

PLANNING COMMITTEE



WEDNESDAY, 3 FEBRUARY 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), 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), Alison Hoffman (Senior Development Officer), Gavin Taylor (Senior Development Officer), Nick Thrower (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P63/20 APPOINTMENT OF VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2020 - 2021

It was proposed by Councillor Connor, seconded by Councillor Mrs French and resolved that Councillor Mrs Davis be elected as Vice-Chairman of the Planning Committee for the remainder of the Municipal Year, 2020/21.

**P64/20 F/YR20/1017/O
LAND SOUTH EAST OF DOVE COTTAGE, GULL ROAD, GUYHIRN.ERECT UP TO 4 X DWELLINGS AND THE FORMATION OF 3 X VEHICULAR ACCESSES INVOLVING THE DEMOLITION OF AN EXISTING OUTBUILDING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Nicholas Thrower presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure, from Mr Tim Slater the agent.

Mr Slater advised that he was speaking on behalf of the applicant and Peter Humphrey Associates (as agent) in relation to this proposal. He expressed the view that he is mindful over the provisions of LP3 and LP12 of the Local Plan, but it is clear that in this instance that other material considerations are relevant and should be given significant weight in decision making, particularly in respect to this site, reference is made to be numerous recent planning permissions along Gull Road, which have individually and cumulatively, fundamentally changed the character of this road and set a number of precedents, which are relevant to the proposal before the committee, but notwithstanding the fact that the councils public access mapping search function has not worked for over a week now, and the research that he has carried out indicates that there are about a dozen new plots approved along the stretch of Gull Road since the adoption of the Local plan in 2014.

Mr Slater stated that it is acknowledged that there have been refusals along Gull Road and it is contended that the character of this area has changed in the interim and that the open character with intermittent buildings that LP3 sought to protect is now no longer the case and this area is in essence now a linear settlement within which this proposal is infill within an existing gap and this

change in circumstance is considered material to the determination of the application. He explained that he is aware that the Local Plan is now somewhat dated and is undergoing a review, and he hopes that the emerging plan will recognise the changing character of not only of Guyhirn, but other similar settlements.

Mr Slater expressed the view that the changing character of the settlement is acknowledged within the response of the Parish Council, who support the application, which he welcomes and that there are no technical or environmental constraints to the development going ahead. He stated that the previous applications on this site included additional land in Flood Zone 3, which he has now removed from this application to address the concerns in relation to flood risk.

Mr Slater stated that it is proposed to design the Reserved Matters submission to accord with the recommendation from the accompanying Flood Risk Assessment, with matters of scale and impact to be fully assessed at that stage, and it is noted that an objection refers to adverse impacts on residential amenity, however, it is reiterated that the application is made in outline only and that the layout and appearance of the buildings do not form part of this application and are intended for illustrative purposes only. He explained that the National Planning Policy Framework (NPPF) and much of the Government White Paper is seeking to deliver more new homes to meet need and the application before members is considered to be consistent with those aims, which no doubt will be rolled forward into the emerging Local Plan.

Mr Slater added that the proposal is consistent with a significant number of planning decisions made by the Council in the last 5 years in respect to infill development along Gull Road, there are no technical constraints to development, with the proposal being consistent with the aims of the NPPF and, therefore, the changes to material considerations surrounding the site are sufficient to outweigh the outdated policies referred to in the recommendation.

Members asked Mr Slater the following questions:

- Councillor Benney asked Mr Slater to clarify that, if planning permission is granted, then flood mitigation steps will be put in place to build the land up above the flooding level? Mr Slater confirmed that the application is an outline application and all matters that come forward as Reserved Matters applications by planning law must be consistent with the outline planning application. He added that the conclusion of the Flood Risk Assessment require the finish of the floor levels to be 1.1 metres above the existing levels and this will be done within the Reserved Matters and at that point matters of scale and impact can be assessed by the Local Planning Authority.
- Councillor Sutton stated that he cannot understand why it needs raising by 1.1 metres if it is in Flood Zone 1. Mr Slater stated that it is set out in the Flood Risk Assessment and in the event of a flood breach of the defences that is what the recommendation is of the Drainage Engineer in this case.
- Councillor Meekins stated that the point has been made regarding the Fenland Local Plan being outdated, but the current Local Plan is the one that must be adhered to. He referred to a previous application in 2018, which is for dwellings on land to the south of the application being determined, and asked whether it is for the same applicant? Mr Slater stated that he is not aware of the land ownership details of the other site. Councillor Meekins added that his concern is that if planning permission is granted for four houses in a linear development, which is contrary to the current Local Plan, it could be used as a precedent to build another four houses on the adjacent land.

Members asked officer's the following questions:

- Councillor Cornwell stated that the photograph provided to members is not up to date as there is a development north of Dove Cottage, which is marked on some of the plans. He asked officers to clarify what the substantial difference is between the site which is currently being developed north of Dove Cottage and the application before members? Nicholas Thrower confirmed that there is currently a development of four dwellings to the north of

Dove Cottage, which is a 2016 planning application, which was reported to the Planning Committee and recommended by officers for refusal. The decision of the committee at the time was to grant planning permission given the shortfall at the time of the 5-year housing land supply. Councillor Cornwell stated that if the application is refused today what would be the chances of the Council losing at an appeal hearing, because, in his view, there is very little difference between the proposal site and that of the one that is being constructed. Nick Harding stated that as Nicholas Thrower has explained that the difference now is that at that time there was no 5 year land supply, whereas now there is, and under the Government's rules when you have not got a 5 year land supply there was in place something called the tilted balance and, therefore, there is greater presumption in favour of development than there would otherwise be and that is why planning permission was approved for the four dwellings to the north of Dove Cottage. Nick Harding added that members are aware that planning applications need to be determined in accordance with the Fenland Local Plan and the key issue with this application is the fact that only small scale infill is allowed and the gap between the development on either side of the site is very significant hence the officers recommendation for refusal. Councillor Cornwell stated that at 1.6 of the report it refers to harm to the character and appearance of the area and, in his opinion, the whole area has changed over a number of years with Gull Road now being like an extension to the village of Guyhirn. He added that he understands the comments made with regard to the earlier dwellings being built out under different rules, but he finds it strange that the officer's recommendation is for refusal when the rest of the area is built on.

- Councillor Benney expressed the opinion that the application is infill and asked for confirmation from officers concerning applications in the vicinity. Nicholas Thrower confirmed that the 2016 application was determined by the Planning Committee in 2018 and is now being built out. He added that the 2020 scheme referred to is a revised scheme on the same site and that was delegated due to the previous decision that was in place and was implementable.

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

- Councillor Benney stated that there are 4 plots currently being built out in the vicinity of Dove Cottage and he cannot see how the application can be refused. He added that the proposal is in Flood Zone 1 and, in his view, he cannot see anything wrong with the application and he concurs with the comments made by Councillor Cornwell that the character of the area has changed significantly over the years and there is the need for nice houses in the area. He stated that he will be approving the application.
- Councillor Sutton stated that the developments in the area have a history and he referred to a previous application on the opposite side of the road, which was recommended for refusal and was overturned. He expressed the view that the four dwellings currently being built were also recommended for refusal and that was decision was also overturned by members. Councillor Sutton appreciated that officers are sticking rigidly to the Local Plan, but made the point that each application should be looked at on its own merits and members of the committee must be consistent in their decision making.

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

Members did not support the officer's recommendation of refusal of planning permission as they feel that it would not be over urbanisation as it is already urbanised with other applications that have been approved which has set a precedent and would not be detrimental to the character of the area.

P65/20

F/YR20/1082/F

**LAND WEST OF SUNSET ROOMS, STATION ROAD, WISBECH ST MARY.ERECT
6 X DWELLINGS (2-STOREY 3-BED)**

Alison Hoffman presented the report to members.

