

PLANNING COMMITTEE



WEDNESDAY, 24 FEBRUARY 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton,

APOLOGIES: ,

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

P69/20 PREVIOUS MINUTES

The minutes of the meeting of the 20 January and 3 February 2021 were confirmed as accurate records.

P70/20 F/YR20/1077/F LAND EAST OF 54 HIGH CAUSEWAY FRONTING, SPIRE VIEW, WHITTLESEY.ERECT A 3-BED SINGLE-STOREY DWELLING INVOLVING DEMOLITION OF AN OUTBUILDING WITHIN A CONSERVATION AREA

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Kirsten McKelvie, the agent.

Kirsten McKelvie explained that the proposal is for a single storey 3-bedroom dwelling to the rear of the applicant's current dwelling, which is accessed from Spire View to the east, and that the intention is for the applicant to move into this new dwelling as they do not want to leave the area but require a single storey dwelling. She expressed the opinion that there is a high demand for bungalows in the area, close to the Town centre and stated that Rose Homes, the developer for Spire View, has said that the previously approved bungalows, now all sold, were over-subscribed.

Kirsten McKelvie expressed the opinion that this is recognised by the fact that this application is supported by the Town Council and although the proposal lies within the Conservation Area, it is right on the edge and relates more to the development of Spire View, outside of the Conservation Area. She stated that the proposed dwelling is 'L' shaped and effectively completes the development to the rear, continuing the elevation lines of the adjacent plots and added that currently between these dwellings is a short length of fencing accessing into the existing garden of 54 High Causeway.

Kirsten McKelvie explained that the new dwelling would provide an active frontage to Spire View, thereby improving the development and providing separation between the new development and this rear corner of the Conservation Area and added that there are very limited views of the proposed single storey dwelling from High Causeway, between 54 and the new two-storey dwelling at 52 High Causeway, constructed within the last 6 months. She explained that the roof of the new dwelling is hipped towards the rear of 54 High Causeway to reduce its impact and the

proposed dwelling is set further back from the existing dwelling than the current outbuilding by approximately 6m and if planning permission was granted, a condition to incorporate some appropriate planting or hedging at the boundary between 54 High Causeway and the proposed dwelling could be considered to shield the proposal even further.

Kirsten McKelvie stated that the garden to 54 High Causeway is being reduced, but this is negligible given the already approved and constructed bungalows to the rear which reduced the size of the original garden and stated that the existing dwelling is still retaining a considerable rear garden, 27m for over half the width of the plots and 11.5m from the single storey projection, plus a large garden to the front of the property.

Members asked Kirsten McKelvie the following questions:

- Councillor Sutton asked for clarity regarding the applicants' name and, following confirmation, he decided he would withdraw from the debate and voting on this item, due to the possibility of the applicant being a member of his family.
- Councillor Marks asked whether the driveway is for 2 car parking spaces and Kirsten McKelvie confirmed that there are two tandem spaces for the dwelling.

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

- Councillor Benney expressed the view that the road is not yet finished, and the site is currently incomplete. He made the point that all the other dwellings on the site have been purchased, which proves that there is a need for the development. Councillor Benney stated that the site has a derelict building on it which is in disrepair and is an eyesore and, in his view, the proposal is making good use of land which would otherwise be left unused and could attract vermin and possible antisocial behaviour. He expressed the view that although the officers report states that the proposal is not in keeping with the other bungalows, in his opinion, everything does not need to be the same and he feels the proposal will tidy that area up and bring symmetry to the end of Spire View. Councillor Benney stated that with regard to the comment concerning the proposal being built within the grounds of a Conservation Area, there have been other planning approvals given in other parts of the district where a development was approved which was in the curtilage of a Listed building and he cannot see an issue with this proposal. He expressed the opinion that homes are needed, and, in his view, it is an excellent use of an available site and will bring a much-needed home and he would hope that the application is approved.
- Councillor Cornwell expressed the view that the proposal appears to be crammed in and is slightly at odds with the new development. He added that he cannot see how the proposal is having an effect on the dwelling at number 54 to the same degree as the impact it has on Spire View and he agrees with the point raised in the officers report where it states the proposed development is also considered to be at odds with the adjacent 2 storey dwellings and bungalows resulting in an incongruous form of development.
- Councillor Murphy stated that Whittlesey Town Council have no objection to the proposal and neither do any of the local residents which he found surprising and, in his opinion, he cannot see any reason why the application should not be supported.
- Councillor Cornwell stated that the possible reason why there has been no feedback from residents is because the development is new and some of the properties are still unoccupied.
- Councillor Mrs Davis expressed the view that the proposal tidies the corner up and will ensure that the derelict land is made use of. She stated that she is sure the neighbouring properties would prefer to see a dwelling rather than the unsightly area currently in place and she will be supporting the proposal.
- Councillor Mrs French stated that she agrees with the comments made by Councillor Mrs Davis and added that the proposal will tidy the area up and she will support the application.

