

# PLANNING COMMITTEE



**WEDNESDAY, 29 MAY 2019 - 1.00 PM**

**PRESENT:** Councillor I Benney, Councillor Mrs S Bligh, Councillor Bristow, Councillor D Connor (Chairman), Councillor Lynn, Councillor Marks, Councillor Meekins, Councillor P Murphy, Councillor Patrick, Councillor Rackley and Councillor W Sutton,

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

Officers in attendance: Stephen Turnbull (Legal Officer), David Rowen (Development Manager), Sheila Black (Principal Planning Officer) and Linda Albon (Member Services & Governance Officer)

## **P1/19      APPOINTMENT OF CHAIRMAN FOR THE MUNICIPAL YEAR**

Linda Albon requested a nomination for Chairman of the Planning Committee for the Municipal Year. It was proposed by Councillor Rackley, seconded by Councillor Benney and resolved that Councillor Connor be elected as Chairman of the Planning Committee for the Municipal Year.

## **P2/19      APPOINTMENT OF VICE CHAIRMAN FOR THE MUNICIPAL YEAR**

It was proposed by Councillor Connor, seconded by Councillor Bristow and resolved that Councillor Hay be elected as Vice-Chairman of the Planning Committee for the Municipal Year.

## **P3/19      PREVIOUS MINUTES**

The minutes of the meeting of 24 April 2019 were confirmed and signed.

## **P4/19      F/YR12/0569/O RESIDENTIAL DEVELOPMENT OF UP TO 149 DWELLINGS; RETAIL DEVELOPMENT ;OPEN SPACE; LANDSCAPING AND PEDESTRIAN, CYCLE AND VEHICULAR ACCESS OFF 46 LYNN 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.

David Rowen presented the report to members and drew their attention to the updated report which had been circulated.

David Rowen presented a further update to members and stated;

'Overall the principle of development is deemed to be acceptable with no outstanding objections from any technical consultees. However developments of this scale are required to provide satisfactory infrastructure provision or to demonstrate that to do so, would render the scheme unviable.

The infrastructure required to be generated by this development is set out on page 20 of the agenda pack. A delegated grant of planning permission was due to be given last year however at that point Cambridgeshire County Council as the Highways Authority required a further financial

contribution for off-site Highway works of £45,000.

Further to the lack of progress on securing that additional Section 106 (S106) contribution as outlined in the report, written confirmation has now been received from the applicant's agent this morning confirming the intention to complete the S106 agreement shortly.

Consequently the recommendation that is set out to members within the agenda is to be amended on the basis of that information being received. The amended recommendation is now;

**Members resolve to grant outline planning permission with delegated authority to officers to complete the necessary S106 agreement as well as to formulate the appropriate planning conditions. If no satisfactory progress is made on completing the legal agreement within 28 days of this Committee Meeting, officers be delegated to refuse planning permission for reasons set out in the report.'**

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

1. Councillor Murphy asked for confirmation that this application is for outline planning permission and not full planning permission. David Rowen confirmed that the application is for outline planning permission.
2. Councillor Sutton said he was confused in relation to the initial recommendation to refuse the planning permission as in many instances, the Planning Committee grants planning permission subject to a S106 agreement being agreed at a later date. He is concerned that the amended recommendation to grant planning permission does not allow a reasonable timescale to arrange the legal agreement.
3. Councillor Patrick expressed that he would prefer to see this planning application deferred until this legal agreement is resolved.
4. Councillor Connor agreed but highlighted that the application meets planning requirements and the area will benefit from this development. Whilst the late timing of progress is not ideal, the applicant's agents have resolved the issue.
5. Councillor Benney agreed that the Planning Permission should be withdrawn and refused if the S106 agreement does not progress. This should encourage the developer to progress the legal agreement in a timely manner.
6. Councillor Murphy agreed but stated that a timescale for completion of the legal agreement needs to be stipulated to avoid further delays.
7. Councillor Connor agreed that if planning permission stipulates 28 days, this needs to be enforced if there are further delays.
8. Councillor Mrs Bligh stated that whilst Wisbech needs development, it is imperative that the Council secure S106 funds for the community.
9. David Rowen provided further explanation for the initial recommendation to refuse the planning permission. He explained that for the last 10 months, the Council have been trying to obtain agreement from the developers in relation to S106 funds, without success. As much as officers wanted to support the application, it was imperative that this funding was secured. As a result of the initial recommendation, the applicant has now agreed to this.
10. David Rowen explained that the 28 day deadline recommended is based on information obtained by the applicant's agent confirming that the legal agreement will be ready for completion in 10 days. Officers have taken this as assurance that the agreement is imminent whilst still allowing contingency for any further delays.

