

PLANNING COMMITTEE



WEDNESDAY, 30 JANUARY 2019 - 1.00 PM

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

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

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

P59/18 PREVIOUS MINUTES

The minutes of the meeting of 9 January 2019 were confirmed and signed.

P60/18 F/YR17/0304/F LAND EAST OF 88 SUTTON ROAD, LEVERINGTON

ERECTION OF 221 DWELLINGS, CONSISTING OF 4X3 STOREY 4 BED, 44X2 STOREY 4 BED, 103X2 STOREY 3 BED, 61 X 2 STOREY 2 BED, 4X2 STOREY 1 BED, 4X1 BED FLAT AND 1 X 2 BED FLAT

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 update report which had been circulated. He also advised that a further late representation had been received in objection to the application.

Members received a presentation, in accordance with the Public Participation Procedure, from Elena Vandjour in objection to the application.

Ms Vandjour explained that she is a local resident living on Sutton Road, whose property almost backs onto the proposed site. She stated that she has submitted three letters of objection to the proposal and cannot see any reference to her concerns or other resident's objections in the officer's report. She added that, in her opinion, this type of back land development is out of character with the existing houses along the Sutton Road.

Ms Vandjour made reference to a planning application F/YR13/0848/O which was refused on appeal in March 2015 on the grounds of the character and also flood risk and also referred to a smaller development which was also refused by the Inspector. She stated that the proposal before members today is for dwellings to be situated on flood zone 2 and 3 and the proposal includes raising the ground level of up to a metre in height which puts her property at risk of flooding, especially with the threat of rising sea levels in the years to come with the proposed site likely to be underwater for a large part of the year if the flood defences along the River Nene were not in place.

Ms Vandjour stated that the displacement of flood water adjoining the residential properties is worrying and the Environment Agency have also raised concerns as mentioned in section 5.2 of the report, where it states that 'if there is a finite volume of water able to pass into a defended area following a failure of the defences, then a new development, by displacing some flood water will increase flood risk to existing properties. We strongly recommend the owners prepare a Flood Warning and Evacuation plan following discussion with Fenland DC emergency planners.' She commented that she cannot see that a sequential test supplied by the applicant justifies using land in flood zone 2 and 3 where there is allocated land available to the east of Wisbech which is in flood zone 1.

Ms Vandjour added that the report states that currently there is no planning permission in existence for East Wisbech and a much more detailed analysis is required to demonstrate that the East of Wisbech cannot be built on, and in her opinion, this is a serious failure in the overall recommendation. She concluded that the planning officer's report has not addressed the objections raised by both her and other residents, particularly in relation to flood risk and a flawed sequential test. The recommendation in the report is balanced, but the issues she has raised already lend the application towards refusal. She added that if members are minded to approve then a smaller development should be considered for zone 1, whilst leaving flood zone 2 and 3 for open space or a nature reserve.

Members received a presentation in accordance with the Public Participation Procedure from Tim Slater, acting on behalf of the Agent in support of the application.

Mr Slater stated that the application was first submitted in March 2017 and any matters identified by the planning officers have been addressed. He stated that, in his opinion, there are significant impediments to the delivery of planned growth in the town due to the physical restraints, predominantly flood risk, financial and viability issues and in the preparation of the application these issues have been addressed with the proposal being a sustainable development in an accessible location delivering much needed housing, including affordable housing provision.

Mr Slater expressed the view that the proposal is policy compliant in relation to its location and design and as there are 249 homes on a non allocated site adjacent to a main town it is compliant with Policy LP4, which enables large sites to come forward as windfall sites in sustainable locations. With regard to flood risk, he feels the proposal is also compliant with 60% of the site being in flood zone 3 and 40% in flood zone 1 and, therefore as it has been identified as being at flood risk a sequential and exception test have been carried out. He made the point that much of the land identified for future housing growth in and around Wisbech is also at risk of flooding and the approach that has been considered with regard to mitigation and design shows one way in which this issue can be addressed, adding that the Environment Agency and the Lead Local Flood Authority have raised no objections to the proposal.

Mr Slater stated that with regard to section 106 contributions, the proposal is consistent with Policy LP5 with the viability exercise concluding that the site is not viable, however, the applicant is an independent developer and has experience of building in Wisbech and can work with different parameters in terms of profit margins and contingencies and is able to make an offer of 10.4% of affordable housing as well as financial contributions of £500,000 to education and £82,000 to the NHS. He stated that from discussions with officers, the delivery of 24 affordable houses is significant and the applicant is in discussions with Rent Plus. The site is acceptable as detailed within the officer's report and it will also deliver a number of highway and connectivity improvements as part of the off-site highway package and it hoped that the development will show that good quality housing can be delivered in Wisbech.

