety aspect surrounding it, a plan was submitted with the application which shows a cross section of the pond and has a shallow edging walk out on one side and a balustrade on the other side. With respect to electrical points for car charging, it is something that is feasible to deliver and it is something that could be conditioned

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

- Councillor Murphy commented that he had no objection at all to the planning application, it contains a reasonable mix of properties and the new road layout could improve the whole area, however he added that if there is any play area or open space included in the development then there should be a Management Company set up for the maintenance and upkeep of it so that the Local Authority does not need to be responsible for it in the future.
- David Rowen commented that one of the clauses in the Section 106 Agreement would be to secure the provision of the open space and as part of that management and maintenance would be included as a clause in the section 106 agreement.
- Councillor Mrs Hay commented that with regard to the Section 106, viability issues are due to abnormal costs and asked for clarification as to what the costs are.
- David Rowen commented that the assessment of the viability appraisal was carried out by the Section 106 Officer, however by looking at the nature of the site which was previously developed, there will be an element of site clearance works and there will be costs incurred as part of the access works.
- Councillor Mrs Hay commented that because of the Wisbech Access Study it has been mentioned that there will be no building works allowed before January 1, 2020, however Councillor Hoy mentioned that the Wisbech Access Study and the roundabout is not likely to be completed before March 2021, where will the access be for the site if it is completed before that date.
- Mr Nick Harding commented that Members need to be aware that they cannot refuse Planning Permission for this development on the grounds that there may be duplication of highways works dependent on whether the development comes before the access study roundabout or afterwards. If the Developer wants to build their scheme before the Wisbech Access Study roundabout is constructed they are perfectly entitled to do so. There is no conflict between their access scheme to serve their development and the Access Study roundabout scheme. Yes it would mean two sets of road works and the undoing of some of the works done by the developer to access their site but planning permission could not be reasonably withheld for this reason. Planning Officers have worked with the Developer and the Developer has an interest in the other proposed highways works and the avoidance of the 'double doing' and incurring unnecessary costs. Members must be mindful that if this particular road junction is not progressed properly the Developer still needs to be able to proceed and progress their scheme should they so wish. If Committee are inclined to approve the application as recommended in the revised proposal then the Planning Officers can report back to the County Council, so that when the detailed programme of implementation for various schemes within Wisbech in the first stage of works is considered for pulling forward early in that implementation programme.
- Councillor Sutton commented that he has no problem with the application, however there is no timeline for the Section 106 Agreement and there is normally a 4 month period stipulated. David Rowen responded that this appears to be an oversight and a timeline can be added. Councillor Sutton responded that it is always prudent to add a timeline and four months with an element of discretion would be a good idea. The Chairman agreed with Councillor Sutton, a timeline has been factored into applications in the past which Officers

will be mindful of.

- Mr Nick Harding clarified the points raised by Members during their discussions before the item was determined. The items highlighted were the revised recommendation from David Rowen, the four month timeline for the signing of the Section 106 Agreement and the requested provision within the Section 106 so that the Council did not adopt any of the open space or play areas.
- The Chairman asked Members whether they were all happy with those amendments and also added the request by Councillor Mrs Laws for electrical charging points for electric cars, but not to be included in the Section 106 Agreement.
- Mr Nick Harding added that with regard to the potential condition with regard to car charging points, the applicant might be willing to accept such a condition but the District Council does not have a policy which requires electrical charging points for vehicles to be provided, if a planning application was submitted to delete that condition the Authority would struggle to justify the refusal of that application as there is no policy in place for car electrical points.

Proposed by Councillor Murphy, seconded by Councillor Mrs Laws, and decided that the application be APPROVED as per the Officer's recommendation, with the modifications as outlined by Mr Nick Harding.

(Councillor Sutton advised the Committee that as he was portfolio holder at the time he attended an open meeting at the Boathouse in relation to this application.)

**P17/18 F/YR17/0507/O,
LAND SOUTH EAST OF 208 COATES ROAD, COATES
ERECTION OF UP TO 60 X DWELLINGS (OUTLINE WITH MATTERS
COMMITTED IN RESPECT OF ACCESS ONLY)**

The Committee had regard to its inspection of the site in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers) during its deliberations.

David Rowen presented the report to Members.

Members received a presentation in support of the Application in accordance with the Public Participation Procedure, from Gareth Edwards (the Agent).

Mr Edwards explained that the application before Members today is for a maximum of 60 dwellings in Coates Road, Coates. There have been ongoing discussions with the Planning Officers which have been very helpful and constructive and an agreement as to where the line of development should stop. During these discussions it was also agreed that the development should be consistent with the developed lines already approved to the west with Lakeside Gardens and Halcyon Drive which are towards Eastrea and further away from the village centre, with the proposed development filling the gap between these developments and the village centre. The Applicants for the application live in the village or have an association with it. The statutory consultees have been worked with which has received a great deal of support. With regard to school numbers, contained in the report under paragraph 10.45, the County Council has provided details which have confirmed the evidence that the agents were aware of. The site falls within flood zone 1 which allows for a mixed development and will attract both young and old residents. Mr Edwards summarized that as the site is in flood zone 1 which as the NPPF directs residential development in preference, the site can be served by safe and effective access and is accessible to natural green and play space and public byway, promoting health and leisure opportunities. The site is remote enough from heritage assets above ground and is suitable proximity of local services which can be accessed on foot or by public transport and is of sufficient scale to incorporate affordable housing.

