

PLANNING COMMITTEE



WEDNESDAY, 4 DECEMBER 2019 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor A Lynn, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton, Councillor Mrs J French (Substitute)

APOLOGIES: Councillor S Clark and Councillor C Marks,

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

P52/19 PREVIOUS MINUTES

The minutes of the meeting of 6 November were confirmed and signed.

P53/19 F/YR19/0550/O ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) AND CONSTRUCTION OF FOOTPATH;LAND SOUTH OF 6, EASTWOOD END, WIMBLINGTON, CAMBRIDGESHIRE

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

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Councillor Mrs Maureen Davis, the Chairman of Wimblington Parish Council.

Councillor Mrs Davis advised Members that she is speaking in support of the application and added that the Parish Council supported the application when it had been brought before the Committee previously. She explained that there are a number of residents who were against the removal of the hedge, and also a number who were in favour of a footpath. She added that the tree officer had stated that they would like to see the hedge line retained.

She commented that the residents of Eastwood End do not class themselves as being in a separate settlement and are part of Wimblington.

Councillor Mrs Davis drew members' attention to the fact the Highways Authority have no objection to the introduction of the footpath as the applicant has dealt with all the issues previously raised, when the application came before committee in 2018.

Members had no questions for Councillor Mrs Davis.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Mr David Green, a local resident in support of the application.

Mr Green commented that he lives in Hook, which is the other end of Eastwood End and stated

that there has never been a connecting footpath to link it to Wimblington. He added that it a safety hazard to walk in the road and a footpath would ensure safety for pedestrians. He stated that if a footpath was introduced he would support the development.

Members had no questions for Mr Green

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Mr Peter Humphreys, the Agent.

Mr Humphreys stated that whilst the technicalities in the officers report are correct, when the application was last before the planning committee it was stated that the application could be approved if certain aspects were resolved.

He added that if the three dwellings are approved then the residents will have the introduction of the footpath.

The Highways Authority is in agreement with the proposal as is the Environment and Wildlife Officer who has stated that as long as there is no harm on the biodiversity he has no objection.

Mr Humphreys added that this scheme provides what both the residents and the Parish Council want and in his opinion the positive aspects of the introduction of the footpath outweigh the negative points and he asked Members to approve the application.

Members had no questions for Mr Humphreys.

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

- Councillor Mrs French asked that if the application is approved, will the footpath be to Cambridgeshire County Council standards?
- Mr Humphrey responded from the audience that he would ensure the footpath would be brought up to an adoptable standard.
- Councillor Mrs French added that she listened to Councillor Mrs Davis and is also aware that the County Council will only install a footpath under a Local Highway Improvement Bid which would mean a cost implication to the Parish Council and in her opinion the development should be supported.
- Councillor Mrs Mayor stated that she was not a member of the planning committee last year when this application had been deferred due to issues surrounding the footpath and now that these issues have been addressed, she cannot understand why officers are recommending refusal.
- Councillor Sutton expressed the view that in his opinion, the three speakers are correct and the only issue at the time the application had been previously discussed was whether the footpath was deliverable.
- Councillor Sutton added that the key issue is connectivity for the residents of Eastwood End and whether this benefit of a footpath outweighs all the other concerns. In his opinion he believes that the connectivity is a positive step for residents and it outweighs all the other reasons. Whilst he appreciates the concerns surrounding the removal of the hedge, it can be replaced and he will be supporting this application.
- Councillor Mrs French stated that if the application is approved then the fabric of the footpath must be of an adoptable standard and in place before any dwellings are occupied.
- Councillor Hay agreed with Councillor Mrs French but added that she would like to see the path in place before the development commences. She expressed the view that there is a Local Plan in place for a reason and this application goes against policy LP3 and LP12 of the local plan and there must be consistency when determining applications and for that reason she will be following the officer's recommendation.
- Councillor Sutton stated that he will only support the application with the caveat added that

the pavement must be in place before any development takes place.