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

- Councillor Mrs Laws expressed the opinion that the report is very extensive and informative; however she stated that she has never seen a tunnel of that length for badgers or

wildlife and questioned whether it would not be more cost effective to relocate the badgers? Mr Slater stated that there are protected animals on the site, a design exercise has taken place to mitigate the issue and the proposal has been reviewed by the Councils Wildlife Officer who has deemed the tunnel as an appropriate solution. Other options were considered, such as relocation, but the advice received was that the tunnel was the most appropriate solution.

- Councillor Mrs Laws stated that when the application was in its infancy, there was an offer of enhancement to the village and asked whether the financial contribution was still a consideration. Mr Slater stated that his client had historically made an offer to carry out upgrade works to Leverington Parish Hall via the Hall Committee, he has decided he will still agree to honour that offer though it would be done outside of the Section 106. The applicant came forward to the public seating area with the agreement of the Chairman to address the committee. Stephen Turnbull, the Legal Officer stated that if the proposed donation does not fall within the scope of the Section 106, it is not a matter which members should take into account when determining the application. The applicant stated that the Parish Hall Chairman along with architects, have drawn up a schedule of works along with improvements they would like and he has agreed and signed to say that he will honour those works.

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

- Councillor Mrs Laws asked for clarity with regard to the Internal Drainage Boards concerns. David Rowen stated that they have expressed reservations about the surface water disposal methods, however, the LLFA who are the statutory consultee are satisfied with the proposal.
- Councillor Sutton expressed the view that he has reservations around the issue of development of this scale in flood zone 2 and 3.
- Nick Harding clarified that the legal advice that had been sought was to ascertain whether the areas identified in the Fenland Local Plan for housing, could have automatically passed the sequential test as they are areas of 'search for development' and not definite site allocations. The advice was that they could not be given priority on sequential test grounds as they were not allocations, even though we went through a sequential test process in order to identify it, (West Wisbech), in the Local Plan. He added that officers are aware that the site is right beside the river. The Environment Agency have indicated that they did have a slight concern over the potential impact arising as a consequence of the failure of the defences in close proximity of the site and if the amount of water that comes through is relatively limited in volume. Officers have, therefore, evaluated what the chances are of the defences failing, (there is no evidence to prove the likelihood of them failing compared with anywhere else) and what is the likelihood of that failure resulting in a limited amount of water coming through into the site and onto the adjacent land. He added that as there is no information available of the likelihood of either of those events, it would be difficult to recommend refusal of the application on those grounds.
- Councillor Hay expressed the view that she has concerns over the flood defences and also the concerns raised by North Level Internal Drainage Board who state that the ground is not capable of the infiltration and the Emergency Planning Officer who has stated that a flood evacuation plan is required. Councillor Mrs Laws stated that in Whittlesey there was a similar issue and the Environment Agency recommended that a flood evacuation plan needed to be drawn up and Whittlesey Town Council and the Emergency Planning Officer at Fenland District Council worked together and there are now 20 flood wardens. The flood alert system is very good and the Environment Agency is very supportive and informative.
- Councillor Sutton asked whether the proposal has any effect on the works being carried out by Royal Haskoning with regard to the Wisbech Garden Town Project and the relief drain which is proposed. Nick Harding stated that the flood risk work being undertaken with regard to the Wisbech Garden Town proposal is in its early stages still and not identified in any plan or policy and because of this it would be unreasonable to refuse planning permission. He added that the Garden Town project has still to undertake testing to see whether it is a viable development proposal and is at its very earliest of stages. The location has yet to be

determined as to whether it is a sequentially preferable location for development, however, currently the Environment Agency has not signed up to any specification for a flood risk assessment in relation to the development and a site specific flood risk assessment which has been prepared in accordance with national specifications has not been completed yet and, therefore, the application before members today could not be said to be harmful to the Garden Town project.

- Councillor Mrs Laws commented that there have been investigations and studies carried out, the principle authorities surrounding water and flooding are engaged with the authority and are having conversations and are aware of planning applications.

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

(Cllr Sam Clark registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she has been lobbied on this application)

(The Chairman registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that all Members of the Planning Committee had received an email from Rent Plus with regard to this application)

P61/18 **F/YR18/0646/O**
LAND SOUTH OF 6 EASTWOOD END, WIMBLINGTON

ERECTION OF UP TO 3 NO DWELLINGS(OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

This item was withdrawn.

P62/18 **F/YR18/1095/O**
THE LAURELS, HIGH ROAD, BUNKERS HILL, WISBECH ST MARY

ERECTION OF UP TO 3 NO DWELLINGS INVOLVING DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

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 update report that had been circulated.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Gareth Edwards, the Agent.