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

- Councillor Murphy commented that the proposal if approved will mean it will go over the threshold for the village and asked whether this will set a precedent going forward with planning applications. David Rowen explained that thresholds are a complicated matter and the issue of thresholds in the Local Plan was never to put an absolute cap on development and the intention was to give a small element of control to local residents over what development could take place in their villages. As time has moved on, in particular with the appeal decision in Manea which identified that unless there is substantial planning harm which can be identified, the threshold issue itself is not one on which planning permission can be refused. Each application needs to be considered on its own merits and will be considered in that way going forwards.
- Councillor Murphy commented that with regard to the open space and play area he would like it noted that Fenland District Council will not be responsible for the upkeep and maintenance of these areas and a maintenance company should assume responsibility.
- Councillor Sutton commented that again comments have been made concerning the proactiveness of Officers working with Developers to reach a satisfactory scheme.
- Councillor Sutton commented that it is a big scheme in a small village but if schemes like this are not supported in villages, there will be the 5 year land supply issue problem again in his opinion because the developments in towns are going longer than was originally thought when the Local Plan was first agreed. Councillor Sutton commented he does not think this proposal can be referred to as a small scheme; however he believes it is an acceptable scheme.
- Councillor Mrs Laws commented that although the development is going over the threshold it is to keep the individuality of each village and the important thing is to keep Coates, Eastrea and Turves separate from Whittlesey.
- Councillor Mrs Laws commented that as a precedent has been set due to Lakeside Gardens, there would be an issue if the proposed development was refused. Villages need to be kept vibrant and alive and different homes such as starter homes and social housing need to be offered.
- Councillor Mrs Laws commented that there is a large piece of County Council land which houses a village school, which comes up on high league tables and it is a pity that children are being taken out of the village to be bussed into Whittlesey to go to school.
- Councillor Mrs Laws commented that with regard to drainage, she would like assurances that arrangements for surface water drainage system are in place.
- David Rowen commented that with regard to drainage the LLFA have indicated that they are happy with the conditions and with regard to education issue, his understanding is that there are proposals to expand the school in Whittlesey.
- The Chairman commented that with regard to the footpath access via Fieldside to the A605, there is no mention of that piece of road being upgraded in any way to make it pedestrianized or walkable as the road is in a poor condition and not suitable to walk a child or use a pushchair along it. The developer should look at bringing that road up to a level which can be used by members of the public.
- Councillor Mrs Laws commented that there was a community consultation, however the letters of support received were not even from residents of the village and she would hope that the Officers have taken that into consideration. David Rowen responded that about 100 letters were excluded from the Community Consultation exercise due to that reason.
- David Rowen highlighted that any contribution of open space assets to be off site towards existing facilities rather than anything actually on site.
- Councillor Murphy queried the contribution for the children's play area. David Rowen clarified that it will be an offsite contribution to an existing play area.

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

(Councillors Miscandlon and Mrs Laws stated they were Members of the Whittlesey Town Council but take no part in planning matters.)

P18/18 **F/YR17/1217/F,**
LAND NORTH OF ORCHARD HOUSE, HIGH ROAD, WISBECH ST MARY.
ERECTION OF 76 DWELLINGS: COMPRISING 29 X 2-STOREY 4-BED, 6 X 3-
STOREY 4 BED, 29 X 2-STOREY 3-BED AND 2 X BLOCKS OF FLATS (4 X 1 -BED
AND 8 X 2-BED) WITH ASSOCIATED GARAGES, PARKING, PLAY AREA AND
LANDSCAPING INVOLVING THE FORMATION OF A NEW ACCESS ROAD

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.

Alison Callaby presented the report and update to Members.

Members received a presentation in objection of the application in accordance with the Public Participation Procedure from Parish Councillor Alexandra Patrick.

Councillor Patrick explained that she is speaking on behalf of Wisbech St Mary Parish Council, who object to the application on the grounds that the design is inappropriate for the village. Whilst they are not opposed to development, they do not feel blocks of flats are suitable for a village. The village currently has a mix of bungalows and houses and the design proposal will encompass some overlooking. Members of the Parish have questioned the absence of a Section 106 Agreement and are concerned that for such a large scale development there would need to be some type of management in terms of the open space area as it would place an added strain onto the Parish Council if they had to be responsible for it.

Members received a presentation in objection of the application in accordance with the Public Participation Procedure from Councillor Gavin Booth.

Councillor Booth gave apologies on behalf of Councillor Sarah Bligh who had also wished to speak on this application.