The Chairman invited officers to provide any points of clarification to the committee.

- Nick Harding stated that the application should not be determined on the amount of representations received for and against a development proposal, it should be considered having regard to whether it complies or does not comply with planning policy and in relation to any relevant material planning considerations. He added that the proposal should not be determined on the basis of the condition of the site, as going forward it may encourage people to not look after their property and their sites as a way in to obtain planning consent on a site. Nick Harding stated that there is no guarantee that the owner of the bungalow may move into the dwelling if it is approved and constructed and, therefore, this should not be a consideration when determining the proposal. He stated that there are two elements of the National Planning Policy Framework which are particularly relevant in this case and he referred to Paragraph 1.93 which states that 'Great weight should be given to the conservation of the access irrespective of the level of harm that the development proposed may give rise to.' He added that secondly paragraph 1.94 states that 'Any harm that arises should require clear and convincing justification' and at paragraph 1.96 it states that 'Where harm is less than substantial, the harm should be weighed against the public benefits of the proposal'. Nick Harding explained that in this instance there is one property proposed for construction and given that there is a five year land supply and the housing delivery test has been passed, in his opinion, he does not think that there are the characteristics and heritage asset in place nor a strong case to say that the benefits of this proposal outweigh the less than substantial harm that the development will give rise to.
- Councillor Murphy asked Nick Harding to explain what could be sited on the land if the proposal is not supported? Nick Harding stated that there is now requirement for all parcels of land to have development on them and there is no reason why this piece of land cannot remain part of the domestic curtilage of the host dwelling and for the outbuilding on the site to be refurbished for the land to be properly maintained and presented.
- Councillor Benney stated that he appreciates that there is not a requirement for land to have any development on it but the proposal before members today has development on it. He added that the proposal is far enough away from the Grade 2 Listed Building and there have been no points raised by any of the Conservation Groups. He stated that the proposal has the full support of the Town Council and there are no letters of objection and expressed the view that it will tidy up a piece of land.

Proposed by Councillor Benney, seconded by Councillor Murphy and decided that the application be APPROVED against the officer's recommendation with the conditions imposed on the planning permission to be agreed in conjunction with the Chairman, Councillor Benney and Councillor Murphy.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposal will provide a high quality development, will improve and enhance the area and is far enough away from the historical asset so that it will not be detrimental or cause any harm.

(Councillor Sutton declared an interest in this item, as the applicant is known to him. and he took no part in the discussion on this application and voting thereon)

(Councillor Mrs Mayor declared an interest in this item, as she is a member of Whittlesey Town Council Planning Committee, but had took no part in the discussion or voting on this item)

P71/20

F/YR20/1078/O

LAND WEST OF 8-9 HAWTHORNE GROVE ACCESSED FROM, ACACIA GROVE, MARCH. ERECT A DWELLING (OUTLINE APPLICATION WITH MATTERS

COMMITTED IN RESPECT OF ACCESS) INVOLVING THE DEMOLITION OF EXISTING GARAGE/STORE AND GARDEN ROOM

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Craig Brand, the agent.

Mr Brand referred members to the presentation screen and explained the slides being shown, with slide 1 showing 3 previous garden developments in close proximity to the application site, slide 2 showing the 2 new dwellings in Hawthorne Grove which have side gardens and slide 3 showing the new dwelling in Ash Grove which has a 7m deep rear garden; with first floor bedroom and bathroom windows in the rear elevation overlooking the neighbouring gardens. He explained that the plot is of constant width and 19.8m deep, requiring only a 6.6m deep garden to achieve the minimum one third private amenity set out in Policy LP16 part H.