Mr Edwards explained that this area of Wisbech St Mary has seen a number of new developments erected, with the Parish Council having recommended approval for the proposal and have recently installed a length of footpath. He stated that it is hoped that over a period of time this will be added to, in order to provide a footway link to the remainder of the village and by adding more dwellings in the proposed location it will give more reason for the footpath to be further extended.

Mr Edwards stated that Cambridgeshire Highways have requested that a new footpath should be added along Rat Row to link with the current High Road footpath, which will provide a safe route for residents to access the bus stop at the front of the site. He stated that whilst he acknowledges that the site is within flood zone 3 on the Environment Agency maps, they have previously stated

that the maps can prove to be misleading. He added that as maps provide modelling of the maximum values of flood depths, velocity and hazard rating, he has provided up to date maps of both the flood risk assessment and also in the sequential and exception test study which shows that the proposed site is unaffected by flood water in the year 2115 in both the 1 in 200 and 1 in 1000 and as this is the most up to date data, in his opinion, it should be within flood zone 1.

Mr Edwards expressed the view that the only site that was currently available was a site for three dwellings which currently has an old dwelling on it which is going to be utilised and the garden used for the three proposed dwellings which as stated within the exception test, are to achieve an A rated energy performance and he would be happy to accept a condition on this. He added that local developers provide local tradesman and due to larger sites and allocations they would not be able to purchase sites like this due to purchase prices and infrastructure costs.

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

- Councillor Mrs Laws stated that when you read the details of this application it states that the Environment Agency and the Internal Drainage Board have no objection but they will need to have formal land drainage consent and that will be required to form the proposed new access. She added that it was a very interesting site visit and on the visit all that could be seen is new dwellings as the site is overgrown and needs attention and on this occasion providing that the appropriate conditions are added, she expressed the opinion that the proposal would fit very nicely on this site and it would complement and enhance the other properties in that location.
- Councillor Sutton expressed the view that not all of Fenland is at risk of flooding and members should consider their decision very carefully.
- Nick Harding commented that this application is not classed as a settlement as it is given an 'elsewhere' label within our Local Plan and in accordance with our sequential test protocol we have had to widen the search area with regard to alternative sites at lesser flood risk to the whole district and not just the immediate location.
- Councillor Hay expressed the view that she would find it very difficult to refuse this application, having just agreed to support 221 houses next to the River Nene in Wisbech. She added that North Level Internal Drainage Board and the Environment Agency have both said they are happy with the proposal and she will be supporting this application.
- Councillor Sutton expressed the view that he appreciates that officers have to follow policies and with the application being on the edge of the hamlet, he would have agreed with the officer's recommendation. However as the proposal is right in the centre of the hamlet and as sustainability is compromised by no pavement, but supplemented with a bus stop, he will be supporting the application.
- David Rowen stated that from an officer's point of view the recommendation was straight forward as the Local Plan clearly sets out a settlement hierarchy and does not include Bunkers Hill within it, with Bunkers Hill not forming part of the Wisbech St Mary settlement. The policies within the Local Plan state that elsewhere locations, such as this development, should only be allowed in certain circumstances, none of which are covered by this particular application. With regard to the sustainability aspect, Bunkers Hill has no facilities and, therefore, anybody residing in Bunkers Hill will have to travel by car to other settlements for their services, as there are no footpaths to link Bunkers Hill to Wisbech St Mary, it is a national speed limit road and the National Planning Policy Framework discourages the reliance on the use of car for a main means of transport.
- Councillor Benney stated that, whilst it maybe a small hamlet, a small development like the proposal being discussed goes towards meeting the 5 year land supply and if there is no encouragement for the smaller hamlets to grow then they will disappear.

Proposed by Councillor Hay, seconded by Councillor Benney and decided that the application be APPROVED, against the officers recommendation as Members considered that the benefits of the scheme in terms of contributing to the sustainability of the

settlement and recognising that the site lay within a developed hamlet providing additional housing outweighed flood risk and character considerations.

Members determined that officers be authorised to put appropriate conditions on the permission.

**P63/18 F/YR18/1086/LB
MARCH TOWN HALL, MARKET PLACE, MARCH**

WORKS TO A LISTED BUILDING COMPRISING OF REPLACEMENT CASEMENTS TO 15NO FIRST-FLOOR (WINDOWS 1-15) AND REPAIRS TO CASEMENTS TO 7NO GROUND FLOOR WINDOWS (WINDOWS 16 -22) ON NORTH, SOUTH AND EAST ELEVATIONS INCLUDING 5NO WINDOWS WITH SECONDARY GLAZING

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 members attention to the update report.

