

# PLANNING COMMITTEE



**WEDNESDAY, 7 NOVEMBER 2018 - 1.00 PM**

**PRESENT:** Councillor A Miscandlon (Chairman), Councillor Benney, Councillor D Connor, Councillor Mrs M Davis, Councillor Mrs A Hay, Councillor Mrs D Laws, Councillor P Murphy, Councillor Mrs F Newell, Councillor W Sutton and Councillor Mrs S Bligh,

**APOLOGIES:** Councillor S Clark (Vice-Chairman) and Councillor S Court,

Officers in attendance: Chris Gordon (Legal Officer), Nick Harding (Head of Shared Planning), Izzi Hurst (Member Services & Governance Officer) and David Rowen (Development Manager)

## **P41/18      PREVIOUS MINUTES**

The minutes of the meeting of 10 October 2018 were confirmed and signed, subject to the following comments;

- Councillor Mrs Bligh stated that in relation to the declaration noted in minute P37/18, she is not a member of Wisbech St Mary Parish Council but had attended the meeting.

## **P42/18      F/YR16/1168/F LAND NORTH EAST OF 53 THE CHASE, LEVERINGTON, CAMBRIDGESHIRE ERECTION OF 10 DWELLINGS**

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.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, by James Burton (the Applicant's Agent).

James Burton explained that the scheme had evolved throughout the pre-application and application process and had carefully considered all comments raised by residents and the Parish Council. He confirmed that they had worked closely with officers and the consultees to ensure the proposal complied with all policy requirements. As a result of this, they have received no objections from consultees and have officer's support on the application. The site has a positive planning history and is located within the urban development area of Wisbech. The site sits predominately in Flood Zone 2 with a marginal area along The Chase in Flood Zone 3; however the proposed dwellings are all located within Flood Zone 2 and the Sequential and Exception tests have been deemed satisfactory.

James Burton said the proposed scheme comprises of 10 dwellings with a mixture of 4-6 bedroom family homes split over 2 to 2.5 storeys. This is a reduction from the 16 dwellings approved with outline planning permission in 2009 and as a result, allows for a high-quality scheme that retains trees, green spaces and habitats throughout the site. He confirmed that the site had been configured to ensure the 2.5 storey dwellings will be positioned away from neighbouring properties to ensure that the amenities on these residents is not impacted. In addition, the 2.5 storey

dwellings will be screened from view by trees.

James Burton highlighted that the proposed layout technically splits the site in half, this has been a conscious decision to ensure the impact on the Highway is minimised. He reminded members that the Highways officer is happy with the proposed access point for the site and confirmed that Topographical and Level surveys have been submitted with the application. He said throughout the process they have listened to any comments or concerns and as a result there has been a reduction from 11 to 10 units, a reduction in scale of the buildings and an updated site layout to give greater distance between neighbouring boundaries. Following work with Highways, the Local Lead Flood Authority (LLFA), North Level Internal Drainage Board and Tree and Wildlife officers, they have managed to design a scheme that has achieved an officer's recommendation for approval.

He concluded that the proposed dwellings will provide high-quality family homes in a sustainable location within the urban area of a primary market town and asked members to support the application today.

Members had no questions for James Burton.

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

1. Councillor Mrs Laws confirmed that any concerns she had in relation to consultee's comments had been satisfied by the proposed conditions.
2. Councillor Mrs Laws asked if Highways are satisfied with the proposal. David Rowen confirmed that the Highways Authority had been involved in several reiterations of the scheme and they are now happy with the proposal.
3. Councillor Mrs Davis said it was disappointing that only £20,000 had been offered as part of the Section 106 (S106) contribution and said it seemed disproportionate for a scheme of this size.
4. Councillor Connor agreed with Councillor Mrs Davis and said the amount seemed minimal for a site of executive homes.
5. Councillor Mrs Bligh asked if the money allocated in the S106 agreement would be given to Leverington Parish Council. David Rowen confirmed that the money will be used to fund a Multi-Use Game Area in Burcroft Road.
6. Councillor Mrs Bligh said that whilst she is in support of the scheme, she has concerns over the impact of increased traffic the development will add to Peatlings Lane and asked if Highways had carried out a study on this. David Rowen said he is not aware of the surveys Highways carry out during their assessment however they have given no feedback to suggest the application should be refused.
7. Councillor Sutton asked for confirmation that Burcroft Road is located within Leverington Parish and if not, asked why the S106 money is not going to Leverington Parish Council. It was confirmed that Burcroft Road is located within the parish of Leverington.

