

PLANNING COMMITTEE



1 APRIL 2015 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor D Stebbing (Vice-Chairman), Councillor M G Bucknor, Councillor D W Connor, Councillor D Hodgson, Councillor B M Keane, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor W Sutton, Councillor M J Humphrey (Substitute).

APOLOGIES: Councillor T E W Quince

Officers in attendance: G Nourse (Head of Planning), S Manley (Development Manager), R McKenna (Principal Solicitor - Litigation and Planning), Mrs R Norman (Senior Development Officer), Mrs A Callaby (Development Officer), G Taylor (Development Officer), Miss S Smith (Member Services and Governance Officer)

P91/14 MINUTES OF THE MEETING OF 4 MARCH 2015

The minutes of the meeting of 4 March 2015 were confirmed and signed.

*** FOR INFORMATION OF THE COUNCIL ***

P92/14 F/YR15/0010/F MARCH - SAINSBURYS SUPERMARKETS LTD, MILL VIEW - FORMATION OF CAR PARK ACCESS AND EXIT FROM/TO CREEK ROAD

Members considered 7 letters of objection.

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.

Officers informed members that:

1. The agent has requested that proposed condition 2 is amended from

"Prior to commencement of use of the development hereby permitted visibility splays shall be provided each side of the vehicular access. Minimum dimensions to secure the required splays shall be 2.4m, measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 43m, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall be thereafter maintained free from any obstruction exceeding 0.6m above the level of the highway carriageway"

to now read:

"Prior to commencement of use of the development hereby permitted visibility splays shall be provided each side of the vehicular access in accordance with the detail shown on Drawing 0901-SK-MARCH04 Rev B. The splays shall be thereafter maintained free from any permanent obstruction exceeding 0.6m above the level of the highway carriageway."

- The Local Highway Authority (LHA) have commented on this proposed revision as follows:

"Given the visibility will be achieved with the public highway after the kerb build outs have been implemented then visibility will be achieved by default. Therefore I am happy for the condition wording to be revised [as proposed].

This can also remove the specific pedestrian visibility condition as the above would sufficiently cover this as well."

2. RECOMMENDATION: GRANT BUT WITH AMENDMENTS TO PROPOSED CONDITIONS AS FOLLOWS:

i) REVISION OF CONDITION 2 TO READ:

Prior to commencement of use of the development hereby permitted visibility splays shall be provided each side of the vehicular access in accordance with the detail shown on Drawing 0901-SK-MARCH-04 Rev B. The splays shall be thereafter maintained free from any permanent obstruction exceeding 0.6m above the level of the highway carriageway.

Reason: in the interests of highway safety and to ensure compliance with Policy LP15 and LP16 of the Fenland Local Plan 2014.

ii) REMOVE CONDITION 3.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Yeulett, District Councillor. Councillor Miscandlon advised that Councillor Yeulett was not registered on the Speakers List due to an administrative error from Member Services and would be allowed to speak.

Councillor Yeulett stated that he is the District Councillor for the area that includes Sainsbury and Creek Road and stated that this is a prime example of 'doing things to people' and the residents at the town end of Creek Road do not want the planned exit. He stated that the current exit works satisfactorily, he is a user of the exit himself and has noted that there are user problems at peak times, however ordinarily the store is easily accessible. There has been compromise by the new builds at the East of Creek Road making it virtually a one way street as there is parking on both sides all the way down.

Councillor Yeulett stated that the road is used by members of the Conservative Club, bowlers, flower arrangers, snooker players, many of them being a mature age and are able to access areas under the current circumstances. He stated that this proposal will affect residents and road traffic.

Members received a presentation, in accordance with the public participation procedure, from Mr Eggar, a supporter of the proposal and Transport Consultant. Mr Eggar informed members that he works for WSP Consulting Engineers and that members are aware of two previous permissions, the latest consent being in 2006, expiring in 2009. He stated that the application started as a simple exit onto Creek Road. Cambridgeshire County Council officers have recommended extra planning arrangements, with a two way junction being favourable, with a standard junction being requested and a build out to achieve appropriate visibility.

Mr Eggar stated that the proposed access will lose 4-5 on-street parking spaces and it is anticipated that 3 vehicle movements will be relocated and the right turn exit will not be constrained. In terms of safety, the proposal meets standard layout and visibility, use will not be compromised. It is acknowledged that there may be some on-street parking problems however there is no right to provide on-street parking and this should not be a material consideration.