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

Mr Edwards explained that the application is for 6 dwellings at land west of the former Sunset Rooms, Station Road, Wisbech St Mary, with the application being before the committee with the support of officers, following the granting of permission for 3 other dwellings on the site and made the point that he has worked closely with Planning Officers making the revisions as required to obtain their recommendation of approval. He stated that the site is within Flood Zone 1, which is unlike most of the village, and it abuts the built form as it was part of the car park for the former Sunset Rooms, which is previously developed land and as the report states Wisbech St Mary is a growth village where development will be appropriate either within the existing urban area or as a small village extension.

Mr Edwards stated that the site is served via an existing access, which used to serve the Sunset Rooms and historically had a vast amount of traffic using it, with the proposal making the best use of the land and finishing off this part of the village. He asked the committee to support the officer's recommendation and approve the application with the conditions recommended.

Members asked Mr Edwards the following questions:

- Councillor Sutton asked for confirmation as to whether the land ownership also includes the road and also riparian ownership for the ditch, which is in a poor state. He asked for clarity as to how details of the riparian ownership will be conveyed to the new owners and whether an informative could be added so that the condition of the ditch can be improved? Mr Edwards stated that it is his understanding that as it is riparian then permission needs to be sought in order to carry out any works on the ditch with the opposite side. Councillor Sutton stated that he cannot imagine that the other party would not wish to engage to have works carried out on the ditch and he added that if the application was approved then an informative should be added.
- Councillor Mrs French referred to the recent reports of flooding that she has been receiving and stated that there needs to be an element of follow up work undertaken with regard to ensuring that those responsible maintain the areas of dykes they are accountable for. She added that she will support the application if there is a condition included that the surface water is managed correctly and not left to flood the rest of Wisbech St Mary.

Members asked officers the following questions:

- Councillor Sutton asked for clarity that the footprint for the outline planning permission is the same or very similar to the proposal before members. Alison Hoffman stated that it is a different form of development, so it is not exactly the same, but as part of the presentation that was shown to members a comparison and contrast of the two schemes was shown. She added that due to the nature of the roadway a similar position would have to be adopted and the current development layout is more preferential in terms of the relationship of the property that sides on to the end of the site and the earlier application was an outline application, which did not commit the layout, so this application has to be looked at in its own right.
- Alison Hoffman referred to an earlier comment made with regard to additional conditions with regard to surface water and added that surface water would fall under the remit of Building Regulations. She added that applying drainage conditions in this case would not necessarily meet the tests outlined in the NPPF in that such matters would be dealt with under Building Regulations and North Level Internal Drainage Board have not raised any comment regarding the drainage ditch. Nick Harding stated that he concurs with Alison Hoffman but added that if members wished to add an informative to remind future occupants of their riparian responsibilities that could be considered.

- Councillor Marks referred to 5.5 regarding refuse collection and asked that if the homeowners are going to make their own private arrangements for refuse collections would that still be the same size vehicle as a normal refuse freighter? Alison Hoffman stated that the issue is the constraints of the access point, there isn't an accessible point to place the bins and the fact that the bin travel distance exceeds the RECAP guidelines. She added that as part of the conditions, a refuse collection strategy would have to be submitted, which would identify what the arrangements would be put in place, what the individual obligations of the homeowners would be with regard to presenting their bins for collection and it would be for the refuse contractor who is providing the service to specify what types of vehicle would be used. She stated that the officer's role would be to secure a bin collection service and not to drill down into the finer detail. Nick Harding added that the road is going to be a private road and the Council's refuse freighters do not access properties on private roads for fear of any damage caused which could then make the Council liable. However, the service could be delivered by the authority if an indemnity was received from the owner of the road.