Councillor Booth stated his strong objection to the application and stated that with regard to point 10.1 in the Officers report it states the proposal is for 26 units where it is actually 76 units and this is a large development on the perimeter of Wisbech St Mary. The 76 properties exceed the development threshold on its own for Wisbech St Mary. Developments of this size in villages cannot be seen to be modest particularly when the local plan states should happen for the growth of villages. Councillor Booth commented that in 10.2 of the Officers report where it refers to sustainability, the previous application was on balance agreed on the basis of Section 106 contributions, however, this application cannot provide that and it is actually increasing the intensity of buildings on this site in the open countryside and if the previous application was on balance how can this application in front of committee today without a Section 106 be put forward. Councillor Booth stated that under 10.5 of the Officers report it refers to a Community Consultation exercise and on an application of this size it would be expected that a consultation would have taken place and this has not happened and Councillor Booth would like to know why. Councillor Booth stated that he believes the Developer has taken the decision that they would not get community support for this application due to the size and the objections raised at the previous application. Councillor Booth commented that with regard to the petition that was mentioned, many of the villagers that he has spoken to in the village have signed it believing it covers the subject of flooding and is also against the development.

The Parish Council have voiced their objections today and Councillor Booth highlighted that with regard to Policy LP12 (2) it states that if there is no community consultation, the Parish Council have said they strongly object to this and therefore the application does not meet that policy. The

policy states that the appeal cannot just take that policy on its own as an objection but there are other considerations that need to be discussed. Councillor Booth commented that within point 10.14, it states there will be no loss of amenity to neighbouring properties; however, he believes this comment is that of Officers, as there will be a loss of amenity when there will be an access way with hundreds of vehicle movements within 2 metres of the boundary. Councillor Booth states in 10.16 it refers to highways and the proposed development as being in a 30mph zone, however this is incorrect as the area is in a 40 mph zone. The Parish Council have a minor highways bid in place, but is more for reducing speed around the school and shops. There have been discussions around flooding and a point has been made concerning some of the improvements made, however these haven't been tested and the Committee should be aware that part of the development is in flood zone 3 and there is very little mention of the sequential test in the report. Councillor Booth pointed out that in 10.32 it mentions the play area and Councillor Murphy has already raised the issue surrounding the management of play areas in the future. In section 10.34 where it refers to Section 106 Agreements there will be extra pressure put onto local services as a result of the development as it is not viable and the approach adopted by Officers and all the objections and reasons against this application need to be considered and he recommends the application be refused or at least for it to be deferred to allow a proper community consultation exercise to be carried out.

Members received a presentation in support of the application in accordance with the Public Participation Procedure from Steven Mitchell, the Agent.

Mr Mitchell stated that the development has increased from the previous approval to encompass more affordable homes. In addition land has been gifted to the North Level Internal Drainage Board which has enabled them to upgrade and take control of the drainage ditch on the east of the site. Mr Mitchell stated that they are investing in public open space with a play area for this development that will benefit not just the estate but the wider village as a whole. Mr Mitchell confirmed that they will be managing and maintaining the area at no cost to either the Parish or District Council. The Parish Council were contacted twice in order to enable the scheme to be presented to the Parish Council but no response was received. Access was approved during the previous approval and there are homes being built on flood zone 3.

Members asked the following questions of Mr Mitchell.

1. Councillor Mrs Laws asked Mr Mitchell with regard to LP12, which is concerning public consultation that apart from approaching the Parish Council, did the developer deliver letters to local residents or to hold an exhibition in the village hall? Mr Mitchell confirmed that he had made contact via email twice to the Parish Council, but on both occasions the email did not meet with a response.
2. Councillor Mrs Laws commented that there is a difference between approaching the Parish Council to actually discussing the application or for the developer to distribute letters to local residents to make them aware. Mr Mitchell clarified that they did not distribute letters but did contact the Parish Council to make arrangements to carry out a presentation.

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

- Councillor Mrs Hay commented that she has seen the viability study and stated that the earlier application was approved, because the development would result in benefits to the sustainability of the area through the Section 106 contributions that were agreed at that point in time. With this application before Members now the development has grown by 50%, it is no longer viable, and therefore, in her opinion it does not offset the benefits and the disadvantage of encroaching into open countryside.
- Councillor Mrs Laws agreed with Councillor Mrs Hay and on balance that is why the application was pursued. Councillor Mrs Laws stated she is not happy with regard to the public consultation but also the design of the development with regard to flats there is

nothing else in the area similar to the proposal and whilst she appreciates that different accommodation needs to be offered, she questions the compatibility of the design as well.