The proposal will ease access to the town centre, there are no objections from the Town Council or Highways and there are no material changes in circumstances since 2006.

Councillor Murphy asked Mr Eggar why spend money and create disruption for one or two traffic movements per hour if there is no other benefit. Mr Eggar responded that it would be three vehicle movements per minute and would benefit Sainsbury.

Councillor Connor asked Mr Eggar if Sainsbury had been approached to see if they would provide 5 parking spaces for residents, free of charge to compensate for the loss of on-street parking. Mr Eggar responded that Sainsbury had not been approached and is prepared to provide some residential parking if approached.

Councillor Owen asked Mr Eggar how many parking spaces would be affected. Mr Eggar confirmed that 5 parking spaces would be affected.

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

Councillor Mrs Mayor asked if there are any major traffic problems in that area now. Officers responded that highways have no problem with the proposal, there are short stacking problems with vehicles moving into Mill View onto Station Road and it would be advantageous to displace a proportion of the traffic to a more favourable location. Councillor Mrs Mayor responded that she had no issue using the junction as is and was not sure about the relationship with vehicles stacking back but agreed that moving them from the area will be a good thing.

Councillor Sutton asked if it would be fair to say that had the proposal been built as per the previous application into the road that it would be safe. Officers responded that if the proposal had been for exit only a build out would still be required and this proposal maintains the requirement for a 6.3metre carriageway.

Councillor Keane commented that Creek Road is horrendous, there is traffic on both sides of the road in the day and evening and pumping traffic out of Sainsbury is a 'dead loss'.

Councillor Owen commented that during Sainsbury first Christmas in 1996, he could remember that it had taken 4 hours to get out of the car park, this is not an exaggeration and on occasional weekends and at Christmas this still occurs. He commented that this proposal is approved in the March Town Transport Strategy and urged members not to object to the application before them.

Proposed by Councillor Owen, seconded by Councillor Bucknor and decided that the application be:

Granted, subject to the conditions reported, amendment of Condition 2 and removal of Condition 3.

(All Conservative Councillors present declared a Non-Pecuniary Interest in this application, as the proposal is opposite the March Conservative Club building)

(Councillors Keane and Owen stated that they are Members of March Town Council, but take no part in planning matters)

P93/14

F/YR15/0077/O

**DODDINGTON - LAND EAST OF ASKHAM HOUSE, 13 BENWICK ROAD -
ERECTION OF 10 DWELLINGS**

Members considered 7 letters of support.

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

Councillor Miscandlon stated that the Editor of the Cambs Times had announced that Councillor Miscandlon had been written to personally by MP Steve Barclay regarding this application. Councillor Miscandlon confirmed that no letter had been received by him from Steve Barclay MP.

Officers informed members that:

Comments have been received from the Middle Level Commissioners. They advise that:

- Further information is required and satisfactory solutions have not been reached. As such they oppose the application until the relevant matters to the Board have been resolved;
- The development is in an area where drainage problems have previously been reported and there are concerns that this proposal may exacerbate the existing situation;
- A letter has been received from Doddington Parish Council outlining their thoughts on the proposed development and a copy was circulated to all Planning Committee members.

Members received a presentation, in accordance with the local council participation procedure, from Councillor Mrs Hufton, Doddington Parish Council. Councillor Mrs Hufton confirmed that comments on the planning application did not reach the Planning department and gave apologies for any inconvenience caused to the Planning Committee.

Councillor Mrs Hufton stated that Mr Boughtons application was supported in principle with 1-2 caveats, stating that Benwick is already congested and there are already various accesses along the road. She stated that to add in three access roads would be excessive and one access road only was wanted on the Hospital Road estate junction. At the December Parish Council meeting there was some agreement with the developers that concerns would be addressed and this had not been included in the current submission.

Councillor Mrs Hufton stated that the 40mph speed limit on Benwick Road should be reduced to 30mph to Field End Corner and the 40mph be dispensed with to slow traffic into the village. She stated that the Parish Council are pleased that the homes will not be connected to the outdated sewage system. Councillor Mrs Hufton stated that Doddington Parish Council have re-evaluated their thinking outside the village envelopes, Doddington is acknowledged as being a growth village and want smaller projects and they feel that this proposal would be in keeping with the character of Doddington. It is a quiet and does not need urban sprawl and this is the reason why the Parish Council feels that members should support the application before them today.