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

- Councillor Sutton stated that he has read the report thoroughly and it is always good to see Agents and Officers working proactively together. He thinks that the proposal is beneficial to the village and fully supports the officer's recommendation.
- Councillor Cornwell asked whether the end of the lane, which always used to serve the car park at the bottom for the large community centre, is to be blocked off or will it become an access or egress point for the community centre. Councillor Sutton stated that he drove in off Station Road and drove out on Beechings Close as it is currently open, and he was able to drive straight through.
- Councillor Mrs Mayor stated that she does not have an issue with the application, but she is concerned with the issue of the drain, although she appreciates that North Level IDB have said that they have no comment to make. She added that the drain needs to be looked at and she would like to see officers carry out further investigation work to ensure that it is maintained properly.

Proposed by Councillor Sutton, seconded by Councillor Mrs French and decided that the application be APPROVED, as per the officer's recommendation, with the addition of an informative to the permission in relation to the drain.

P66/20

F/YR20/1090/O

**LAND NORTH OF, SPRINGFIELDS, EASTREA.ERECT UP TO 5 X DWELLINGS
(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF
ACCESS)**

Gavin Taylor presented the report to members.

Members received a written representation, read out by Gavin Taylor, from Councillor Bob Wicks, ward councillor.

"Thank you for the opportunity to present this further information. As you are all aware that prior to Christmas we had substantial rainfall which resulted in an amount of flooding in the county and failure of a number of Sewerage pumping stations in the Coates, Eastrea and Turves ward. These pumping stations were at Coates, Eastrea (Drybread Road) and Aliwal Road. While the failure of the Eastrea station did not cause the same outcome as in Coates, residents of Springfield did experience a backup of effluents which did result in the restriction of their access to sanitary provision. This was particularly the case at the far end of Springfields, close to the proposed development. The actual cause of the failure is being investigated at this time by Anglian Water".

Members received a presentation, in accordance with the public participation procedure, from Mr

David Broker, the Agent.

Mr Broker expressed the view that this is another marginal location where it does not quite fit with policy, but is very close to doing so and he compared it with Wype Road also in Eastrea. He stated that there are 3 reasons for the recommendation of refusal, one of which is Policy LP3 of the Local Plan with Eastrea being a small village where limited scale of residential infill will be allowed, secondly Policy LP12 Part 3 where development in the open country side and thirdly details of the means of access.

Mr Broker highlighted each aspect in turn and stated that Planning Committee members have considered similar locations elsewhere in Fenland and have ruled in favour of the necessity to sustain the growth of the rural settlements and pointed out that, at the last Planning Committee, members approved residential development in Wype Road Eastrea, which was supported by the Planning Officer and determined as infill. He expressed the opinion that infill has always been limited to 1 or 2 dwellings between existing residential units close by and he added that in that location there are no less than 6 dwellings, 3 very large houses previously approved and under construction, a farm access and 3 further dwellings which have been approved. He stated that further 2 dwellings have been constructed beyond the original last dwelling on that side of the road extending again into open countryside in a most prominent position.

Mr Broker pointed out that previously the Committee have questioned the terminology of open countryside again supporting limited development in such locations and added that whilst not wishing to get entwined with Wype Road Eastrea, the two sites draw very close comparisons as they are both at opposite ends of the village, both opposite to existing residential properties and both backing onto open farmland/countryside. He added that the application site before members is far less prominent with regard to being seen by the public and less obtrusive of views to the open countryside.

Mr Broker stated that with regard to the details of means of access, it has always been his understanding that small scale residential development of up to 5 units could be served off an un-adopted road, which the Common Road is, but the County Highways have insisted upon detailed road alignment and construction plans and have highlighted the need to obtain permission from the Department of the Environment as this 30m length of access is also a public byway or common road and they also require a 5m width of roadway when Springfield is in fact only 4.6m wide. He made the point that knowing that the scheme would be recommended for refusal and, after discussions with the Planning Officer, it was decided that given the substantial expense of the required professional detailed plans and the fact that obtaining permission from the Department of the Environment could take several months, the information has not been submitted, but stated that should the committee support the application such details for the access it will be provided.