- David Rowen clarified that if members are minded to go against the officer's recommendation and approve the application, a condition to show that the footpath is delivered at an early stage and before the development takes place is a sensible way to proceed.

Proposed by Councillor Mrs French, seconded by Councillor Lynn and decided that the application be APPROVED against officers recommendation, with officer's being given delegated powers to apply appropriate conditions.

(Councillors Connor and Murphy registered in accordance with paragraph 2 of the Code of Conduct on planning matters that they had been lobbied on this item)

**P54/19 F/YR19/0736/VOC
REMOVAL OF CONDITION 7 AND VARIATION OF CONDITIONS 4, 6, 8, 10, 12
AND 14 (CONDITION LISTING APPROVED PLANS) OF PLANNING PERMISSION
F/YR16/0194/F (ERECTION OF 4 X 2-STOREY 4-BED DWELLINGS AND THE
FORMATION OF 2 NEW ACCESSES);LAND SOUTH EAST OF MOLE END, GULL
ROAD, GUYHIRN, CAMBRIDGESHIRE**

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

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Mr Gareth Edwards, the Agent.

Mr Edwards thanked members for the opportunity to speak at today's meeting. He explained that the officer's report states the background to the application was to amend the wording of some of the conditions to allow the plots to be developed individually. He added that his team have worked closely with officers and he would ask the Committee to support the application.

Members had no questions for Mr Edwards.

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

- Councillor Sutton stated that he has no issue with the application. He added that highways are in agreement with the floating path and officers are not.
- Councillor Hay stated that she sees no reason why three houses need to have a path, when there is a perfectly adequate path across the road.

Proposed by Councillor Hay, seconded by Councillor Sutton and decided that the application be APPROVED, as per the officers recommendation.

**P55/19 F/YR19/841/VOC
VARIATION ON CONDITIONS 8 AND 9 TO ENABLE AMENDMENT TO
APPROVED PLANS RELATING TO PLANNING PERMISSION F/YR18/0386/O
(ERECTION OF UP TO 3 X DWELLINGS (OUTLINE WITH MATTERS COMMITTED
IN RESPECT OF ACCESS);LAND WEST OF SUNSET ROOMS, STATION ROAD,
WISBECH ST MARY, CAMBRIDGESHIRE)**

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

David Rowen presented the report to members.

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

- Councillor Meekins asked for clarification with regard that originally it was the whole track to be tarmacked and now it is only the top 10 metres and why this has changed from completely tarmacked to gravel. David Rowen confirmed that it was likely to be down to the cost implications to tarmac the additional 90 metres and the impact it would have on the viability of the development.
- Councillor Hay commented that it is her understanding that the original reason for the whole driveway to be tarmacked was in order for the local authority to be able to carry out refuse and recycling collections at the properties, but now they have indicated it will be a private company that will be servicing those properties. David Rowen confirmed that the condition was one that the committee had imposed previously in order to secure better bin collection arrangements and better amenity in terms of noise being generated from vehicular movements over the gravel.
- Councillor Lynn asked for clarification that the refuse collection vehicle will drive down the private gravel driveway to collect the refuse. David Rowen stated that there is a condition proposed requiring a refuse collection strategy to be submitted. A private refuse collection is likely to be used because it is a private road not up to an adoptable standard unless the road owner indemnifies Fenland District Council. Fenland District Council would not collect bins from there due to potential liabilities, whereas a private bin collection would service those properties.

Mr Gareth Edwards, the Agent, withdrew his request to speak on this agenda item but answered questions from Members.

- Councillor Sutton asked for clarification as to whether there were any dwellings further down and Mr Edwards highlighted that there isn't.

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

- Councillor Lynn stated that on the site visit, when it looked at the distance residents would have to pull the bins out for collections, he was not in favour, but now he has an understanding of how the refuse collection will operate he is in agreement with the application.