Councillor Sutton proposed that the application be approved as per officer's amended recommendation; however to further amend the recommendation to extend the timescale for the completion of the legal agreement to 3 months.

Councillor Benney seconded Councillor Sutton's amendment and Councillor Connor opened the amendment up for debate;

1. Councillor Patrick stated that given it has taken 10 months to get to this stage the original timescale of 28 days is ample.

Proposed by Councillor Patrick, seconded by Councillor Lynn that the application be approved as per officer's amended recommendation to allow 28 days for completion of the legal agreement.

**A vote was taken on Councillor Sutton's amendment. This vote failed.**

**A vote was taken on Councillor Patrick's proposal.**

**Proposed by Councillor Patrick, seconded by Councillor Lynn and decided that the application be APPROVED as per officer's amended recommendation.**

**P5/19**

**F/YR18/0458/F**

**SITE OF FORMER KINGSWOOD PARK RESIDENTIAL HOME, KINGSWOOD ROAD, MARCH; ERECTION OF 24X 2 STOREY DWELLINGS COMPRISING OF 12 X 2 BED AND 12 X 3 BED, TOGETHER WITH AN EXTENSION TO KINGSWOOD ROAD TO PROVIDE NEW VEHICULAR AND PEDESTRIAN ACCESS**

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 objection to the application, in accordance with the Public Participation Procedure, from Charles Redhead.

Charles Redhead stated that he was speaking on behalf of the residents of Kingswood Road Committee to raise their issues with the planning permission. The residents cannot see any requirement for two access points for the development, as one access point has been sufficient for the current site for over 40 years.

He highlighted that the widening of the new road will include the removal of existing trees and shrubs which has provided a habitat for wildlife in the surrounding area. He drew member's attention to point 10.22 of the report (page 33 of the agenda pack) where the development is deemed not viable on the basis of either a policy compliant affordable housing contribution or a zero provision. He asked if this means the development will include a 50% shared-ownership provision or is it deemed entirely unviable.

He stated that residents have concerns over the increased vehicular access and subsequent noise as a result of the development. He added that the plans included do not show the area at the bottom of Kingswood Road which provides access to several dwellings. The proposed development shows entry in to this area which will heavily increase vehicular access and footfall. The previous entry to the site had been in place for over 40 years and raised no concerns with the residents.

He thanked members for allowing the opportunity to speak.

Members had no questions for Charles Redhead.

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

1. Councillor Murphy highlighted that the proposed application complies with National Planning Policy Framework. He added that if the planning permission complies with Policy LP15 of

the Fenland Local Plan, which ensures suitable vehicular and pedestrian access, there is no reason for the application to be approved.

2. Councillor Sutton asked for assurance from officers in relation to the viability of the scheme. David Rowen confirmed that the development has been assessed as unviable in its own right however there is grant funding proposed sourced by Sanctuary Housing which will enable the scheme to be 100% affordable housing.
3. Councillor Patrick agreed with Councillor Murphy that the proposal complies with planning policy and there is no reason for the application to be approved.

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

**P6/19      F/YR18/1103/VOC  
ANAEROBIC DIGESTER PLANT, IRETONS WAY, CHATTERIS; VARIATION OF  
CONDITIONS OF PLANNING PERMISSION F/YR14/0163/F**

Sheila Black presented the report to members.

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

1. Councillor Sutton said he fully supported the application.
2. Councillor Mrs Bligh stated that she supported the application and asked how often the odour from the site will be assessed. Sheila Black confirmed that the odour report will take into account all aspects and there will be no requirement to re-evaluate unless the Council receive any complaints of odour which then will be considered the Environmental Health team.
3. Councillor Benney stated that residents of Chatteris had raised concerns about the removal of the wheel-washing facility however this was a condition during the development stage of the scheme. Now that the roadways are sufficient, he can see no issues with this. He agreed that any further reported issues with odour should be reconsidered by the Council.
4. Councillor Connor stated that he supported the application.