Mr Broker added that there have been numerous comments concerning the access along Springfield and onto the A605, the Highways Authority has raised no objection on these matters and the applicant has made a written offer of a contribution toward infrastructure in the locality to the Whittlesey Town Council, but has received no response. He concluded by stating that if approved the application will assist in sustaining this small settlement.

Members asked officers the following questions:

- Councillor Cornwell stated that the Highways Authority appear to have concentrated on the width of Springfield, however, he does not see an issue with this, but highlighted that there appears to be an issue when Springfield meets the A605 when you cannot see on the right hand side, it is a blind spot and asked officers to confirm whether this concern has been identified? Gavin Taylor stated that he was aware of several concerns, which were highlighted by residents with regards to the constraints of the access and this was discussed with the Highways Officer, but there was no objections raised on those grounds on that basis and he added that if officers were going to propose to refuse an application on a technical ground, then there needs to be technical evidence or the support of the professionals to do that and, therefore, it was considered that there was insufficient evidence to warrant a recommendation for refusal on those grounds.

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

- Councillor Murphy stated that he has reviewed the application and expressed the view that the application site is in the open countryside, there is no way that the application can be classed as infill development and added that he agrees that the application is against LP3 and LP12 of the Local Plan, with the Local Plan still being current and needs to be taken into consideration. He expressed the view that the proposal is over development and added that Whittlesey Town Council have also agreed with the recommendation for refusal as well as 28 letters of objection to the proposal. He stated that he will supporting the officer's recommendation.
- Councillor Meekins stated that he concurs with the comments made by Councillor Murphy and added that the Local Plan needs to be adhered to and added that the Planning Officer has identified issues with regards to sewerage problems over the last few months. He referred to the 28 letters of objection and highlighted that 11 of the letters are from Springfields who do not agree to the proposal. Councillor Meekins stated that the Town Council, Highways, and residents are not in favour of the proposal and it does not accord with the Local Plan and, therefore, in his opinion the committee should be supporting the officer's recommendation for refusal.

Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be REFUSED as per the officer's recommendation.

(Councillor Connor registered, in accordance with Paragraph 3 of the Code of Conduct on Planning Matters that he was pre-determined on this application, and took no part in the discussion and voting thereon)

(Councillor Marks 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 that she is a member of Whittlesey Town Council's Planning Committee, but was not at the meeting when this application was discussed)

**P67/20 F/YR20/1112/F
ANAEROBIC DIGESTION PLANT, SOMERSET FARM, CANTS DROVE,
MURROW.FORMATION OF A DIGESTATE LAGOON WITH A 4.5M HIGH
SURROUNDING EARTH BUND AND A 1.2M HIGH CHAIN-LINK FENCE
(RELOCATION APPROVED UNDER F/YR18/0648/F)**

Alison Hoffman presented the report to members:

Members received a presentation, in accordance with the public participation procedure, from Mr Rob Edwards, the Agent

Mr Edwards stated that he represents the applicant, Adapt Biogas, as they seek to gain full planning permission for the construction of an anaerobic digester lagoon at Somerset Farm, which will replace an identical lagoon that gained planning permission from Fenland District Council in 2018, but remains unbuilt and the proposed location of the new lagoon is 105 metres to the east of the previous site proposed in 2018. He made the point that the footprint of the new lagoon partly overlaps that of the existing permission and the reason for changing the location is to avoid the need to divert a ditch, which passes through the western part of the previous application area and the new location also better integrates into the existing field boundaries.

Mr Edwards explained that the nearest properties to the application site are those on Cants Drove to the north and Gull Drove to the south and the new location does not involve building any closer to these properties than was previously proposed in the 2018 application. He stated that the applicant wishes to acknowledge that construction of the lagoon banks has already commenced, but this was completed under the control of the previous site management and the new site management team, which has been in place since early January, has since ceased works to await the planning decision.

