

PLANNING COMMITTEE



WEDNESDAY, 14 DECEMBER 2022 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton, Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor I Benney, Councillor C Marks and Councillor Mrs K Mayor,

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

P78/22 PREVIOUS MINUTES

The minutes of the previous meeting of the 16 November 2022, were agreed and signed as an accurate record, subject the following amendment.

- Councillor Sutton stated that under reference F/YR22/0764/F, within the third bullet point of the members debate, it should state that 'Councillor Sutton pointed out that Mr Slater is 'correct' in saying that there are passing places on Bar Drove as opposed to incorrect.

P79/22 F/YR22/1076/F LAND WEST OF 1 KING EDWARD ROAD, CHATTERIS ERECT 3 DWELLINGS (2-STOREY, 2-BED)

Nikki Carter presented the report to members and drew members attention to the update that had been circulated.

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

Members received a presentation, in accordance with the public participation procedure, from Councillor Alan Gowler of Chatteris Town Council. Councillor Gowler stated that he spoke on the application previously when it came before the committee in July and the view of the Town Council is still that the piece of land is derelict and suffering from anti-social behaviour, with the applicant clearing a number of hypodermic needles from the site. He added that the Town Council welcome the development of the piece of land and whilst it appears that the detail of the application has still to receive a recommendation of approval from officers, he expressed the view that he fails to understand particularly the concerns in relation to parking, when the proposal does offer parking and there are other places in the town of Chatteris which do not offer parking and therefore the proposal should be seen as a bonus rather than a detriment.

Councillor Gowler stated that the Town Council want to see the land developed and feel that the proposal is in keeping with the local area. He added that there are some very dilapidated buildings around it which could also be refurbished and, in his view, it is unfair to compare them to a new property which would provide welcome accommodation to the people of the town.

Members asked Councillor Gowler the following questions:

- Councillor Sutton stated that members spend time reviewing applications and he also looks at the comments and opinions made by the Town and Parish Councils and where possible he always tries to support them within the realms of what is permissible. He made the point that when reviewing the previous applications on the site, application F/YR16/1138/O was for 2 dwellings, which was not supported by the Town Council, however, it appears to be supporting the current proposal which is for three dwellings and he finds it difficult to be able to relate to the comments made by the Town Council in this case. Councillor Gowler stated that he can only make comments on the two applications he has seen since he became a Councillor in 2019 which is the current proposal and the one earlier on in the year which was for two dwellings and was supported by the Town Council.

Members received a presentation, in accordance with the public participation procedure, from Mr Darren Smith, the applicant. Mr Smith stated that the proposal site is a complicated piece of land which has three sides but four neighbours. He added that there are two covenants on the land to the east which he owns but has a right of way for vehicular and pedestrian access to 1 King Edward Road shed and 14 High Street land which cannot be built on without ownership of the land, as this in part is now impossible in part as the owner of 1 King Edward Road does not wish to sell and whilst 14 High Street is willing to sell its piece of land it would add to the costs of construction so it is not currently viable.

Mr Smith explained that the land has historical contamination due to the fact that it was previously a blacksmiths yard and now the modern-day contamination of the hypodermic needles and he explained that the top layer of soil will need to be removed at a depth of 1 foot for the safety of construction workers as over 70 needles have been removed so far. He stated that the existing building on the site has been demolished and a fence erected to stop the anti-social behaviour from continuing.

Mr Smith stated that the orange area which was shown on the presentation screen will be retained in order that all four neighbours will have access to maintain and repair fences and walls without the new owners of the properties being affected by the historic confusion. He explained that he has undertaken some investigation research into the planning history on the site dating back to 1998 and after reviewing the applications which have been submitted it shows that the proposals cannot be built because of covenants, the land not being owned or by the time that they come to the planning stage the cost implications make it not viable and he is now the third owner of the site who is also experiencing the same obstacles.

Mr Smith stated that there is the option of building a smaller number of units but that is not financially viable which appears to have been the case for the past 34 years otherwise it would not still remain as a piece of land. He explained that he asked his architect to replicate an application that in 2006 was approved but as it was on land with a covenant which was not owned by the previous applicant and, therefore, inaccessible, the development never took place.