Councillor Owen asked Councillor Mrs Hufton if there is any objection to the proposed development. Councillor Mrs Hufton confirmed that there was no objection and the Parish Council is happy with the proposal.

Members received a presentation, in accordance with the public participation procedure, from Mr Humphrey, the applicant's agent. Mr Humphrey stated that he was pleased that the Parish Council were in support of the application and confirmed that he had held a meeting with them to go through the proposed scheme. He confirmed that the application only had two new accesses as one is an existing one.

Mr Humphrey pointed out that three other proposals had been approved beyond this site and stated that this development will offer natural surveillance to the sports facilities opposite. Mr Humphrey stated that the development does fill a gap, is infill and stated that what officers refer to as 'hospital' is in fact Doddington Court which has 50 flats and this large residential development will infill the gap. Mr Humphrey pointed out that Doddington is a growth village in accordance with policy LP3 and this is considered to be a small village extension.

Mr Humphrey stated that the land is Grade 3 agricultural which has been confirmed by a letter from the farmers, the application is in Flood Zone 1, the clients father has met with Middle Level Commissioners and drainage issues can be overcome, the land is free draining and sustainable and a suitable condition to address the issues can be included. Mr Humphrey stated that reasons for refusal had been given as: 1) removal of 180 metres of hedging which would change the character of the area and he confirmed that only 20 metres of hedging would be removed and they would not be removing any trees; 2) is not in accordance with LP12, Mr Humphrey stated that the proposal is in accordance the principle of LP12 to maintain and respect natural boundaries, and 3) the site is of archaeological importance and Mr Humphrey pointed out that in 4.5 of the report Cambridgeshire County Council (CCC) Archaeology do not object to the development.

Mr Humphrey confirmed that he had met with the Parish Council and had offered new streetlights, there are economic benefits and Fields End Water is a tourist facility run by Mr Boughton and the development will make this more viable and a sought after place to visit. Mr Humphrey stated that in his opinion the proposal is in accordance with LP12 and 16 of the Local Plan.

Councillor Miscandlon asked Mr Humphrey what type of management system would be used for the on-site sewage system. Mr Humphrey responded that the planning application has three points of access, certain areas will be shared communally and these areas will be transferred to owners of the plots with a management agreement when each plot is sold and he is happy for this to be a condition.

Councillor Owen asked Mr Humphrey if he had said there would only be two new accesses fronting Benwick Road. Mr Humphrey clarified that one existing access will serve the affordable housing, one access serves three dwellings.

Councillor Keane asked Mr Humphrey which houses will be the affordable ones. Mr Humphrey responded that the affordable houses will be the pair of semi-detached.

Officers responded to the comment from Mr Humphrey regarding the third reason for refusal being the archaeological survey and agreed that CCC Archaeological have raised no objections and were not disputing the comments from archaeology, however an archaeological survey needs to be undertaken and if Members were minded to refuse the application it would not be justifiable to incur additional expense at this stage.

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

- Councillor Owen commented that he did not understand the reason for objection to the proposal as the new Local Plan looks at ribbon development, the site and access and is in accordance with the NPPF;
- Councillor Connor commented that he lives in Benwick Road which is a busy road, Doddington Parish Council support this application, Doddington is a growth village in Fenland and in accordance with the Local Plan needs to grow and he stated that in his view the application ticks all the boxes, it has its own sewage system and he is happy to support the application in principle;

- Councillor Sutton made reference to dwellings approved under the old 1993 Plan and the emerging Core Strategy and stated that this development is 'clearly out of kilter' with the Local Plan, is not adjacent to the development area and agreed that officers were right and he supported their views on this application and stated that if members were not going to follow the Development Plan then it may as well be torn up;
- Councillor Mrs Newell commented that she did not agree with Councillor Sutton and quoted the Localism Act, Doddington clearly support this application, it is the ideal place for this development, Doddington does not want large developments, she believes this is an ideal location and does not agree with officers recommendations;
- Councillor Connor commented that he supported Councillor Mrs Newell and asked where is Localism, he believes that the Parish Council know best and in his view this is the right place for this development and proposed that members agree with the proposal.