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

Councillor Mrs French explained that March Town Hall was purchased in 2001/2 by the late Councillor Peter Skoulding, it was then given to the Town of March and since this time the Civic Trust has been formed with the trust gaining a grant from the National Lottery fund of over £1,000,000. She stated In the past the building was used as a Magistrates Court for nine years and was in a bad state of repair and in 2005 the Town Hall re opened and has been used over the past 14 years for many activities, however the windows have deteriorated and when the restoration of the building took place, the windows were not replaced as they proved to be too costly.

Councillor Mrs French added that when the restoration took place the application allowed for the installation of metal double glazed windows. She made the point that March Town Council supports this application and that a precedent has already been set with the previous application in 2003 being approved, she cannot understand why this application is being recommended for refusal today. She expressed the view that the new double glazed windows are for the upstairs room which is used for many purposes including the Town Council which is currently cold, draughty and noisy and the double glazing will address these issues and it is hoped that the Civic Trust can obtain an energy rating certificate and save heating costs if the windows are installed.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Matthew Hall, the Agent.

Mr Hall pointed out that directly below some of the first floor windows to be replaced, there are already double glazed aluminium doors and windows, which were approved in 2003. He stated that where the shop front is located, which is double glazed, is on the most prominent elevation of the building facing the market square and the windows that are to be replaced are not the original fabric of the building, they were replaced in the 1970's with the proposal maintaining the oak surrounds because that is the original material and they are in a reasonable condition.

Mr Hall expressed the view that there are at least 26 other local authorities who have approved the use of slim line double glazed units within Grade 1 and Grade 2 listed buildings in this country with the slim line windows having been specifically designed for the use in listed buildings and are single glazed units which aim to be energy efficient. He added that the manufacturer has confirmed that they are 4mm thick glass panes with a gap between and with careful use with the timber

windows there will be minimal difference in the appearance of what is currently in place. Mr Hall added that within the officer's report under item 10.17, it states that there will be no or little difference to the building when viewed externally and the windows are an area where a gain can be made with regard to energy efficiency; other aspects of the building cannot be changed as it would alter the appearance of the building and impact on the original fabric. He stated the proposal is not to remove all of the windows in the building; it is only to replace them where they are beyond repair and where the others have been maintained for as long as possible and there is already approved double glazing in the building.

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

- Councillor Mrs Laws stated that on the site visit, members saw the windows which had been changed and also the aluminium windows which were at the base of the building. She added that having reviewed the proposal that has been put forward, the frames will look aesthetically very similar and with regard to the erosion of the building, that has probably taken place from the 1970's onwards. She expressed the opinion that when looking at the front of the building the thickness of the glazing does not make a difference and agreed with the comments that the agent had made with regard to the limitations surrounding the energy efficiency of the building.
- Councillor Hay expressed the view that had the whole building still remained in its original state, she would understand the concerns in the officer's report, but a large part of the frontage of the building has metal double glazing and, therefore, from the outside the double glazing suggested would not be noticeable. Had the application been for UPVC windows, then she would not be in favour of the application, however the applicant appears to be doing their utmost to keep the windows in keeping with the building.
- David Rowen advised members that when the building was originally built, it appears to have had slightly more arched windows, which got changed in the 1960s to have squarer openings. From the 1960's to 2003 the openings have been bricked up and a different style of window has been installed. In 2003, it is likely that more weight was possibly given to changing the building back to its original form than possibly to the usage of materials. It was likely that consideration was also given to putting that part of the building into a long term use and possibly incorporating the funding bid that Councillor Mrs French had alluded to in her presentation. He concluded by saying that members need to consider that the duty in law to ensure any changes to a listed building respect the external fabric.
- Councillor Sutton stated that this is an easy application to determine and stated that, in his opinion, members have a balance between keeping the historic content and feeling versus the better insulation. He expressed the view that there are a few options to consider, however he feels that the installation of histo glass would be the preferable option.
- Councillor Benney expressed the view that the best way to keep a building in a good state of repair is to keep it occupied and that means the building needs to be fit for purpose. If a new building was to be constructed today it would have to have double glazing installed, a 30mm cavity between the glass and energy rated. With the technology and materials available today the building should be made fit for purpose and kept it in a good state of repair. Double glazing also helps to reduce noise, making it a far more bearable facility to be in.
- Councillor Mrs Laws stated that she has taken David Rowen comments on board with regard to the history of the building, but stated that the building needs to be used and needs to be energy efficient.
- Councillor Sutton takes on board the comments that have been made and agrees that the building needs to be energy efficient. The March Society agree with the Conservation Officer's comments to avoid double glazed windows and retain the original design whilst exploring the use of histo glass.

Proposed by Councillor Sutton that the application be REFUSED as per the officer's recommendation, however there was no seconder to support Councillor Sutton's proposal.

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

Members determined that officers be authorised to place suitable conditions on the consent.

(Councillor Court registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of March Town Council and he would be abstaining from the vote regarding this application)

2.42 pm

Chairman