Mr Brand stated that the committee report gives one reason for refusal; overlooking causing loss of privacy and stated that as shown on the site layout drawing the new property will not directly face onto the back of 7 and 6 Hawthorne Grove only the ends of their gardens. He expressed the view that overlooking of the gardens will be no worse than the Ash Grove house in Slide 3 and the main bedroom at the rear will be the homeowners; with work and family commitments making it unlikely to be used during daylight hours. He added that generally only when opening and closing the curtains will there be any overlooking of the neighbouring gardens, when they are unlikely to be in use and all gardens do have some degree of overlooking from first floor windows as has been stated in past Planning Inspectorate decisions.

Mr Brand expressed the view that the submitted illustrative house designs depth could be reduced slightly and possibly positioned slightly further forward to give extra garden depth. He pointed out that on slide 4 it shows the original rear bedroom window of No7 and the nearer extension bedroom window, with the original bedroom reduced to a box room study with boiler cupboard caused by the access corridor to the extension bathroom and bedroom, however, the slide does not clearly show the lean-to roof which obscures views into the ground floor windows.

Mr Brand expressed the opinion that in 30 years as an agent there has never been any guidance published in any of the Local Plans on separation distance requirements and it has always been the Officer's opinion on each application. He stated that the illustrative application drawing shows the bedroom window is offset 10.3m from the rear of the neighbours bedroom window and the 15m plus separation that will be achieved by a new house, in his opinion, is more than adequate considering bedrooms normal night time use and stated that you would also have to intentionally look towards No7 to see the window. He stated that if Members have concerns about the separation distance between windows the property could be handed as shown on Slide 5, so the distance is increased to 19m minimum.

Mr Brand stated that permission is sought for the erection of a house not a block of flats which could have a daytime lounge and kitchen overlooking the neighbouring properties on Hawthorne Grove and by making the proposed main adult bedroom at the rear and children's bedrooms at the front there will be minimal overlooking and loss of privacy to the Hawthorn Grove properties. He concluded by stating that the lost parking for No9 will be addressed by new off-street parking adjacent to the house similar to that shown in Slide 6.

Members asked Mr Brand the following questions:

- Councillor Cornwell stated that officers have stated that the proposal does not comply due to the inadequate amount of amenity space and added that Mr Brand had alluded that the dwelling could be moved forward slightly in order to gain some further space. He asked Mr Brand that if that was the case would it not interfere with the building line? Mr Brand stated

that the depth of the house could be reduced slightly by 2ft and then if the Planning Officers allowed the proposal to be moved forward by 1ft, then it would provide an additional 3ft of garden space. He added that currently there is a 7 metre deep rear garden and the minimum one third is 6.6 metre depth, which complies with the amenity space requirements under LP16(h) of the Local Plan. He stated that it is not the final design and the plans could be revised by shrinking the house size down by 2ft and bringing the proposal forward by 1ft. Councillor Cornwell stated that the proposal is already in advance of the building line in Acacia Grove anyway and he would not expect that the Mr Brand would want to bring the dwelling any further forward. Mr Brand stated that in Ash Grove the dwellings are only set back 3 metres from the back of the footway. Councillor Cornwell stated that this proposal is not in Ash Grove and cannot be used as a comparison as each application is considered on its own merits.

Members asked officers the following questions:

- Councillor Sutton stated that if the agent wanted to move the proposal forward by another foot, would officers agree? David Rowen stated that when a new house is being constructed, a foot is only a negligible amount and by moving the house a further foot forward, although it would not have an impact on the street scene of Acacia Grove, consideration would have to be given with regard to what would be achieved in terms of further separation and overcome the overlooking issue at the back and a foot in distance would not achieve a great deal.
- Nick Harding stated that members also need to be mindful of the consequences beyond the building line issue that may arise. He added that if the house is moved forward slightly, there is currently parking in front of the proposed garage on the indicative plan and if that car parking space in front of the garage is only currently within the allowable amount on which you can park a car and the space is reduced, there is the issue of a car overhanging the pavement which is not something that officers would endorse.
- Councillor Mrs French stated that she would be concerned if the dwelling was moved forward and added that there are already parking issues in that area. She asked whether it was possible that the proposal could be a dorma bungalow which would overcome the issue of overlooking and possibly alleviate some of the neighbours' concerns. David Rowen explained that the application is for a 2 storey dwelling and added that to overcome the issue of overlooking by erecting a dorma bungalow would then bring forward an issue in terms of how a dorma bungalow would fit into the street scene in terms of character and appearance when the predominant form of development in the Hawthorne Grove and Acacia Grove corner are 2 storey type of dwellings.