Mr Smith explained that he tried to use the covenanted land as a driveway allowing access to 1 King Edward Road and 14 High Street which would not break the covenant, however, this was refused. He stated that in 2006 an application was passed but was impossible to build and in 2022, the same application was submitted but the opposite way around and was also refused, therefore, it appears that like the previous owners, the situation finds him going round in circles.

Mr Smith stated that he does not wish to keep going up against Planning Officers every time an application is submitted to try and build on this massively complicated site with covenants and restrictions. He questioned whether the site will remain undeveloped with the possibility of it being sold on again or will the committee support the proposal and approve the site to be built on which has for the last 34 years been a blot on the landscape for Chatteris being used for anti-social behaviour.

Mr Smith asked the committee to support the proposal for three good quality affordable homes in the town of Chatteris.

Members asked Mr Smith the following questions:

- Councillor Miscandlon stated that in 2019 permission was granted for one dwelling on the site and he questioned why this was not developed? Mr Smith stated that the cost of the removal of the historic contamination will cost £40,000 to take the top layer of earth at a depth of a foot away from the site and have it placed into landfill. Councillor Miscandlon made the point that contaminated land would need to be removed regardless of the number of dwellings being built. Mr Smith stated that a four bedroomed dwelling is being built in the middle of a town with a public house to the back and another to the side of it, there will not be enough money gained to actually make it financially viable and this is the reoccurring issue that is happening with the site.
- Councillor Mrs French asked whether archaeological works have been undertaken following the recommendation from the County Council? Mr Smith stated that due to the unsafe nature of the site, until the contaminated earth has been removed, no archaeological works can be considered.
- Councillor Connor asked Mr Smith whether he has worked with the Planning Officers to try and find a proposal which will be suited to the site since the previous application was refused in July. Mr Smith stated that he has worked with officers and the advice that they have provided, but the issue is down to economics and whilst he can adhere to some of the rules when it comes to carrying them out, economically it does not happen. He added that his last application included trying to make use of a covenanted piece of land and if the entry point is from the east, he is unable to build and if he enters from the west where he is not allowed to build, he could use that as a driveway, but the access was not deemed as acceptable. Mr Smith stated he has made efforts to make the most of the piece of land but there are then obstacles as the proposal does not accord with planning regulations or the proposal is not deemed as financially viable. He made the point that it was the planning officer who had advised him to look back at the planning history on the site which he is now aware goes back many years. Mr Smith explained that every time he considers a proposal it is costing in the region of £3,000 to £4,000 and to date it has cost him £12,000 without doing any works. He made the point that those costs do not include the costs that he has also incurred for securing the site, demolition and clearing the site. Mr Smith reiterated that it is down to economics as well as planning and this is why the site has never been developed because the two elements are never going to meet.
- Councillor Murphy asked Mr Smith whether he was aware of the covenants and other restrictions on the piece of land when he purchased it? Mr Smith stated that he knew that there was a covenant on the front piece of land because it was not included in the sale originally. He added that he was given the extra pieces of land to add to it and the intention was to try to make more of it. Mr Smith explained that 1 King Edward Road was up for sale, but unfortunately, he missed out on the purchase of it and he contacted the owner of 14 High Street and arranged to purchase the piece of land from them. He added that he was aware of the issues in the beginning, but the aim was to try to overcome them and to purchase the extra pieces of land to clear the site in a way to make it possible.
- Councillor Cornwell stated that he acknowledges the land ownership and covenant issues that are present and that the officers are stating that due to the restrictions the whole of the frontage is having to be used for parking and he asked whether any consideration has been given to the current design and to possibly consider a maisonette type approach, so that the parking actually becomes integrated into the actual design of the building and in that way the footprint of the plan would remain and he questioned whether any thought has been given to the problems that the planning officers have identified relating to parking? Mr Smith stated that he has looked at various different types of proposals to overcome the covenant issues and planning hurdles in order to satisfy the various requirements and at the end of the day to make money. He added that if a proposal fits the land then planning permission can be approved but then the costs become prohibitive. Mr Smith explained that there have

been two housing booms which have taken place during the planning history and he asked the committee to assist him in finding a solution which is achievable and financially viable.