- Councillor Sutton commented that, whilst he appreciates what the other Members have already said, to not support this application in his opinion would be wrong, as it already has outline permission for 50 properties and he knows that Officers will ensure that each property has the correct amenity space according to policy and, therefore, if the developer is able to increase the amount of properties on the site and it complies with policy then there is no issue.
- Councillor Sutton stated that with regard to flats in villages, just because there are currently no flats in villages it does not mean that in the future there cannot be any flats in villages. Flats will be much cheaper for younger persons to purchase and continue to live in villages where at the moment they cannot. Councillor Sutton confirmed he is not referring to social housing he is referring to affordable housing. There are people in villages that would be able to buy as a first time buyer a flat that would not be able to purchase a 2 or 3 bedroomed house. They are not large tower blocks and he will support the application because if they don't the application will come forward again in the future and somebody will challenge the 5 year land supply.
- Councillor Mrs Laws asked Officers to confirm whether they were happy with the sequential test. Alison Callaby clarified that the development sits within the flood zone 1 and the agent has confirmed no development will take place on flood zone 3.
- Councillor Sutton commented that he remembers when this application was discussed previously that it would have been ideal to have the access in the corner where there was a bungalow and on the site visit it was clear to see the land went down in the back corner and the comment was made at the time that no development could take place in flood zone 3.
- The Chairman commented that he also recalls from the last time when this application was brought forward for the reduced houses in the top right hand corner, there was also a footpath that the children could use for access to the school, this seems to have disappeared. Whether this could be resurrected to stop the children having to walk along the high street to the school.
- Councillor Sutton stated that as he recalls the agent at the time said they would be happy to talk to the adjacent land owner and if permission was given they would be willing to put that in, however this looks as though it has not worked.
- Councillor Sutton asked whether there was a time frame for the section 106. David Rowen stated that it was not on the recommendation in front of Members; however as per the previous item it will be added.

Proposed by Councillor Sutton, seconded by Councillor Newell the application be APPROVED, which was not supported by a majority on vote by members

The Chairman stated that he now required a second proposal and the reasons for the proposal.

- Councillor Mrs Laws stated that she cannot support the application purely on viability grounds as she cannot see what the application is offering the village and policy wise she is struggling. On principal the application should probably be approved, however applications are looked at frequently and promises are made with regard to 106 agreements and Councillor Mrs Laws commented that she expected the Section 106 Officer to be present today.

(It was pointed out to Councillor Mrs Laws that the Section 106 Officer was present)

The Chairman stated again that if a proposal for refusal was to be made then there needed to be defensible reasons to support it.

- Councillor Mrs Laws stated that with a heavy heart she would not be putting forward a proposal for refusal as she cannot think of a policy reason for such a decision. Councillor

Mrs Laws stated she is so unhappy that the application offers nothing apart from housing.

- Mr Nick Harding said that if the Committee are minded to refuse the application as has been indicated, Members need to evidence the harm that would arise as a consequence of allowing this development to go ahead. As was mentioned through the debate the previous approved scheme brought with it a range of benefits through a Section 106 Agreement and this latest scheme does not do so to the same extent. The Committee needs to bear in mind that clear advice from the Government on these matters states that when considering whether to grant planning permission, you have to have regard to viability of the scheme. If the Developer can satisfactorily demonstrate the scheme is not viable when making policy compliant levels of contributions, then planning permission should still be granted, unless it can be demonstrated that significant harm will arise. Therefore, if permission is granted for this scheme can Members identify where the significant issues would be in terms of not providing for a policy compliant S106 agreement?
- Councillor Mrs Laws commented that when the application was brought before Committee previously the balance for the Committee was to approve it because of what it was offering and now it is not.
- Councillor Mrs Hay commented that if this application had come before the Committee today without the earlier application for 50 houses that was granted and it was granted only because of the extra benefits from the Section 106, it would have been rejected due to encroachment onto open countryside and it does encroach without any benefits to offset.
- Councillor Benney commented that the development is 50% bigger than the previous application and to inflict this onto a small village would be detrimental.
- Councillor Sutton commented that open countryside has been mentioned by Members and if we are never going to build in open countryside then there will never be any building taking place. All the broad concept areas are open countryside and if as a committee nothing is approved due to the reason of it being in open countryside then as an Authority we will fail.
- Councillor Sutton commented that to refuse the application would steer the Council into a dangerous position. Councillor Sutton reminded Members of the Manea Application where Members considered the Community Consultation and quoted the Local Plan when that application was refused, which in turn went to Appeal and the Authority lost resulting in costs to the Council.
- Mr Nick Harding asked the Committee to be mindful of a previous application which had 11 dwellings on part of the site. This did encroach into the countryside beyond the existing village limit but not as much as the current application. In terms of the 2015 application, the Officer recommendation was on the basis that although the development would result in some intrusion into the open countryside the impact was outweighed by the benefits of the scheme.
- Councillor Mrs Laws stated that she was unable to put forward a proposal to refuse the application as she has no substantive reason to support this. However she would like it publically recorded how much this decision displeases her.
- The Chairman stated that as there was not a proposal before the Committee for the refusal of the application, there was the need to reconsider the officer recommendation and was looking for a proposal.

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

P19/18

F/YR17/0685/VOC.

LAND SOUTH WEST OF QUEEN STREET CLOSE, MARCH.