The Legal Officer clarified with Councillor Connor that he was recommending approval of the application based on paragraph 7.5 of the report. Councillor Connor asked if paragraph 4.9 was for 'Primary School' provision and the Legal Officer confirmed that it was. Councillor Connor commented that he was not convinced that Doddington was in need of more open space as he believes that Doddington has quite a lot already. He made reference to the comment from Mr Humphrey regarding streetlamps and asked if more could be provided to offset less open space. The Legal Officer responded that the Government has set tests for streetlamps and these would need to be complied with and members would need to be careful that the request was CIL compliant. Councillor Mrs Newell commented that she did not agree with CIL. Councillor Miscandlon responded that any requests must be CIL compliant. Councillor Connor commented that Doddington is overburdened with play areas and requested that if streetlamps could be included in the policy they could be exchanged for streetlamps. The Legal Officer explained that if streetlamps were to be considered there needs to be certainty as to where they are going and how many are required. Councillor Connor suggested that the Parish Council liaise with the developer and officers to see how many are required. Councillor Miscandlon reminded Councillor Connor that a wish list could not be requested under planning policy as this would create legal problems. Members were reminded that they should consider the application that was before them, it is an Outline application and planning conditions can be brought forward at the time of the final application.

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

Granted, contrary to Officers recommendations as Members feel that the development is acceptable in accordance with the Local Plan and subject to suitable conditions:

1. **Standard time limit details;**
2. **Refuse Strategy;**
3. **Landscaping conditions;**
4. **Highway conditions;**
5. **Site levels;**
6. **Tree protection;**
7. **Hedge protection;**
8. **External materials;**
9. **Lighting scheme;**
10. **Archaeological report;**
11. **New access;**
12. **Parking and turning;**
13. **Visibility splays;**
14. **Drainage condition to address concerns from Middle Level and**
15. **Section 106 Contributions.**

Members do not support officers recommendations of Refusal of planning permission as they feel that the development is acceptable in accordance with the Local Plan.

(Councillor Murphy declared a Non-Pecuniary Interest in this application, by virtue of him having transacted business with the Agent, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Humphrey declared a Non-Pecuniary Interest in this application, by virtue of him being a cousin of the agent, but stated that he has no connection with his business and has not discussed this item with him)

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

(Councillors Bucknor, Mrs Mayor, Stebbing and Sutton requested that it be recorded that they had voted against this application)

P94/14

F/YR15/0132/F

BENWICK - LAND WEST OF 42 RAMSEY ROAD - ERECTION OF 3 X 2-STOREY 4-BED DWELLINGS WITH DOUBLE GARAGES INCLUDING CONSTRUCTION OF PUBLIC FOOTWAY

Members considered 1 letter which raised no objection to the proposal.

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.

Mr Brand, the applicant's agent declined to speak regarding this application as he believed it had been suitably summarised by Planning Officers in their update.

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

- Councillor Murphy made reference to the S106 contribution for a play area and asked officers who will be responsible for the upkeep of the area when the development is built. Officers confirmed that the funding for the play area is from a previous development of 47 dwellings. Councillor Murphy reiterated that the area would still have to be maintained and this costs a fortune. Councillor Miscandlon explained that Benwick Parish Council is in his ward and he is aware of £50,400 funding being from the Heron Way development for a play area which was not implemented due to technical problems with the site. He clarified that the development allowed funding to be released to upgrade existing play areas in Benwick which is part of the match funding. He confirmed that the park is an existing one maintained by Fenland District Council and in consultation with the Parks and Open Spaces Manager replacement equipment within an existing park area will ensure high match funding;
- Councillor Murphy commented that officers had said that an area of land cannot be found anywhere else in Benwick and pointed out that the applicant owns this piece of land and would not want to pay for another piece of land. Officers responded that the application is required to be sequentially tested and consider alternative areas and this area of land can provide the development;
- Councillor Murphy commented that this land is on the edge of Benwick and asked if there is more land to build on. Officers responded that the vast majority of land is in Flood Zone 3, there are some small areas in Flood Zone 2 and 1 which are very small areas suitable for single plots;

- Councillor Sutton made reference to the previous application and commented on the ability to buy planning permission, stating that planning permission had been refused on this site in 1988 then sand had been put down, floodlights added and was now referred to as brownfield. He stated that this development does not fit in with the new Local Plan however could not be approved as a result of £6,000 being promised as part of the S106. Councillor Sutton stated that he could not support this application as going along the route of buying planning permission did not sit comfortable with him;
- Officers explained that the Exception Test comes from the NPPF and supporting flooding testing and the sequential test has now been met, every care was taken to make sure this development is totally CIL compliant and a sum of money was sought, similar to Heron Way. The application has been scrutinised and meets all the requirements of CIL and the contribution will offset harm;
- Councillor Sutton commented that he does not think that this is the right place for this development, it is not infill, the development is out of the village and he could not support the application.