Members asked officers the following questions:

- Councillor Mrs French stated that the most important question is whether there is anyway the officers can work with the applicant to make the site viable and accommodate two dwellings? She added that she is not happy with three dwellings as the Town Council were not previously in support of two dwellings so she cannot see how they would be agreeable to three. Nick Harding stated that the committee are obliged to consider the application that is in front of them. He added that if there are three dwellings on the front, and taking into consideration the covenant restraints that have been referred to by the applicant, in his view, he cannot see how a scheme can be achieved that delivers three dwellings and resolves the concerns of the officers and the appeal Inspector who had previously considered the scheme for two positioned in the same place broadly speaking on the site. Councillor Mrs French stated that it was dismissed at appeal for two dwellings, and she understands the point that he makes, and she also agrees with the point made by Councillor Sutton as to how the Town Council can recommend approval of three dwellings when two were dismissed.
- Councillor Miscandlon stated that in King Edward Road there are double yellow lines all the way down it to prevent parking and at a recent event he attended at the King Edward Centre, the road was full of parked cars and although there are yellow lines, there did not appear to be any restrictions and he questioned whether this has been taken into consideration as the Highway Authority have highlighted this and it is one of the reasons for refusal. David Rowen stated that in terms of parking enforcement and restrictions that is a separate matter. He added that one of the reasons for refusal that is recommended to members provides detail about the lack of parking provision on site and the main concern officers have is that if people cannot park on the site then they are going to be parking on the road and potentially contributing to the sort of problems that Councillor Miscandlon alluded to.

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

- Councillor Sutton stated that members are not here to be concerned about the cost of building and the committee are brought together to determine whether applications are suitable and are for the right use of the land. He added that this is one of the best planning departments that looks and works with applicants and agents wherever possible to bring acceptable schemes forward. Councillor Sutton expressed the opinion that he cannot support three dwellings on this proposal site and, in his view, two dwellings is not acceptable either. He added that the extant permission for development expired in October 2022 and had the proposal been built out when it received permission, the way that house prices have increased would easily have covered any extra costs and expenses incurred for the groundworks. Councillor Sutton stated that he appreciates the points stated by the applicant, but he cannot support a proposal which, in his view, is wrong and does not fit in and is way out of keeping. He added that the single dwelling in his opinion looked good, and the site is suited to a single dwelling.
- Councillor Mrs Davis stated that she supports the points made by Councillor Sutton with regards to the single dwelling and had it been built out it would more than likely have earned back the money from the investment. She added that it is a single dwelling site, and the proposal is trying to fit too much onto the site. Councillor Mrs Davis stated that both speakers had made it clear that the site was contaminated with needles and syringes, however, it is not the role of the planning committee to break planning guidelines to solve anti-social behaviour and she cannot support the proposal.

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

(Councillor Murphy declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a members of Chatteris Town Council but takes no part in planning matters)

P80/22 **F/YR22/0709/O**
LAND EAST OF STATION FARM, FODDER FEN ROAD, MANEA
ERECT UP TO 5 DWELLINGS (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS) INCLUDING FORMATION OF A
FOOTPATH ON THE WESTERN SIDE OF FODDER FEN ROAD

This application was withdrawn from the agenda.

P81/22 **F/YR21/1141/O**
45 WESTFIELD ROAD, MANEA
ERECT UP TO 2NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED) INVOLVING DEMOLITION OF EXISTING DWELLING

Alison Hoffman presented the report to members and drew members attention to the update that had been circulated.

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

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the Agent. Mr Gowler stated that the application is to replace an existing rundown house with two new dwellings, referring members to the displayed photos which shows the existing house which is in poor repair and will cost a significant amount of money to renovate which is why the applicant is looking to redevelop the site. He stated that the proposal looks to demolish the existing house and construct two new properties within a lower flood risk area within the existing site and should the existing house be renovated it would not alleviate the existing flood risk to the property.

Mr Gowler explained that the indicative site plan provided indicates two dwellings in a location which was recommended by the Environment Agency and the sequential and exception tests were provided earlier on in the year and as the sequential test indicates there are existing sites in Manea which are capable of development and obviously this would fail the test, however, the proposal site should fall under Paragraph 166 of the National Planning Policy Framework as it is within the current developed area of Manea and, in his opinion, it should fall under existing allocated land. He stated that this matter is also part of the Local Plan Policy LP12 A (a) as an infill site and under both of the policies a sequential test would not be required and only subject to an exception test which was provided.