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

- Councillor Murphy expressed the view that he feels very strongly when it comes to the issue of overlooking. He added that he feels very sorry for the residents of 6 Hawthorne Grove who are suffering from constant overlooking.
- Councillor Meekins stated that he agrees with the points raised by Councillor Murphy and he added that, in this case, it maybe necessary to consider the comments of the neighbouring properties as they will be the ones who will be directly affected. He added he has considered the comments made by Councillor Mrs French with regard to the car parking issues and the traffic congestion. Councillor Meekins added that he will be opposing the application.
- Councillor Skoulding stated that he cannot see an issue with the application and stated that it could be altered so that the garage could be moved to the other side to alleviate some of the issues.
- Councillor Mrs Davis stated that she agrees with the officer's recommendation and she expressed the opinion that the dwelling does not fit in the space provided.
- Councillor Sutton stated that he cannot support this application. He added that the proposal does not conform with national guidance and, in his opinion, the house should not be brought forward. He added that he agrees with the comments made by Councillor Mrs

Davis.

- Councillor Cornwell stated that the application has many short comings, and, in his opinion, the officers have made the right recommendation.
- Councillor Mrs French expressed the view that in principle the site could accommodate the dwelling, but she does not agree with the overlooking and suggest that the applicant reviews the plans and brings another proposal back to the planning officers without any overlooking.
- Councillor Benney stated that he agrees with the comments made by other members with regard to the proposal being shoehorned into the space and agrees with the officer's recommendation.
- Councillor Purser expressed the view that he agrees with the officer's recommendation and he cannot support the application.
- Nick Harding clarified with members that with regard to his earlier comments in the previous application, the point he was making was that when determining applications, a decision should not be made on the basis of the number of supporters or objectors to a scheme. The detail of what each individual person is saying should be taken into account and its relevance considered from a planning perspective on the proposal before members and in the context of material planning considerations and planning policy.
- Councillor Connor stated that he has listened to the debate and agrees with the comments made. He added that with regard to the comments made by Councillor Mrs French he agrees that it could be a building plot for something else if the agent and applicant liaise with officers.

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

(Councillors Mrs French, Purser and Skoulding declared under Paragraph 14 of the Code of Conduct on Planning Matters that they are members of March Town Council, but take no part in planning matters)

P72/20

F/YR20/1155/O

**LAND NORTH WEST OF WINGFIELD, STATION ROAD, WISBECH ST MARY.
ERECT UP TO 1NO DWELLING (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, the Agent.

Mr Slater stated that members will remember that at the last planning committee they determined a site on the edge of Guyhirn for infill development and it was concluded that material planning circumstances relating to the site and its surroundings were such that spatial planning policy could be outweighed by other material circumstances. He added that in some ways the consideration of this application is similar as it is for an infill plot within a linear form of development on the edge of the village.

Mr Slater suggested that, given the status of Wisbech St Mary as a growth village and the level of local services and facilities within the village, is material and that it in Fenland terms this site is in a sustainable and accessible location. He stated that members will be aware that the aim of the planning system as set out in the National Planning Policy Framework, (NPPF), and quoted in most committee reports is to secure sustainable development.

Mr Slater added that it is contended that the range of good and services available within walking or cycling distance to this new development on the edge of Wisbech St Mary is superior to that

available to new dwellings that are permitted within the centre of much smaller villages in the district, which have a much lower level of services and facilities, and many new developments have been approved in the smaller villages in recent years. He acknowledged that the appeal decision is clearly material to the consideration of this application and the officer places great weight on this in their report.

Mr Slater stated that the Appeal Inspector gave great weight to the Local Plan in his decision as it was newly adopted and up to date in April 2015, however, in his view, this is no longer the case as the plan is now clearly dated as the Council is now preparing a new plan. He stated that given the weight attributed to the plan at the time, the Inspector took a strict interpretation of LP12 confirming that he did not consider that the site was part of the built form and at that point he concluded that it was not in conformity and dismissed the appeal; there was no real secondary consideration of other issues.