**VARIATION OF CONDITION 1 (CONDITION LISTING APPROVED PLANS),
RELATING TO PLANNING PERMISSION F/YR14/0886/RM (ERECTION OF 6 X 3-
STOREY, 3 BED DWELLINGS WITH BALCONY TO FRONT AND INTEGRAL
GARAGE AND 4 X 3 -STOREY, 2-BED DWELLINGS) TO PROVIDE FOR 10 X 2**

STOREY 3-BED DWELLINGS WITH ACCOMODATION IN THE ROOF SPACE, REVISIONS TO DESIGN, MATERIALS, FLOOR AREA, TURNING HEAD, LANDSCAPING AND BOUNDARY TREATMENTS, AMENITY AREAS AND REMOVAL OF THE INTEGRAL GARAGES

The Committee had regard to its inspection of the site as agreed in accordance with the site inspection Policy and Procedure (minute P19/04 refers) during its deliberations.

David Rowen presented the report to Members.

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

- Councillor Sutton asked for clarification as to whether there is a policy which states that there needs to be a garage built with all houses as he does not recall one.
- The Chairman agreed with Councillor Sutton, in that it states car parking.
- Councillor Mrs Laws commented with regard to the turning circle and also agreed with Councillor Sutton as she cannot recall seeing a policy which states you have to have a garage built with a house, providing you have a car parking space that is in accordance with adopted standards.
- David Rowen clarified that the turning circle has not altered.

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

P20/18 TPO 06/2018 -W1 WOODLAND GROUP.
TREE PRESERVATION ORDER (TPO) AT MANEA PIT, PARK ROAD, MANEA.

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 to Members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure from Christopher Harrison.

Mr Harrison advised the Committee that he is speaking on behalf of a number of Manea residents who strongly support the view that the TPO by the Planning Office should be upheld. Mr Harrison advised the Committee that Manea pit was awarded a country wildlife status in 2003 and it was stressed that Manea Pit should be treated as a nature reserve and be protected. In 2015, the status was withdrawn as the result of a lot of unauthorised work being carried out. Manea Pit and the surrounding woodland had been managed by the Pit Committee and the committee included people with knowledge of conservation and habitat management, however that committee was abolished in 2017 by the Chairman of the Parish Council. The Management Plan that the Tree Officer referred to was drawn up by the Pit Committee and those committee members are no longer involved with the Parish Council. Mr Harrison stated that the Manea Parish Council submitted plan has nobody to maintain it any longer, which is, in his opinion, makes the tree preservation, vital. The habitat of Manea Pit is vast with birds, deer, foxes, rabbits, hedgehogs, hares and badgers and it is a community asset for families, school children, dog walkers, fishermen, photographers and artists and it needs to be protected. Mr Harrison stated that the only way to protect the pit and its surrounding area and to uphold the tree preservation order. One of the conditions was not to use mechanical equipment to implant the otter fence which was totally ignored and heavy machinery was used to put the fence posts in. Mr Harrison drew the Committees attention to the Parish Councils objection which states 'there is no need or justification for this TPO and such an approach is not an expedient course of action by the local planning authority'.

Mr Harrison asked the Committee to enforce the TPO as it is needed.

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

- Councillor Mrs Hay commented that within the Officers report it states that the Parish Council have stated that they have no intention, of undertaking or causing, cutting down, topping, lopping, pruning or damaging the trees around the pit area and, therefore, why do they object to a TPO.
- Councillor Mrs Newell commented that she has received quite a few phone calls regarding this issue and although Councillor Newell has not given her opinion she has listened to what they have said. The information she has been given is that most of the local residents of Manea are against having the TPO removed, and after listening to Mr Harrison the information must be correct. The fence that has been installed is now causing access issues for elderly people in wheelchairs.
- Councillor Sutton commented that as he had stated earlier he had attended Manea Parish Council on a totally different issue and there was a gentleman present who stated that there had been an issue with access but he thanked the Parish Council for the monies that had been put forward to allow his wife who is in a wheelchair to be able to gain access into the park with no issues. Councillor Sutton commented that TPO's are a good thing where they are needed and personally he thinks that to blanket a TPO is not a good thing but having spoken to the Clerk and the Parish Council Chairman following the meeting, they had advised him that they had attended a meeting with the Tree Officer and they no longer object to the TPO.
- Councillor Sutton commented that if he can be shown one tree or a bunch of trees in that area that warrant a TPO he will support it fully, however, to blanket a TPO forms a layer of complicated and excessive red tape which is unnecessary, however, the Parish Council have now said they no longer object to it.
- Councillor Mrs Laws stated that she agrees with the TPO and what a TPO does ensure is that works are carried out to trees they are done professionally, applied for and if the trees are unhealthy it can be removed with permission and a suitable mature species can be put in its place.

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

(Councillor Sutton advised the committee that he attended Manea Parish Council on another issue on Monday 13 August 2018 and he spoke to both the Chairman of the Parish Council and the Parish Clerk and this Agenda Item did come up in conversation, but Councillor Sutton stated he made no engagement as to how he would be voting on this matter.)