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

*(Councillor Mrs Laws declared that she had received an email querying the consultation process for this application and had responded clarifying this process)*

**P43/18**

**F/YR18/0526/F**

**LAND WEST OF 114-116 ELM ROAD, WISBECH, CAMBRIDGESHIRE**

**ERECTION OF UP TO 10 X 2 STOREY DWELLINGS, COMPRISING OF 8X4 BED WITH GARAGES AND 2X3 BED, DETACHED BINSTORE.**

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 asked questions, made comments and received responses as follows;

1. Councillor Connor said he was shocked to see that as a result of the viability assessment, there were no S106 contributions on a site of this size.
2. Councillor Sutton said as a satisfactory viability test has been carried out, members must accept this. He added that in an ideal world every scheme would receive contributions however unless the Committee question each viability assessment, it must be accepted as correct. Chris Gordon confirmed that this would be outside of the Planning Committee's remit to question viability assessments.
3. Councillor Mrs Laws highlighted that the application had gone through the planning process successfully and members are not in a position to comment on the viability assessments and must accept the expert's opinion.
4. Councillor Murphy said he could not see any reason to refuse this application.

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

**P44/18      F/YR18/0606/O  
CROWSON   MOTORS,   13-16A   ROMAN   BANK,   LEVERINGTON,  
CAMBRIDGESHIRE**

**ERECTION OF UP TO 4XDWELLINGS**

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 received a presentation in support of the application, in accordance with the Public Participation Procedure, by James Burton (the Applicant's Agent).

James Burton introduced the scheme and highlighted that the proposal for outline planning permission is recommended for approval by officers. He explained that the application had been referred to Planning Committee due to Leverington Parish Council's concerns about the development not being in-keeping with the area and concerns that the two access roads into the site are excessive for the number of dwellings. He confirmed that whilst the application is for up to four dwellings, these will be subject to detailed design and plans being submitted at reserved matters stage.

As part of the application, James Burton highlighted that there had been no objections from the statutory consultees and Highways had raised no concerns regarding the two access roads into the site. The scheme proposes the demolition of the existing industrial building on site and the site is located in a built-up residential area. He informed members that the business currently operating on site is relocating locally and will remain in the village.

He stated that the site is located in Flood Zones 1 & 3 and Sequential and Exception tests have been submitted and deemed satisfactory. He said the proposal will result in the removal of a non-conforming unit from a residential area and contribute up to 4 dwellings in a sustainable location. He explained that the illustrative layout has demonstrated that 4 dwellings can comfortably be accommodated on site and will have no adverse impact on neighbours. He concluded by asking

members to support the application today.

Members had no questions for James Burton.

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

1. Councillor Mrs Hay said she was pleased to hear that the current business on-site is relocating locally and felt the proposed development will be a good use of the land. She added that she believes the scheme will improve the area.
2. Councillor Mrs Bligh said that she cannot see any reason why the application should not be approved as it sits comfortably within the building line.
3. Councillor Mrs Laws said the site visit showed a mixture of bungalows and houses within the area and therefore the proposal will not be out of keeping with the area.
4. Councillor Murphy said he believed the development would improve the look of the existing site and could see no reason to refuse the application.