Mr Slater expressed the view that in the interim, the plan is now dated and there have been 2 new versions of the NPPF which have moved the planning agenda on with greater weight placed on delivering new homes and acknowledgement in paragraph 77-78 of the NPPF of the need for rural homes to enable rural communities to grow and thrive. He stated that there are no technical objections to the proposal; it lies within Flood Zone one and has the support of the Parish Council and it is, therefore, concluded that the proposal can be regarded as being sustainable infill development and that the local plan policies are now dated such that other considerations can be given greater weight in decision making and, therefore, requested that permission be granted.

Members asked Mr Slater the following questions:

- Councillor Murphy advised Mr Slater that the Local Plan is still in place and is likely to be the case for the next 18 months to 2 years. Mr Slater stated that he is aware of the status of the Local Plan.
- Councillor Cornwell asked Mr Slater whether there is any residential property to the north of the site or is Wingfield the last residential property? Mr Slater stated it is the last residential property and it is commercial development beyond that.

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

- Councillor Cornwell stated that at 5.3 of the officer's report, it states that Environmental Services appear to have concerns over the biomass boilers at the greenhouses, but have no concerns over light pollution upon residential properties. He stated that light pollution is a considerable issue in the locality, and he would ask officers to raise this point with that department.
- Councillor Sutton expressed the opinion that he does not believe that the Local Plan is out of date and is having to be reviewed due to Central Government policies. He stated that he recalls the appeal decision as the Council incurred costs and added that whilst he can see the argument on both sides, he has made it clear in the past that different Appeal Inspectors have different opinions. He added that he is yet to decide on how he will vote on this application.
- Councillor Benney expressed the view that this application cannot be classed as being in the open countryside. He added that it is a large piece of land and there is the need for housing to be delivered and, in his view, the piece of land is at the end of the road and there would be no more development beyond the proposal site, unless Volmary sell up, which he feels is unlikely. Councillor Benney stated it is in Flood Zone 1 and is ideal for development, and he is surprised the proposal is only for one dwelling. He expressed the opinion that when you enter a village it is pleasing to see a nice smart looking dwelling and, in his opinion, Wingfield is not one of the most attractive dwellings he has seen and to have a nice new bungalow will set the scene for when visitors arrive in Wisbech St Mary. Councillor Benney stated that the application has the support of the Parish Council and also the local Ward Councillor and, in his opinion, looking at the site and what it delivers, it will be a nice dwelling for somebody and it will deliver a nice quality development for a family. He stated that he will be going against the officer's recommendation.

- Councillor Meekins stated that he disagrees with the comments made by Councillor Benney and stated that the proposal is adjacent to his ward and he knows the area well. He stated that the Local Plan is still in operation and there have been appeal decisions made on the site before and the Inspector rejected it. Councillor Meekins added that it is potentially the last building on the site and expressed the view that the proposal does go against the Local Plan and, in his opinion, Wisbech St Mary is becoming very built up and he cannot see how one more house there is going to go towards the housing requirement in Fenland. He stated that the proposal goes against the Local Plan and he will be supporting the officer's recommendation for refusal.
- Councillor Connor stated that he agrees with the comments made by Councillor Benney and added that it will make a very nice bungalow for somebody and stated that there have been no objections to the application and the local ward member supports the proposal. He stated that he will voting against the officer's recommendation and will be supporting the application.
- Councillor Cornwell stated that he asked Mr Slater deliberately whether there was any development to the north of the plot and clearly there is not and he added that the reasons for refusal is due to the proposal not adjoining the developed built footprint of the settlement of Wisbech St Mary. He referred to the plan on page 59 of the officer's report, it shows that there are properties to the south, so there is linear development there. Councillor Cornwell expressed the view that the proposal would finish off that side of the road and the entry to the village of Wisbech St Mary and he will be voting against the officer's recommendation.
- Councillor Skoulding stated that he agrees with Councillor Cornwell, it is in the village of Wisbech St Mary and falls within the 30mph speed limit and he will be voting against the officer's recommendation.
- Councillor Marks stated that he agrees with Councillors Skoulding and Cornwells comments. He added that there is a clear demarcation by the glasshouse gates and at the present time land is very scarce and people want to build houses and for that reason he thinks the proposal should be approved.
- David Rowen stated that the Inspectors decision in 2015 clearly considered the surroundings of the site, the proximity of Volmary and the existence of housing adjacent to the site and concluded that the site was in an unsustainable location. He added that there is a need to deliver housing, however, there is a 5 year land supply, the housing delivery tests have been met and the NPPF also balances the requirement to deliver housing alongside the requirement to deliver sustainable development. David Rowen added that there have been numerous appeal decisions which have come in which have concluded that the contribution of one dwelling towards the 5 year land supply is not a significant contribution to justify going against planning policy. He stated that in this instance consideration needs to be given as to whether the proposal forms part of the continuous built form as set out in the policy of the Local Plan, referring to paragraph 10.8 of the officers report where it sets out the Inspectors conclusion in the previous appeal decision giving a definition of where the built form finishes. David Rowen stated that members need to consider if they are minded to approve the application against the officer's recommendation what justification they have to substantiate the Inspectors decision 6 years ago was incorrect. He added that Nick Harding had stated earlier that the fact that the ward member and the Parish Council have no objection to the application is not in itself a determining factor as to whether planning permission should be granted.
- Stephen Turnbull stated that there is a legal duty on the committee to determine in accordance with the adopted Local Plan, unless there are material planning considerations indicating otherwise. He added that the fact that the Parish Council and local member support or oppose the application is not a material planning consideration.