Mr Gowler stated that the site should be classed as a windfall site as paragraph 25 of the Flood Risk and Coastal Change guidance is where exemptions can be made to the sequential test where redevelopment is proposed to existing dwellings of an existing site. He added that as the site is a redevelopment site within the existing built form of Manea, in his view, it should be considered and he believes that this was the basis for the properties which are opposite the development site which were approved by the Planning Committee in 2020.

Mr Gowler made the point that under the emerging Local Plan the site also falls within the proposed development area boundary of Manea and, under the new Local Plan, windfall sites would be provided in order to provide 1500 homes and whilst the proposal only has 1 dwelling it still counts. He referred to the presentation screen and stated that on the Environment Agency Hazard map (Figure 3) it identifies existing flood risk levels, and pointed out that by locating the two dwellings in the corner of the site it is the least hazard area as recommended by the Environment Agency and it is in a lesser hazard area that the existing dwelling already there, with

in recent years there have been dwellings approved opposite and to the northwest which are both in a worse flood zone area than shown.

Mr Gowler stated that within the exception test that has been provided, he is proposing two important items which would fall in line with the windfall guidance and are improvements to the existing site providing a wider community benefit. He explained that the first is to provide an attenuation for the surface water on the site and at present the existing hard paving and dwelling goes unattenuated into an existing surface water drain and the new development will improve the situation. He explained that the second improvement is the proposal to install a footpath around the site which would go around the corner of Fallow Corner Drove and Westfield Road which will provide a much safer pedestrian access for people wishing to walk around the corner.

Mr Gowler pointed out that the development opposite was approved on similar redevelopment reasons which have been given for the site before the committee today and the proposed site is a lower risk area due to the fact that it already has an existing dwelling on the site, asking for consistency in the application of the two exceptions being applicable. He referred members to the presentation screen and showed them an indicative image of what the developed site could look like, subject to a reserved matters application, and he would hope that members agree that it would be an improved outview than the existing dwelling.

Members asked officers the following questions:

- Councillor Cornwell stated that on the site visit questions were asked with regards to the perceived visual levels that seemed to disagree with what the Environment Agency had stated. He added that it appears that some levels have been provided in detail and asked officers to advise whether they have considered the application strictly in accordance with Figure 3? David Rowen stated that the application has been considered in accordance with the National Planning Policy Framework advice which is that notwithstanding whether a site is or can be demonstrated to be safe from flooding for its lifetime is that sequentially development should be steered towards areas of lowest flood risk and, therefore, if anything is within Flood Zone 3 it should be steered to an area of lower risk of flooding and the site lies within Flood Zone 3.
- Councillor Cornwell stated that it is his understanding of Figure 3 is that the Flood Zone 3 area is actually in the corner which will form part of the new footpath. David Rowen stated that the Figure 3 that was displayed is the Environment Agency Hazard mapping which illustrates what the actual flood depth would be of the flood velocity and does not indicate that the area is in a lower risk of flooding. He added that within Flood Zone 3, there are areas that have different flood depths and if there is a flooding event the hazard map shows the actual variance in flood depths around and across the site. Nick Harding added that you could be in Flood Zone 3 and have up to a quarter of a metre of water depth or you could have a greater depth and still be in Flood Zone 3 and he stated that the point is that you are still at risk of flooding and the vast majority of the site is shown on the slide by the agent as being under water in a flooding event and only a small corner is not affected by flood water. He added that although not clearly shown on the slide there is an area shown highlighted over which a flood depth of 0 to 0.25 metres indicated and that this covers the majority of that site.

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

- Councillor Murphy stated that on the site inspections he saw that all the road and the land fell away into the agricultural land. He stated that if that area gets flooded then Chatteris will get flooded, and he added that there are other new properties which are built in the vicinity who will also suffer from a flood event and, therefore, he cannot understand why this proposal is any different.
- Nick Harding explained that the Figure 3 Environment Agency Hazard Map shows that if the land falls away to the left-hand side that is where there will be deeper water but it does not stop the application site from being at flood risk up to a depth of quarter of a metre and,

therefore, the water is not as deep but it still has water on it. He added that is why it is still in Flood Zone 3 and that flood zone is about the frequency of flood events and not depth.