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

*(Councillor Benney declared an interest by virtue of the fact that he attends Chatteris Town Council planning meetings but takes no part in discussions)*

*(Councillor Murphy declared an interest by virtue of the fact that he is a member of Chatteris Town Council but takes no part in planning matters)*

*(Councillor Connor declared an interest by virtue of the fact that he has been lobbied on this agenda item)*

**P7/19      F/YR19/0139/F  
REAR OF 50 WOOD STREET, CHATTERIS.ERECTION OF 2NO SINGLE-STOREY  
2 BED DWELLINGS AND ERECTION OF A SINGLE-STOREY DOUBLE GARAGE  
FOR NO 50, INCLUDING REMOVAL OF EXISTING GARAGE AND  
ALTERNATIONS TO ACCESS**

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 Benney left the Council Chamber for this agenda item.

David Rowen presented the report to members.

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

1. Councillor Murphy said it was refreshing to see a site proposing the development of 2 sought after bungalows. He said the proposed dwellings will have ample space and have been designed well. He stated that he fully supports the application.
2. Councillor Bristow asked if the existing tree on the site is subject to a Tree Preservation Order (TPO). David Rowen confirmed that there is no TPO attached to the existing tree.
3. Councillor Connor supported the application.
4. Councillor Mrs Bligh agreed and supported the application. Whilst this is seen as back-land development, there should be allowances for certain applications.
5. Councillor Patrick agreed and highlighted the ample amenity space proposed.

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

*(Councillor Benney declared an interest by virtue of the fact that he lives in close proximity of the proposed development and left the Council Chamber for the entirety of this agenda item)*

*(Councillor Murphy declared an interest by virtue of the fact that he is a member of Chatteris Town Council but takes no part in planning matters)*

**P8/19**

**F/YR19/0176/F**

**LAND WEST OF THE THREE HORSESHOES PUBLIC HOUSE, TURVES;  
ERECTION OF 2X2-STOREY 3 BED DWELLINGS INVOLVING DEMOLITION OF  
SINGLE STOREY STOREROOM OF PUBLIC HOUSE**

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 Benney returned to the Council Chamber for this agenda item.

David Rowen presented the report to members.

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

1. Councillor Patrick agreed that the location is not suitable for development and he fully supported officer's recommendation to refused planning permission.

**Proposed by Councillor Patrick, seconded by Councillor Lynn and decided that the application be REFUSED as per officer's recommendation.**

*(Councillor Bristow declared an interest by virtue of the fact that he was a member of Whittlesey Town Council when this application was considered. He did not take part in any discussions or vote on this agenda item).*

**P9/19**

**F/YR19/0240/F**

**THE BROAD, WILLOCK LANE, WISBECH ST MARY. ERECTION OF A 2  
STOREY, 4 BED DWELLING AND A DETACHED 2 STOREY 4 BAY  
GARAGE/STORAGE INVOLVING THE DEMOLITION OF EXISTING DWELLING  
AND OUTBUILDINGS**

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 objection to the application, in accordance with the Public Participation Procedure, from Mr Goat (Applicant).

Mr Goat thanked members for the opportunity to speak. He explained that the existing dwelling on the site is small and not fit for requirement. He has 4 adults living in the property with 17 acres of livestock. Whilst the proposed dwelling is larger than the existing house, it will not be excessive in size.

Members asked Mr Goat the following questions;

1. Councillor Benney asked for confirmation that the proposed dwelling will be heated from an Air Source Heat Pump. Mr Goat confirmed this and added that the property will also benefit from passive-house insulation and rainwater collection.