Proposed by Councillor Benney, seconded by Councillor Skoulding and decided that the application be APPROVED against the officer's recommendation with the conditions imposed on the planning permission to be agreed in conjunction with the Chairman, Councillor Benney and Councillor Skoulding.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposal is not located in the open countryside, the proposal will enhance the area and LP12 of the Fenland Local Plan is a subjective point which they do not agree with in this case. Councillor Benney also added that there appears to be no consistency when applications are determined by the Planning Inspectorate.

(Councillor Mrs Mayor had left the meeting prior to the vote taking place on this item and took no further part in the meeting thereon)

P73/20

F/YR20/1177/O

LAND SOUTH EAST OF CORNER BARN, MOUTH LANE, GUYHIRN.ERECT UP TO 2NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the Agent.

Mr Edwards explained that the application has the support of neighbouring properties and the Parish Council and acknowledged the comments made by them that they support the proposal, but they would prefer a single dwelling and added that his client would accept this if that would be preferential to the committee. He added that that the layout is purely indicative with only access committed at this stage, and with the site falling within Flood Zone 3, it is no different to many other developments within the district and the submitted Flood Risk Assessment demonstrates that the scheme can be made technically safe from flooding.

Mr Edwards explained that with regards to the finished floor level of the development it should be noted that the dwelling is required to be lifted 1.0m above the existing land level whereas a development approved by the committee at the last meeting in Guyhirn required the finished floor lifting higher from the existing ground level than required, and as the report states the Environment Agency have no objection to the proposal. He added that the site is in a continual line of development except for the current site that meanders around the road and the stretch from the original impressive farmhouse of Inlays Farm incorporates two barn conversions both of a high quality and then the newly converted former agricultural building known as the Stables which has recently been completed as a dwelling and is adjacent to the site. He stated that the other side of the site is the applicants own dwelling which again is an executive styled dwelling which sits very comfortably in the street scene and the plot was approved by this committee against officer's recommendation.

Mr Edwards expressed the opinion that this stretch of dwellings is then finished with the replacement bungalow Newbury Lodge, with this and the original farmhouse are the only properties that the applicant has not been involved in and the dwellings in this area are of a high standard and finish adding that the proposal in front of members, whether for one or two dwellings will be of the same quality and will enhance the area. He explained that the indicative layout shows two executive barn styled properties which because of the host property could well have existed and reads as a complete ~~ended~~

Mr Edwards stated that the site is served via an existing access on to Mouth Lane and the site is agricultural at present, but of a size that is no longer commercially viable to farm and with the built form around it lends itself to a residential site. He expressed the view that the proposal makes the best use of the land and will finish off this part of the village and the lane.

Members asked Mr Edwards the following questions:

- Councillor Benney asked Mr Edwards to clarify why the sequential test that was submitted with the application did not cover a larger area as alluded to by David Rowen in his presentation. Mr Edwards stated that the reason was to be consistent with previous scenarios. The proposal is in Flood Zone 3 and whilst there is the potential for development in Guyhirn in Flood Zone 1, he has an approved recommendation for the Flood Risk Assessment from the Environment Agency which, in his opinion, should take a precedence.

Members asked officer's the following questions:

- Councillor Meekins stated that Mr Edwards has stated that the applicant would be happy if permission was only granted for one dwelling and he asked officers if they would prefer if the application was only for one dwelling rather than two? David Rowen stated that if the application were to be for a single dwelling, the recommendation would not change given the clear conflict with Local Plan policy.