Proposed by Councillor Connor, seconded by Councillor Mrs French and decided that the application be APPROVED; as per the Officers recommendation.

P56/19

F/YR19/0859/FDC

ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED);FORMER GARAGE SITE, CRESCENT ROAD, WHITTLESEY, CAMBRIDGESHIRE

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

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

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

- Councillor Sutton expressed concern over the quality of the Fenland District Council application.
- Councillor Lynn stated that he agrees with some of Councillor Sutton's comments and added that there is the opportunity for more than 3 dwellings on the site.

Councillor Sutton proposed that the application be deferred for further professional advice to be given to the application. There was no seconder to the proposal.

Nick Harding commented that members need to separate their role as a planning committee member from their concerns as to how the Council is operating as a business. He added that the application is for up to three dwellings and the decision has to be made as to whether three dwellings on that site could be reasonably accommodated.

The issue of whether the Council is or is not getting best value as a landowner is not a matter for the Committee.

He stated there are no particular sensitivities in terms of the site so there is no need to insist on a full application or indicative layout and given the scale of the site officers are comfortable that up to 3 dwellings can be accommodated.

Nick Harding highlighted to members on the screen a piece of land which needs to be left for access for vehicles and the narrowness of the remaining land here, rendering it incapable of development. He pointed out to members the larger area of land and stated that the space needs to be able to fit the proposed dwellings and garden spaces and whilst there may be the space for 4 properties, officers are comfortable that three dwellings can be accommodated and do not see the reason why the application should be refused.

- Councillor Sutton expressed the view that there is the need for an indicative plan, so the proposal of how the dwellings will fit can be seen.

Nick Harding commented that if there is the view from the committee that the 3 properties could not be accommodated then the application could be deferred giving the applicant the opportunity to submit an indicative layout to show the layout could be achieved and would not be detrimental to the amenity of the adjacent properties.

- Councillor Hay expressed the view that the committee need to be mindful that had the application been submitted by a developer and not by Fenland District Council, would members be considering going against the officer's recommendation. She added that if members look at the plans, the area that the two latest bungalows encompass, equates to about two thirds of the area of the land where the proposal is planned for. She added that in her opinion to consider three properties on that site is only correct and he added that it would not be correct to encourage more building on the site, which would affect the amenity space for the residents.

The Chairman reminded members that there is a current proposal from Councillor Sutton to DEFER the application. Councillor Lynn seconded the proposal.

- Councillor Lynn stated that he has listened to Councillor Hay and added that he is totally against over development, but in his opinion this application is under developed.

Nick Harding asked members to clarify the reasons for deferment as it was not clear if members had a concern over the site being able to accommodate 3 units and others that the site was undeveloped. If it was the latter then the application should be proposed for refusal.

The Chairman asked Councillor Sutton to reiterate and clarify his proposal.

Councillor Sutton proposed that the application be deferred to receive an indicative layout, so it is clear where the three properties will be built.

- Councillor Lynn asked if the application is deferred to allow an indicative plan to be submitted and if it is then evident that the site is underdeveloped, can the application then be determined.

Nick Harding stated that there needs to be a reason why the application is being deferred, so the applicant is aware that the committee are not satisfied that three dwellings can be accommodated on the site without impacting on the amenity of the existing properties, so that the applicant can design an indicative layout. With regard to underdevelopment, there were no policies in the plan that required minimum densities.

- Councillor Hay commented that planning committee members are in place to determine planning applications and in her opinion if this was any other applicant rather than Fenland District Council, it would be approved. In her opinion there are other applications which have been approved where the proposal could be deemed as under developed.

Councillor Lynn withdrew his agreement to second the proposal.

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

(Councillor Mrs Mayor declared an interest by virtue of the fact that she is a member of Whittlesey Town Council and had been involved in the decision making in relation to this proposal and left the meeting for the entirety of this item.)

(Councillors Mrs Jan French, Councillors Murphy and Benney declared an interest by virtue of the fact that they are members of Cabinet and have been involved in the decision making in relation to this proposal and left the meeting for the entirety of this item.)