P21/18

F/YR18/0128/RM.

WESTHAVEN NURSERY, PETERBOROUGH ROAD, WHITTLESEY.

RESERVED MATTERS APPLICATION, RELATING TO DETAILED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR14/0183/O. ERECTION OF 68 X 2 STOREY DWELLINGS COMPRISING OF 4 X 1 BED; 20 X 2 BED; 42 X 3 BED; 2 X 4 BED WITH PUBLIC OPEN SPACES AND PLAY AREA

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.

Alison Callaby presented the report and update report to Members.

Members received a presentation in objection to the application, in accordance with the Public Participation procedure, by Phillip Parker.

Mr Parker stated that he has been the Manager of Kings Dyke Nature reserve for 25 years. The nature reserve is located to the north and the west of the proposed Westhaven Nursery development site and is a very important site for wildlife. There are 3000 species of wildlife having been recorded including an internationally important population of great crested newts and other vertebrate populations, a significant proportion of which occur next to the boundary of the proposed development site. The importance of the site has been recognised through gaining a number of national and international conservation awards and recently it was one of the 50 sites visited by Chris Packham. With 1139 species recorded in the course of 24 hours this was the most diverse site that he visited anywhere in the country. The nature reserve is visited by an excess of 5000 people per year and is used by many schools for educational activities. The trail used by the schools is very close to the development boundary. The reserve's importance has been recognised by a group of councils seeking to link the nature reserve to the important archaeological finds at Must Farm. Mr Parker stated that a Fenland District Councillor had quoted in a newspaper article earlier in the year that Kingsdyke Nature Reserve is a much loved reserve already enjoyed by residents and visitors alike'

Mr Parker stated that throughout the outline planning and reserved matters process concerns have been raised including a lack of an appropriate buffer to the nature reserve to protect it, and an appropriate buffer would be a minimum of 20 metres which is normally to be expected. In the Development Plans, there was a 10metre buffer to the northern boundary and no buffer to the west despite this being the most visible aspect to users of the nature reserve. Mr Parker commented that it is pleasing to see that the developers have amended the design so there is now an 8 metre buffer along the west of the boundary including the retention of the conifer screen and would welcome this screening to be protected by a TPO. Mr Parker added that whilst they still feel that the buffer is inadequate it is an improvement. Mr Parker stated they would also like to see an appropriate boundary fence to prevent unauthorised public and cat incursions into the nature reserve. There are potential impacts on the water regime within the nature reserve remain the one aspect where no improvements have been made and despite the observations made by the developers engineers the ground water locally is close to the surface and this has been confirmed by many years of monitoring. The pollution report fails to state the large number of ponds close to the development boundary which support the majority of the great crested newt population and fails to carry out any impact assessment. Mr Parker commented that concerns are still present over the road drainage by the means of soakaways and the highways authority shares the concerns and Cambridgeshire Highways will not adopt the road drainage scheme. The impact on water quality is critical and this concern is supported by 'Bug Life' and Natural England who advise the Council should secure the implementation of a water management scheme that is sufficient to demonstrate no adverse impact on the water environment. Mr Parker stated that no one from the Developer has ever visited the Nature Reserve and it is critical that a scheme is put in place to assess the current regime.

Members received a presentation in accordance with the Public Participation procedure from Robert Jays, the Agent.

Mr Jays stated that following negotiations with the former landowner Axiom purchased the site in December 2017. When purchasing the site it was always the intention of a more comprehensive development than the 68 dwellings already permitted in outline consent. Due to the significant financial commitment to purchase the site, Axiom did not wish to risk outline permission expiring with no formal planning permission and, therefore, detailed discussions were undertaken with the Planning Department to submit the reserved matters application before the Committee today and then to submit a further application for 16 more dwellings that is currently being considered. Mr Jays stated that he is aware that some consultees have raised concerns with regard to this

approach, but the Developer has never intended to confuse matters. Mr Jays stated that as set out in the committee report an area of concern on the application site is the area of ecological interest on the site and whilst this is not dealt with in this reserved matters planning application the developer has been as proactive as possible in terms of the areas of concern including the employment of an ecological consultant who has produced a comprehensive mitigation strategy to ensure that no harm is caused to the protected species on site and make sure there is a limited impact on the nature reserve to the north. This approach has been agreed with the Councils wildlife Officer and Natural England. There has also been a meeting with the Wildlife Officer along with a representative from the nature reserve on site to discuss the issues and following the meeting additional information was then supplied and changes were made in order to mitigate concerns raised. Mr Jays commented that in his opinion he feels that a robust and acceptable strategy is in place that deals with the ecology issues on site and outside of the planning process the developer has been working with Natural England to give advice and assistance to deal with the mitigation to ensure that no protective species will be harmed. Mr Jays stated that Cambridgeshire Highways and the LLFA both objected to the original reserved matters planning submission and what is now proposed is a private road and drainage system that will be maintained by a private management company for perpetuity. Mr Jays stated that as a long term housing provider and owner of the completed dwellings it is in the best interest of Axiom housing to ensure that the scheme complies with all the necessary steps to negate the issue of flooding. A detailed drainage strategy has now been produced and now the County Council and the LLFA have removed their objections. Mr Jays stated that the principle for developing the site for residential use was established at outline stage and the application is of high quality design homes and in the long term and subject to the further planning application Axiom would like to construct a total of 84 houses on site and of these properties 58 will be affordable homes and this is a very significant over provision of affordable homes when compared to a policy compliant scheme, providing 69% of the scheme for affordable use will be more than double the 25% required in the Fenland planning policy.