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

- Councillor Cornwell stated that this is another application where the Local Plan does not acknowledge the situation of what he would call hamlets. He added that he was surprised to see how the area has been upgraded over the years to become a tiny hamlet based on the original farm.
- Nick Harding stated that when the Council started to prepare the adopted Local Plan it made decisions over its spatial strategy, which means that the Council has its housing requirement that it needs to satisfy and the Council makes choices about how that growth will be distributed across the district and in doing so makes decisions how that growth will be distributed amongst the rural settlements and hamlets. He added that the Council made a purposeful decision not to allow growth to take place in hamlets and this was included in the current Local Plan.
- Councillor Mrs Davis stated that when taking the Local Plan into consideration the application is in an elsewhere location and the officer's recommendation should be agreed with.
- Councillor Benney stated that he takes a different view and added that not everybody wishes to live in a standard dwelling and this proposal will become a nice dwelling. He stated that Fenland needs to attract people to the area that will bring their money with them, with many people choosing to live in rural areas and stated that the current policy blocks that and is detrimental to the area and, in his opinion, the application will be a nice addition to the area. Councillor Benney expressed the view that individual houses will make an area individual and special and there is the need to build quality developments in an area. He expressed the opinion that why should the Council put a block on people having what they want and stated that if somebody is prepared to buy a plot and build two nice houses on it, the proposal should be welcomed and encouraged. Councillor Benney stated that this is all part of Covid recovery, and employment and boosting the economy should be encouraged in the area. He expressed the opinion that if the plots come onto the market, they will not be on the market for long as somebody will buy them and deliver high quality housing. He added there are no objections to the application, and he will be voting against the officer's recommendation on this proposal.
- Councillor Murphy stated that the Local Plan is in place for a reason and he added that the application is in Flood Zone 3 and there should be no development in that flood zone and he will vote to support the officer's recommendation.
- Councillor Mrs Davis stated that an elsewhere location is exactly that as is a hamlet and she added that area has been determined as an elsewhere location. She expressed the view that the Local Plan is in place for a reason and just because a dwelling would look nice in a rural location, does not make it acceptable or right. Councillor Mrs Davis stated that she will be voting to support the officer's recommendation.
- Councillor Sutton stated that the issues with this application are twofold and added that the first issue is that it is in Flood Zone 3 and secondly there have been recent overturns when

determining planning applications and he expressed the opinion that the committee's decision making needs to be consistent. He stated that due to recent approvals given where the committee has gone against the officer's recommendation, the only way to remain consistent is to approve the application.

- Councillor Skoulding stated that North Level Internal Drainage Board, have made no comments on the application and if they had identified an issue then they would have commented.
- Councillor Meekins stated that Mr Edwards has stated when asked about the sequential test that there is land available in Guyhirn where the properties could be built. He added that he is concerned that by going against recommendations of professional officers and legal professionals as the committee have already done so will end up with the Council encountering repercussions.
- Councillor Marks stated that it is not only Flood Zone 3 that has encountered flooding issues, both Flood Zones 1 and 2 have suffered from recent flooding problems. He expressed the view that the focus appears to be with concerns surrounding Flood Zone 3, but as has been seen, other zones can also encounter flooding issues. Councillor Marks added that the drainage board have stated that they do not have an issue, and, in his opinion, he does see any concerns with the proposal.
- Councillor Cornwell stated that flood zone issues get misconstrued and added that this issue centres around the River Nene as opposed to the Internal Drainage Board areas. He added that when he made the point earlier with regard to hamlets, it did not mean he was supporting the application. Councillor Cornwell expressed the view that over the past few meetings the committee have made different decisions concerning applications in elsewhere locations and in his opinion until there is a new Fenland Local Plan in place to help members determine applications in elsewhere locations, the committee should be adhering to the Local Plan which is still current.
- Councillor Benney stated that the Council are looking to bring forward the Nene Waterfront Development, which is in Flood Zone 3, which is by the harbour in Wisbech and the Council are bringing forward their own land for development. He added that if mitigation measures can be put in place for the Waterfront development, they can also be put in place for the proposal before members. Councillor Benney added that there needs to be consistency when deciding what parts of Flood Zone 3 are built on and there has been the same issues raised at various different planning meetings, but it does not mean you cannot build on it, but there has to be mitigation in place to cope with it. Councillor Benney stated that Mr Edwards has already confirmed that he intends to build the land up slightly, but not as much as an application that was previously approved for a site in Guyhirn and if members are looking to be consistent then this application should be approved.
- Councillor Mrs French referred to a point made by Councillor Meekins with regard to decisions made against officers recommendations and she stated that as a member of the committee it is your fundamental right to overturn planning applications as you see fit. She added that with regard to flooding there were 3 serious episodes of flooding in March last year in Flood Zone 1, and an ongoing piece of work is being undertaken by County Council to address the issues. She added that funding has been applied for from Central Government to alleviate flooding issues across the whole of Fenland. Councillor Mrs French stated that she agrees with Councillor Sutton that if this application is not approved there is no consistency in place.
- Councillor Mrs Davis stated that the recommendation for refusal on this application is not just based on Flood Zone 3, it is an elsewhere location and the current Local Plan is quite clear in its guidance.
- Nick Harding stated that whilst a number of members of the committee disagree with the adopted Local Plan, there must be an acceptance that it is the adopted Local Plan for the Fenland District area and the legislation is quite clear and states that it is the primary source when decision making on planning applications. He added that to go against the policy, there must be specific and special reasons that are associated with this specific development and from the comments made by members this afternoon they appear to be