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

**P45/18**

**F/YR18/0759/O**

**LAND NORTH WEST OF 12 KNIGHTS END ROAD, MARCH, CAMBRIDGESHIRE**

**ERECTION OF UP TO 9 DWELLINGS, INVOLVING DEMOLITION OF EXISTING BUILDINGS.**

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 received a presentation in support of the application, in accordance with the Public Participation Procedure, by Andrew Hodgson (the Applicant's Agent).

Andrew Hodgson said he was pleased with the officer's recommendation to approve the application and highlighted that there were no technical objections to the application. He said he was happy to answer any specific questions members had in relation to the scheme.

Members asked Andrew Hodgson the following questions;

1. Councillor Mrs Laws asked if a flood risk assessment had been submitted with the application. Andrew Hodgson confirmed that a surface water assessment had been submitted with the application. David Rowen clarified that as the site is located in Flood Zone 1, there was no requirement for this.

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

1. Councillor Connor said he could see no issues with the proposal as the site sits amongst residential dwellings and there are no planning reasons to refuse the application.
2. Councillor Mrs Laws said the site is in a good location and cannot see any reason to refuse the application.
3. Councillor Mrs Hay agreed and said once the agricultural buildings are demolished, the area will be enhanced.
4. Councillor Mrs Bligh agreed and believes the proposed development will fit in with the local area and improve the outlook for residents in neighbouring streets.

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

**P46/18      F/YR18/0839/F  
6 PAPWORTH ROAD, MARCH, CAMBRIDGESHIRE  
CHANGE OF USE OF LAND FOR DOMESTIC PURPOSES AND ERECTION OF A  
WOODEN SHED.**

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 received a presentation in support of the application, in accordance with the Public Participation Procedure, by Councillor Jan French.

Councillor Mrs French explained that the application is for retrospective planning permission as the applicants had been unaware that planning permission was required when they erected the shed. She confirmed March Town Council and local residents are in favour of the application, with a petition attracting over 100 signatures of support also. She said during her 19 years as a Councillor, she cannot recall any other occasion where a planning application for a shed has gained so much public support.

Councillor Mrs French explained that that Highways comments in the report are incorrect as the access has not been moved. She explained that the applicant has owned the property for 13 years and the dropped kerb was in situ when they purchased the property. The property was originally owned by Fenland District Council and the dropped kerb had been installed during this period of ownership. The report states that the application undermines Local Plan Policy 16 (LP16) however Councillor Mrs French said the shed does make a positive contribution to the area as the owners have greatly improved the property. She asked members to approve the application as refusing it would send the wrong message out to local residents trying to improve their properties.

Members asked Councillor Mrs French the following questions;

1. Councillor Connor asked if all of the letters received in support of the application were from local residents. Councillor Mrs French confirmed all letters of support were received by residents who live within the vicinity of the property.
2. Councillor Connor asked if the petition had been signed by local residents only. Councillor Mrs French confirmed all signatories were local residents and added that the Applicant had visited neighbouring properties to seek support for the application.
3. Councillor Connor thanked Councillor Mrs French for confirming the level of public support.

The Chairman thanked Councillor Mrs French for her presentation.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, by Mark Mueller (the Applicant).

Mark Mueller thanked members for giving him to opportunity to speak today and made it clear that it was never his intention to deceive the Council by not obtaining planning permission. He confirmed that he had purchased the property from Roddons Housing Association and the restrictive covenants attached to the property included; restrictions that prevented the land being used for anything other than garden land, restrictions on signage being displayed at the property and restrictions on erecting any other building or structure on-site except a single garden shed. Based on this, he said he was unaware that he would need to do seek any further approval for the shed. He explained that the shed had been built by a professional timber company for a cost of

£2,000. He reiterated that he had never meant to deceive the Council and contravene the rules and asked members to take a common sense approach when considering this application.