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

- Councillor Sutton commented that there is a good mix of homes being provided and the sooner this application is passed the better as there are many people on the housing waiting list.
- Councillor Mrs Laws understands the concerns of the nature reserve and appreciates the points raised by Mr Parker. However, the Committee are looking at the layout and the design today and providing the layout does not compromise anything for the future for the nature reserve with the boundaries then she has no problem with the proposal at all. Very often we debate that we have no affordable social housing development coming through and this site has all of those elements.

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

(Councillors Miscandlon and Mrs Laws stated they were Members of the Whittlesey Town Council but take no part in planning matters.)

P22/18 F/YR18/0381/F. WISBECH GRAMMAR SCHOOL, 46- 48 NORTH BRINK, WISBECH.
CONSTRUCTION OF A STAFF CAR PARK WITH ACCESS VIA HARECROFT ROAD AND LINK FOOTPATH TO EXISTING SCHOOL AND RAISING OF EXISTING ASTRO TURF FENCE TO 6.0 METRES (MAX) ON EASTERN SIDE

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 report to Members

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

- Councillor Sutton commented that he has attended meetings at Wisbech Grammar School as there had been an issue with parking at the Hudson Leisure Centre and as Councillor Tanfield had a child who attended the Grammar School, it was felt that it was not appropriate for her to attend that meeting and he had substituted for her at two or three different meetings. At those meetings, various options concerning the car park at the Grammar School were discussed and this proposal before the Committee today is much needed.
- Councillor Mrs Laws asked for clarification as to whether the car park was going to be gated as it states it will be open from 7am to 7pm and who will be responsible for it. Councillor Mrs Laws added that as there is an elderly person's complex adjacent to the car park this would need to be considered, hence the query as to whether the car park will be gated and locked.
- David Rowen clarified that there is a gate which is on the site plan and condition 5 indicates that the gate shall not be open outside the hours of 7am to 7pm on any day and the car park shall only be used within those hours.
- Councillor Mrs Laws commented that the trees on site do not look well maintained and queried whether there are any TPO's. David Rowen stated that he was unaware of any TPO's on them and the Tree Officer has looked at them as part of the application and the condition in the update report states that any works to the car park does not damage the tree roots.
- Councillor Mrs Law asked whether the trees need to be protected and Mr Rowen stated that there has been no indication from the Tree Officer that the trees would need a tree preservation order.

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

(Councillor Sutton advised the committee that, he attended a meeting with the Sports and Leisure Officer and the Bursar from Wisbech Grammar School on two occasions regarding this matter, but this does not affect his decision today.)

P23/18

F/YR18/0579/F.

NORTHVIEW, DECOY ROAD, GOREFIELD.

ERECTION OF A 2 STOREY 4 BED DWELLING INVOLVING THE DEMOLITION OF EXISTING PROPERTY, EXTENSION TO THE RESIDENTIAL CURTILAGE, INSTALLATION OF GRAVEL DRIVEWAY AND TEMPORARY SITING OF A STATIC CARAVAN AND TWO STORAGE CONTAINERS DURING THE CONSTRUCTION OF THE NEW 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.

Alison Callaby presented the report to Members.

Members received a presentation in support of the application in accordance with the Public Participation Procedure from Rachel Newling and Jonathan Blunt, the applicants.

Rachel Newling explained how she has grown up in the area and wishes to continue living in the area and continue with the family fruit farm business. Rachel Newling stated that she is aware that the proposal is for a bigger home than the original, but she would like to be able to make it a future

family home. Mr Blunt commented that the existing farmhouse is a lovely old building, however, time has taken its toll on it and it is no longer safe to live in. The farmhouse is not listed and no historical background, but has a sentimental history to the family, hence the wish to rebuild it. The old house will be taken down brick by brick so that they can be used again and will have the same recessed windows and the same slate roof, using reclaimed slate from the old house and the same two chimneys. Mr Blunt stated that with regard to LP12, Part 12, e) under permitted development they would have been allowed an 8 metre extension on the original northview site, but the area they are requesting approval for is another 6 metres. This part would not be visible to the neighbours opposite and will not be an intrusion.

Members asked Rachel Newling and Jonathan Blunt the following question:

- Councillor Sutton asked for clarification as to whether the current property is subject to any agricultural restriction. It was confirmed that it does not.