general points, which are nonspecific to the application. He added that, in his opinion, there does not appear to be any specific exceptional circumstances that have been cited, which could mean that the committee could go against planning policy in this case. Nick Harding stated that the Environment Agency are only interested in the submitted Flood Risk Assessment and are not interested in the application of the sequential test and that responsibility lies with the District Council. He added that the Environment Agency only look at the technical information which has identified what the risks are and where they come from and also what the level of water would be in the event of a breach or storm event. Nick Harding stated that the Internal Drainage Board are also only interested in how surface water from the site will be disposed of and if it goes into their system they want to ensure it is correctly designed and they will receive reimbursement for accepting the water. He added that it is clear in Government Policy that the sequential test has to be followed and development has to be located in those locations where flood risk is at its least. Nick Harding advised that Government policy does distinguish between certain geographical area types and the policy does accept that urban areas, which are located adjacent to a river does have a flood risk, but you are allowed to mitigate it by raising floor levels. He stated that in this case the application site is in an elsewhere location and the Council's own policy and National Policy states that development should not be allowed in those locations.

- Councillor Marks asked what other sources should members consider when determining applications and Nick Harding confirmed that the National Planning Policy Framework and the Planning Practice Guidance are sources of information and the Council also has a Supplementary Planning Guidance document which is adopted in respect of how flood risk is dealt with. Nick Harding stated that the officer's recommendation on this application is based on the demonstration that the development proposal does not comply with the relevant local and national planning policies. Councillor Marks asked for confirmation that by putting the mitigation measures in place by raising the floor level is it still deemed to be unacceptable? Nick Harding stated that is not permissible because Government policy states that you have to go through the sequential test and only if that is passed and, where appropriate the exceptions test, a mitigation scheme is then permitted.
- Councillor Meekins stated that you cannot compare the proposal before members and the Nene Waterfront Development when Wisbech has flood defences in place to protect it in the event of a breach.
- Councillor Benney stated that whatever mitigation is put in place will never be enough and the chances of Wisbech flooding are still high even with the flood defences in place.
- Councillor Sutton expressed the view that a conclusive decision should be made with regard to whether development in Flood Zone 3 is permissible or not. He added that there is far more chance of Wisbech flooding as opposed to any other area in Fenland.

Proposed by Councillor Mrs Davis, seconded by Councillor Meekins that the application be refused as per the officer's recommendation. This proposal was not supported on a vote by the majority of members

Proposed by Councillor Marks, seconded by Councillor Mrs French and decided that the application be APPROVED against the officer's recommendation with the conditions imposed on the planning permission being agreed in conjunction with the Chairman, Councillor Marks, and Councillor Mrs French.

Members did not support the officer's recommendation of refusal of planning permission as they feel that flood risk is not an issue on this site, whilst there may be other sequentially preferable sites in the area these are not owned by the applicant and the benefits of the proposal outweigh the negative aspects.

(Councillor Murphy had left the meeting prior to the vote taking place on this item and took no further part in the meeting thereon)

3.42 pm

Chairman