P57/19

F/YR19/0860/FDC

ERECT A DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED);LAND NORTH OF, 7 GLEBE CLOSE, CHATTERIS, CAMBRIDGESHIRE

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

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

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

- Councillor Hay asked for clarification as to what the response was from Chatteris Town Council. David Rowen advised that the response was to recommend refusal, due to the loss of a long established car parking area.
- Councillor Mrs Mayor expressed the view that she is concerned about some of these areas. The planning officer has just stated in his presentation that this area should have been a garage development and the residents in that area will have nowhere to park and she questioned how many other areas there are in Fenland which have never been developed on which should have been.
- Councillor Sutton stated that on the site visit, he was surprised that the land has been suggested for development. He expressed the opinion that the area is too small to be built on and he cannot agree with the officer's recommendation. He also commented on the quality of the application.
- Councillor Hay expressed the view, that currently the area is an eyesore and in her opinion the area can support one dwelling and she will be supporting the officer's recommendation.
- The Chairman stated he agrees with Councillor Hay and he will be supporting the officer's recommendation.
- Councillor Mayor commented that the area was and is an eyesore and it needs to be developed. She added that it will accommodate a property and there have been other areas which are smaller than the proposal and she will be supporting the application.
- Councillor Lynn asked for clarification that the proposal will be for a one storey dwelling, and it was confirmed by other members, that it would be.

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

(Councillors Mrs Jan French, Councillors Murphy and Benney declared an interest by virtue of the fact that they are members of Cabinet and have been involved in the decision making in relation to this proposal and left the meeting for the entirety of this item.)

(Councillors Benney, Hay and Murphy stated that they are members of Chatteris Town Council, but take no part in planning matters)

P58/19

F/YR19/0889/O

ERECT UP TO 5NO 2-STOREY DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS AND SCALE),LAND NORTH OF 3A-15, HIGH ROAD, GOREFIELD, CAMBRIDGESHIRE

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

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Mr Gareth Edwards, the Agent.

Mr Edwards explained that the application has been revised since it was last before the committee in June 2019. He stated that the dwelling type has been revised and there has been an

introduction of 2, two bedroomed semi- detached dwellings, which follows previous comments made by Councillor Meekins with regard to the inclusion of diverse housing needs.

Mr Edwards stated that with regard to the dwellings opposite, they form a mixture of dwelling types including houses, bungalows and chalet bungalows and are newly and historically constructed properties. The site is within the village boundary and in his opinion the search area for the sequential exception test is only for Gorefield and if this is the case then in his opinion the test is satisfied.

Mr Edwards referred members to an application in Gorefield which was within all three flood zones which was recommended for approval. He added that the proposal before members today is within flood zone 2 as are the dwellings currently under construction opposite the application site.

If approved, one of the plots will be for the applicant and will allow him to live adjacent to his parents and family business. There will also be 2 self-build plots and a pair of semi-detached properties for local developers.

There have been letters of support received from local residents, businesses and both the preschool and primary school. Both the schools have capacity and are not oversubscribed.

Mr Edwards stated that in the officer's report the proposed development would not be in an isolated location in the context of paragraph 79 of the National Planning Policy Framework (NPPF). The occupiers will be able to sustainably access all local services. The report also states that the aims of LP3 in terms of the detached location of the site as set out in LP12, and this policy is superseded by paragraph 78 of the NPPF and the principles of development can be supported.

Mr Edwards added that the proposal comes with the support of the Parish Council, who have highlighted that building on both sides of the road, could act as a deterrent to speeding vehicles in a 30mph zone. The proposal also fills a gap between the applicants dwelling and the Internal Drainage Board drain.

Members asked Mr Edwards the following questions;

- Councillor Meekins asked for clarification with regard to the indicative plan with regard to confirming garages would also be built. Mr Edwards confirmed there would be.