Proposed by Councillor Owen, seconded by Councillor Connor and decided that:

Delegated authority be given to the Head of Planning to GRANT permission subject to the prior completion of a Section 106 obligation relating to play equipment for Benwick Parish Council and subject to the conditions reported.

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

**P95/14 F/YR15/0195/F
ELM - THE DALE, BEGDALE ROAD - ERECTION OF 21 X 2-STOREY
DWELLINGS COMPRISING OF 14 X 2-BED AND 7 X 3-BED; 2.1 METRE HIGH
FENCING/WALLS AND LANDSCAPING INVOLVING DEMOLITION OF EXISTING
SHELTERED ACCOMMODATION AND GARAGE AND ALTERATIONS TO THE
GARDENS OF 6 EXISTING BUNGALOWS (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.

Officers informed members that:

A formal response is awaited from the Parish Council however in the meantime they have reiterated their comments from the previous application - F/YR14/0876/F:

"Object on the basis that approval of the variation of the planning condition would result in a development which would be out of keeping with the character of the surrounding area. The Parish Council is strongly of the opinion that: the hanging tiles should be of a traditional material; the developer should be required to plant trees to replace those which have been removed; the use of black UPVC for windows is inappropriate, given the proximity of this site to the Elm Conservation Area; the provision of a close-boarded fence with trellis instead of brick boundary walls would have a further detrimental impact upon the surrounding area.

The Parish Council also commented that it had strongly opposed this scheme from the beginning, when presented with an indicative scheme by Roddons (prior to the submission of a planning permission) and its fears at how this development would look are becoming a reality. Some members are also concerned as to why the Parish Council is only now being consulted on these changes (some of which are retrospective in nature) when it is understood that pre-application discussions on these changes took place in January of this year."

The above comments have been noted and the change in materials is considered to be acceptable and would not materially alter the appearance of the development. In addition the boundary walls are now to be kept as originally proposed under F/YR12/0903/F, and a scheme for replanting is required to compensate for the loss of the trees as per the Tree Officers comments contained within the report.

Comments have been received from National Grid who advise that they have apparatus in the vicinity of the site and provide standard advice as to the requirements for the developer.

Anglian Water have responded and have requested the following conditions:

1. *The development site is within 15 metres of a sewage pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of a sewage pumping station of this type if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the pumping station. REASON: To avoid causing future amenity problems;*
2. *No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON: To prevent environmental and amenity problems arising from flooding.*

On page 53 of the Agenda, in the History Section, the reported reference number should read F/YR12/0903/F. In addition, this section should include F/YR14/0876/F - Variation of Condition 09 (imposition of a condition listing approved plans) relating to planning permission F/YR12/0903/F relating to change to facing brick, roof tile, hanging tile, fascias and rainwater goods, windows from timber to black UPVC, removal of 6no trees, change to undercroft wall to parking area to House types A, B and C to brickwork with single window and change of 1.8 metre high brick boundary walls to close-boarded timber fence with trellis. This application has been superseded by the current application and is to be withdrawn.

Comments are still awaited from Environmental Health, Highways and the Police Architectural Liaison Officer.

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

- Councillor Sutton confirmed that he had taken part in some discussion at Elm Parish Council regarding a proposal from the applicant to change materials and had explained to Elm Parish Council that the original application did include black boarding. He stated that he had voted against the original application, he did not like the development and does not like it now and confirmed that a democratic decision had been made.

Proposed by Councillor Owen, seconded by Councillor Connor and decided that:

Delegated authority be given to the Head of Planning in consultation with the Chairman and Vice-Chairman of the Planning Committee and Ward Members to grant planning permission subject to the conditions reported and:

1. **Expiry of the consultation period with no new grounds of objection raised;**
2. **A Deed of Variation in respect of the previous S106 agreement;**
3. **Conditions as may be requested by the statutory consultees.**

(Councillor Murphy declared a Non-Pecuniary Interest in this application, by virtue of being a Board Member of Roddons Housing Association, and retired from the meeting for the duration of the discussion and voting thereon)

2.21pm

Chairman