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

- Councillor Sutton asked for clarification whether the frontage is exactly the same and it was confirmed that it was. Councillor Sutton stated that personally he has no objection to the new application.
- Councillor Sutton stated that, in his opinion, in this case we should go against the officer's recommendation, the proposal is on a huge plot and it will not look out of place.
- Councillor Mrs Laws stated she does not like going against Officers recommendation and asked for clarification concerning permitted development.
- Alison Callaby clarified that permitted development would allow an 8 metre single storey extension as a larger home extension and in terms of a 2 storey extension, you could extend 3 metres and explained that there was a condition restricting permitted development on the original application and with the proposal before committee today a certain amount of permitted development would be allowed, however, the proposal exceeds this.
- Mr Harding stated that if committee were minded to approve the application there is the option to remove permitted development rights going forward.
- Councillor Mrs Laws stated that she has listened to the presentation and if the frontage has not been changed at all, the proposal is in a rural setting and the business is flourishing and the young couple wish to make it a family home, then she will go against the Officers recommendation.
- Councillor Murphy commented that it cannot be classed as a small amount when it is 90% greater and we are going against our policy and he also added we would then be setting another precedent.
- Mr Harding added that as Alison Callaby stated in her presentation, Members should not just look at the increase in size from the original. Alison had highlighted what harm would arise as a consequence and if Members went ahead and granted consent it would be on the basis that they did not agree with what Officers were saying in the context of the harm that would arise and, therefore, it would not necessarily be setting a precedent.
- Councillor Sutton stated that he has the greatest respect for Officer's and he fully understand that Officers will follow the plans which is only correct procedure , however on this occasion the 28% increase is a big increase which is over and above what would normally go up to. Councillor Sutton stated he does not see what harm this development would cause and Members of the Planning Committee have the authority to say that on this occasion this proposal is not out of place.
- Councillor Benney commented that on the site visit when he looked at the plot, in his opinion, the proposal was very in keeping with the plot and it will be asset to the village.
- Mr Harding stated that if Members decide to approve this application against Officers recommendation would they be seeking to give Officers authority to add on certain conditions which would include the removal of permitted development rights.
- Councillor Sutton asked why would permitted development rights have to be part of the

conditions.

- Councillor Laws stated so that the property cannot be extended any further.

Proposed by Councillor Sutton, seconded by Councillor Clark that this application be APPROVED against the Officers recommendation with the provision that Officers are given authority to put on certain conditions which would include the removal of permitted Development rights.

**P24/18 F/YR18/0615/F.
9-15 ORANGE GROVE, WISBECH.
ERECTION OF AN ADDITIONAL STOREY TO EXISTING FLATS TO FORM 1 X 2
BED AND 2 X 1 BED FLATS AND RETENTION OF EXTERNAL INSULATION AND
RENDER (PART RETROSPECTIVE)**

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

Alison Callaby presented the report to Members.

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

- Councillor Sutton asked whether the insulation is fire compliant in light of the Grenfell Towers incident. Alison Callaby responded by saying that would be covered under building regulations.
- Councillor Sutton stated he has no problem with this proposal.
- Councillor Mrs Laws stated she is also quite happy with the proposal and it is worth noting that the applicant came forward at the pre application stage and through discussions with Officers has submitted a more innovative design, which shows that the pre application procedure is worthwhile.
- The Chairman commented that a pre app on all applications is very beneficial to both the applicant and to Officers.
- Councillor Mrs Hay commented that she is in favour of approving the application as it is an improvement on how the building looks at the present time.

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

**P25/18 F/YR18/0568/F
LAND EAST OF THE HAVEN, SEADYKE BANK, MURROW.
ERECTION OF 5NO INDUSTRIAL BUILDINGS (B1) AND OFFICES AND 1.8
METRE HIGH FENCING**

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 report and update to Members.

Members received a presentation in support of the Application in accordance with the Public Participation Procedure from Alexandra Patrick, the agent.

Alexandra Patrick addressed Members and highlighted that there is some controversy in the

Officer's report surrounding mature hedging in the eastern and western boundaries; however, later in the report it states there are none. The report states that the site is in a predominantly tourism area and this is not the case. Surrounding the site there is a mix of residential and commercial elements and the road is used by commercial and agricultural traffic and there are already industrial units in the vicinity. These are existing businesses which were approved by the Council. The proposal is not going to be a development in the middle of nowhere as there are already other established premises. Planning Officers are bound by policy and although the proposal is on the edge of a village it is already surrounded by development. The land is not of any use, it is not protected by trees, it is not large enough to farm and there have been many instances of fly tipping. The proposal will infill the piece of land and makes a positive use of it to help local businesses and the community.

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

- Councillor Sutton commented that he has mixed feelings about this application. He has been an advocate in the past of having small business units in villages to help with sustainability, however he has concerns as to whether this proposal is in the right place and he questions whether it is too far outside of the village.
- Councillor Mrs Laws stated she also supports small businesses and units, however on this occasion she does not feel that this is suitable for the area and having looked at other businesses in the locality, but she thinks she needs to agree with Officers.

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

4.13 pm

Chairman