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

- Councillor Hay commented that Mr Edwards had stated that the proposal would fill a gap between the house on one side and the drain on the other. She continued that policy LP3 of the Local Plan states that Gorefield is a small village where normally building applications will be limited in scale to residential infilling and the planning portal defines this as a development of a relatively small gap between existing buildings, it does not say anything about between a building and a drain and for that reason in her opinion the proposal goes against this policy as it is not a small gap and does not have building on either side.
- Councillor Sutton stated that the key issues in this application are whether members believe that the proposal is part of the village or in an elsewhere location. He added that there is full support of the Parish Council. He expressed the view that he thinks that the proposal is part of Gorefield.
- Councillor Murphy stated that the proposal is a ribbon development; it is in a flood risk area and is also unsympathetic due to its scale. He added that under 11.2 of the officer's report it states there are no material planning reasons that have come to light since June 2019 when the previous application was refused and there must be consistency and for that reason he will be refusing the application again today.
- Councillor Benney expressed the view that in his opinion, the proposal is in Gorefield.

He feels that the proposal will benefit the local area and supports the local village and helps the village grow and thrive and for that reason he will be voting against the officer's recommendation.

- Councillor Sutton expressed the view that the material consideration here is that the committee has overturned other applications in other villages in the past on the same basis as the proposal before members today. There will be differences in opinion between officer's and members at times and on this occasion he will be voting against the officer's recommendation.
- Councillor Meekins expressed the view that he is pleased to see that more affordable housing has been included in the plans which was a previous concern. The only issue he has now is the increase in height to the surrounding buildings, which is just over a minute.
- Councillor Benney stated that he has looked into the increase in height and there are different dwellings in the street all at differing heights and a metre of height will not make a difference. In his opinion, it forms part of Gorefield and the smaller villages need to grow.
- David Rowen referred members back to the recent training session, where the starting point, when determining any planning application is by consulting the Local Plan. He provided members with a verbal precis of Policy LP12 and stated that in his opinion the application site being discussed today falls under the part of policy LP12 (c) agricultural buildings and associated land on the edge of a settlement and therefore excluded in the definition of the footprint of the village.
- David Rowen continued by referring to the officer's report at 10.1 where it states the Planning Portals definition of infilling "the *development of a relatively small gap between existing buildings.*" He added with regard to relatively small infilling it could be one and potentially two, however with regard to this application, the small gap in question is 110 metres, but there are no existing buildings on both sides, only on the west side and in his opinion that would mean that the application does not fall into the definition of infilling as set out on the Planning Portal. He added that nothing has changed in his opinion, with regard to this application from when members considered it in June.
- Councillor Hay added that Gorefield is a small village and as a small village it would normally be limited in scale to residential infilling as the definition on the planning portal states. This proposal is not between existing dwellings, it is on agricultural land. Nothing has changed since the application was discussed and refused in June and the reasons for refusal are still the same, the only difference is there is now an additional reason for refusal.
- Councillor Sutton stated that the issue of small villages is contradicted in the Local Plan, as the villages all have a 10% growth, which was agreed in the Local Plan and in his opinion, he does not feel that the village of Gorefield has reached that additional growth. He added that this is adjacent to the build form and it is an extension to the village and that is what is detailed in the Local Plan.
- Councillor Benney stated that it states 'normally' in LP3, however that is not a fixed definition and as a committee we have the right to debate and make our own decisions.
- David Rowen commented that the use of the term 'normally' would infer there should be some abnormal circumstances to justify going against the policy.

A proposal was made to approve the application by Councillor Hay, which was seconded by Councillor Murphy. A vote was taken by the committee but the proposal failed.

Proposed by Councillor Benney, seconded by Councillor Lynn and decided that the application be APPROVED against officer's recommendation with officer's being given delegated power to apply appropriate conditions.

David Rowen presented the report to members with regard to appeal decisions in the last month.

2.53 pm

Chairman