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

1. Councillor Mrs Bligh stated that this site forms part of her Ward and whilst she is aware that each area surrounding Wisbech St Mary is unique, she sees no issues with this development. The applicant wishes to improve their living accommodation and the proposed dwelling sits on a large plot.
2. Councillor Benney agreed and said whilst the proposed dwelling will be significantly larger than the existing house, this should not be considered. If the applicant was to build a property of equal size, this would not be fit for purpose. He welcomed the development as the property will be positioned on a large plot.
3. Councillor Bristow asked for confirmation of the square footage of the outbuildings. David Rowen confirmed that the proposed footprint of the garage is 169m<sup>2</sup> and the existing garage is approximately 45m<sup>2</sup>.
4. Councillor Bristow asked if there are any dwellings of a similar size to the proposal situated in the locality. David Rowen said there are large dwellings located nearby however he is unaware of the planning history of these properties. He highlighted that the one situated nearby sits on a corner plot.
5. Councillor Lynn said when members visited the site during their site visits, it is clear that the existing property is in need of renovation. He believes the proposed application will enhance the area.
6. Councillor Rackley agreed and said the plot would suit a larger dwelling. He highlighted that there are no nearby neighbours and he supported the application.
7. Councillor Sutton referred to point 11.1 of the report (page 105 of the agenda pack). He supported the application and referenced other similar developments locally that have had planning permission approved.
8. David Rowen reminded members that whilst the principal of replacing the existing dwelling is not an issue, it is the scale of the proposal. He informed Councillor Sutton of the differences between this application and the similar developments he referenced. He explained that the recommendation to refuse planning permission is based on the scale of the proposal which will be excessive for the rural location it is situated in. He added that members must consider that by approving this application a precedent may be set for similar, isolated dwellings with land.
9. Councillor Lynn reiterated that the site is not subject to neighbours in a close proximity and cannot see any issues with the proposal.
10. David Rowen explained that in planning terms, development in the countryside is viewed differently to urban development. The National Planning Policy aims to restrict development in the countryside to sites only where development is required, essential and to a scale

appropriate to its rural surroundings. He explained that the issue officers have with this application is that the proposed dwelling is excessive in size compared to its surrounding countryside and has little justification as to why it is required.

11. Councillor Patrick agreed with officers that the development will have an exceptionally large footprint and by approving the application, the Council will set a precedent for similar schemes. He supported officer's recommendations to refuse the application.
12. Councillor Murphy agreed as the proposed dwelling is too large and should not be allowed in the countryside. He highlighted that if all large dwellings in the countryside were to apply for planning permission to increase their property by this size, there would be a big issue. He agreed with David Rowen and officers comments.

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

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

1. Councillor Mrs Bligh said the scheme is acceptable and the size of the proposed dwelling is subjective and will be in proportion with the surrounding plot.
2. Councillor Sutton said whilst officers believe the development will be detrimental to the surrounding area, members take the opposite view and try to be consistent with decisions made by the Planning Committee on previous planning applications.
3. Councillor Rackley agreed and said each application should be assessed on its own merit. He reiterated that the proposed dwelling will suit the plot.
4. Councillor Connor reminded members that there needs to be material grounds under planning policy to go against officer recommendation.
5. Councillor Sutton stated that members disagree with the reasons provided by officers to refuse the planning permission.
6. David Rowen said on this basis, officers can implement planning conditions based on this. He asked that members delegate appropriate authority to officers to formulate appropriate planning conditions to this planning permission. Members agreed.
7. Councillor Sutton said historically when members have gone against officers recommendations to refuse planning permission; officers have provided members with a proposed list of planning conditions. He asked in future this approach is taken. David Rowen stated that in his experience, a formal set of planning conditions have not been pre-prepared in cases where members have gone against officers recommendation. He said if members are not happy to give delegated authority to officers, members can propose planning conditions now. Otherwise, he is happy for officers to propose planning condition and seek final approval from the Chairman.
8. Councillor Connor agreed with David Rowen's approach.
9. Councillor Sutton said he was happy with this approach in this instance however in the future, he asked officers to prepare a draft of planning conditions for all applications prior to the meeting.

*(Councillor Meekins declared an interest by virtue of the fact that he is an acquaintance of the applicant and abstained from voting)*

*(Councillor Lynn declared an interest by virtue of the fact that he is an acquaintance of the applicant and abstained from voting)*

*(Councillor Mrs Bligh declared an interest by virtue of the fact that she attends Wisbech St Mary Parish Council meetings but takes no part in discussions)*