Mr Edwards stated that the proposed lagoon is intended to serve the adjacent anaerobic digestion plant, trading as Murrow AD Plant Ltd, and the plant itself has been in operation for approximately 10 years, producing clean and renewable biogas from agricultural feedstocks. He stated that the site has recently successfully developed a connection to the National Grid gas transmission network, allowing biogas to be directly injected into the gas distribution and supply network, displacing fossil-fuel based natural gas use and this is the first development of its kind anywhere in the UK and is seen by National Grid as an exemplar project that it wishes to promote to other similar businesses in support of its decarbonisation agenda.

Mr Edwards explained to members that digestate is a bi-product of the anaerobic digestion process and it has a significant value for agricultural irrigation and fertilisation, replacing mains water and chemical based fertiliser respectively with associated environmental benefits. He stated that as irrigation and land-spreading is generally only required seasonally, storage capacity in the form of a lagoon is required which will fill during the winter months and be emptied over the growing season.

Mr Edwards advised that, in 2013, Fenland District Council gave planning permission for a digestate storage lagoon at this location and, in 2018, a second lagoon was granted planning permission to the east of the existing AD plant, but construction of this lagoon was not completed at the time, and it is now proposed to construct at an amended location as described. He made the point that all practical and operational details remain exactly as that previous permission, only the red line boundary has changed.

Mr Edwards stated that he is aware of the Parish Council's objection relating to traffic and odour, but he suggested that these issues are unchanged from the 2018 permission, and both are addressed through the current application and made the point that it remains the case that the

2018 permission can be lawfully implemented by the applicant should the current application not succeed. He stated that, in terms of concerns with regard to odour, reinforced plastic sheeting will be used to cover the lagoon, which will prevent surface water evaporation and wind stripping and, therefore, odour.

Mr Edwards stated that, of the five recommendations relating to odour provided by the Council's Environmental Health Officer, the applicant has confirmed that four have already been implemented and the fifth, relating to installation of a wind recording station on site, will be accommodated. He added that it is recognised that traffic generation is a sensitive issue and has been a key consideration for other applications at this location, but the operation of the lagoon itself will not generate significant traffic as it is filled by pipeline from the AD plant and emptied seasonally for irrigation to local agricultural land; the majority of these movements already occur through the operation of the first lagoon, but the current application will allow greater buffering capacity and, therefore, more even timings of vehicle movements throughout the spreading season.

Mr Edwards explained that the longer-term intention is that the additional digestate storage provided by the lagoon will allow more material from the adjacent farm to be treated through the digester (as opposed to being taken off-site as at present) facilitating a reduction in vehicle movements and the installation of the second lagoon will also support the business case for installation of an umbilical spreading system, reducing the long-term reliance on road transport. He stated that the addition of the lagoon will support the continued success of an innovative, high technology local business, allow better management of the process and cause little to no adverse effects and for this reason he would hope to see planning permission granted, with for the reasons described no additional conditions to the 2018 permission being justified, but respected that the final decision rests with the committee.

Members asked officers the following questions:

- Councillor Sutton referred to the presentation screen and asked for clarification to be provided on the dimensions on one of the slides as he wished to check that there was enough width to allow for maintenance of the existing drain. Officers confirmed that the measurements were 4.5 metres and 10.9 metres. Councillor Sutton stated that he would have like to have seen a slightly greater width than 4.5 metres included.

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

- Councillor Sutton stated that the road surface by the plant is in an awful condition and is not roadworthy for vehicles and the Highway Authority need to take steps to improve its condition.
- Councillor Connor stated that he is aware that road improvements were due to take place in Cants Drove by the Highway Authority.

Proposed by Councillor Sutton, seconded by Councillor Connor and decided that the application be APPROVED, as per the officer's recommendation, with an informative to added to the permission in relation to there being sufficient space to adequately maintain the drainage ditch.

(Councillor Mrs French left the meeting at 14.45pm and took no part in the discussion or voting on this item)

P68/20 PLANNING APPEALS.

Nick Harding presented the appeals report to members.

Members agreed to note the contents of the appeals report.

2.57 pm

Chairman