Members asked Mark Mueller the following questions;

1. Councillor Mrs Laws said on the site visit, she had noticed a sign in the window advertising the applicant's business which contravenes the restrictive covenants he mentioned. Mark Mueller confirmed that he had discussed this with the Enforcement officer and he had received confirmation that no further action would be taken on this.
2. Councillor Mrs Laws asked for confirmation that the applicant runs their business from the property. Mark Mueller confirmed that they did.
3. Councillor Mrs Laws asked what the purpose of the shed is. Mark Mueller confirmed it is solely for domestic storage, as per the requirements of the covenant.
4. Councillor Mrs Davis asked if Mark Mueller had any intentions to run his business from the shed. Mark Mueller confirmed that he and his wife had no intentions of running the business from the shed as this would be in breach of the covenant.

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

1. Councillor Mrs Bligh said she disagrees with enforcing the removal of the shed as it is very well made and the petition highlights the support the Applicants have received. She highlighted that this application is an example of where members of the public must be vigilant when making changes to their properties without seeking advice from the Council.
2. Councillor Mrs Laws said whilst she appreciates policy, she was impressed with the aesthetics of the building and genuinely believes the applicant did not intend to deceive. She highlighted that both local residents and March Town Council support the application. She said due to the nature of the application, there are times where the Committee must consider the 'spirit of planning' and move away from policy and on this occasion, she supports the application.
3. Councillor Mrs Bligh agreed and said common sense must prevail and confirmed that she too supports the application.
4. Councillor Mrs Hay disagreed and said although the shed is well-made and built in good faith, this is not a good enough reason to go against planning policy. She highlighted that the shed is large and not located on garden land as per the covenant mentioned and approving the application would set a precedent for other similar scenarios in the area. She agreed with officer's recommendation to refuse the application.
5. Councillor Connor agreed that common sense should prevail as the applicant has not intended to deceive the Council and has a lot of local support. He asked if members approved the application whether a condition could be added stating that the shed must not be used for business purposes.
6. Councillor Sutton said unfortunately common sense does not apply to planning policies. He reminded members that the number of signatures on the petition should not sway members to undermine planning policies. Whilst he has no doubt that the Applicants are genuine and they did not intend to do anything wrong, that does not make the shed right. He highlighted that the shed is built in front of the building line of the road and does have a visual impact on the street scene. He agreed with officer's recommendation to refuse the application based on the visual impact and the precedence approving the application would set.
7. Councillor Benney said prior to visiting the site, he believed there would be an impact on the street scene however changed his opinion as the shed does not obstruct the adjacent junction. He said the property is well maintained and in good order and as elected representatives, members should 'stick up for the little man' and approve planning permission.
8. Councillor Mrs Hay reiterated that she is concerned approving the application would set a precedent for other similar applications.
9. Nick Harding said the decision is based on the subjective matter of whether the appearance

of the shed is acceptable to the street scene or not. Officers have made their recommendation and believe that it does not have a positive contribution on the street scene however members may disagree about whether it contravenes policy or not. In relation to Councillor Connor's comments, he explained that it would not be possible to add a condition in relation to not using the shed for business use (to the same extent as is being operated elsewhere at the property) as the current business operation does not require planning permission.

10. Councillor Connor said each planning application is judged on its own merits so there should be no concern in relation to setting a precedent.
11. Councillor Mrs Davis agreed that it is a subjective issue as if she was a local resident; she would have no concerns with the shed either. The property is well looked after and the application should be judged on its own merits. She believes members should approve the application.
12. Councillor Mrs Laws agreed and said based on the subjective nature of the application, planning permission should be approved.
13. Councillor Mrs Newell disagreed and said whilst the shed is of good quality that does not change the fact it is outside of planning policy. She highlighted that there is no point in having policies if planning permission is granted to applications that do not comply with them.
14. Councillor Benney said members should not be concerned about going against policy if they believe it is the correct thing to do.

**Proposed by Councillor Benney, seconded by Councillor Connor and decided that the application be APPROVED against officer's recommendation.**

2.10 pm

Chairman