- Councillor Murphy stated that if that is the case then the water will just run down the road, and it will not flood there.
- Councillor Sutton stated that he understands the officer's recommendation as they are adhering to policy but feels that the proposal is slightly different as it is replacing a dwelling, although he would have preferred to see a single storey dwelling with perhaps an escape route into the roof space. He added that to be consistent then sometimes officer's recommendations need to be overturned, with the committee approving the dwellings on the other side and the dwelling that is already built was approved under delegated authority and the property on the other side of the road which was also in Flood Zone 3 was approved as the committee thought it would benefit the business owner. Councillor Sutton expressed the view that it would be difficult for members in this case to agree with the officer's recommendation, given that the committee went against officers for the development on the opposite side of the road. He added that it is not an open piece of land as he may have had a different view but given that there is already a dwelling on the site which is an eyesore and out of keeping with the newer buildings around it then, in his view, consideration could be given to allow it to be approved, although he would prefer to see bungalows on the site rather than two storey dwellings which, in his opinion, are not in keeping with the nearby bungalows. Councillor Sutton stated that the comments from the local residents appear to state that they would also rather see bungalows on the site to stop any overlooking.
- Nick Harding stated that if the proposal was for one dwelling to replace the existing one, there would not be a reason for refusal that cited flood risk due to the fact that there would be one dwelling replacing the existing dwelling and, therefore, the problem is not any worse, however, the issue is that there is a second dwelling.
- Councillor Cornwell stated that he can see the officer's view, but practically when you look at the site the levels do not appear to accord. He added that approval was given for the dwellings opposite and he can see the arguments for building a house because if there is a perceived flood risk there would be an escape access upstairs. Councillor Cornwell made the point that consideration needs to be given to the footpath and the safety elements where the road comes out onto Westfield Road and the Chatteris Road due to the fact that currently there is a blind corner, and the footpath could be seen as a gain within the proposal. He added that the main plot has a 0.25m risk of flooding and if water should rise at that point at 0.25m high he wondered whether anybody has estimated how much water is flooded as, in his view, most of Isle of Ely would disappear on that basis. He added that the site on the other side of the road is still higher than the fen beyond it and that was very apparent when members went on site. Councillor Cornwell added that because the development across the road was allowed there is a net gain including the safety on the corner and the gains outweigh the small amount of flood risk that there is the site, and he will be going against the officer's recommendation.
- Councillor Miscandlon stated that a quarter of a metre is not very much and is about 9 inches in real terms, which is the same sort of issue that occurred when development took place near the Boathouse in Wisbech and the dwellings on that site were built 300mm higher. He stated that if the proposal is built 300mm higher then mitigation is in place as construction is built over what the projected flood zone is going to be. Councillor Miscandlon stated that he does not see any issues with the proposal providing that the reserved matters application has flood risk mitigation in place for the construction of the buildings as it has been achieved in other locations which needs to be taken into consideration.
- Councillor Mrs Davis stated that the committee overturned the officer decision on the property opposite and the others may have been before the introduction of the current Local Plan. She added that she does not think it is for agents to state that they will not bother about undertaking the sequential test process as it will not benefit them and members do need to be mindful of setting a precedent, however, on the site inspection it

was clear that there was a height difference. Councillor Mrs Davis added that whilst she has concerns about agents not applying for sequential tests and not abiding by policies, in this instance she will support the application.

- Nick Harding stated that the issue is not about the depth of water, it is the fact that there is water present. He referred to the point made by Councillor Miscandlon stating that you are not allowed to consider the mitigation until the sequential test has been passed but if your attention is focussed firstly on the mitigation then for 99% of the time the mitigation is capable of resolving the problem that would undermine the whole point of Government policy which is to avoid building in flood risk areas in the first place.
- Councillor Skoulding stated that he welcomes the proposal which will replace an eyesore and he will be going against the officer's recommendation.
- Councillor Sutton stated that he is aware that the last time any type of flooding took place in the vicinity of the development site was in 1929.

Proposed by Councillor Sutton, seconded by Councillor Murphy and agreed that the application be APPROVED against the officer's recommendation with authority delegated to officers to formulate suitable conditions.

Members do not support officer's recommendation of refusal of planning permission as it is already a developed site, and the extra dwelling will override the necessity for the sequential test.

P82/22

F/YR22/0942/FDC

GARAGE SITE, DRYBREAD ROAD, WHITTLESEY

ERECT UP TO 5 X DWELLINGS INVOLVING THE DEMOLITION OF EXISTING GARAGES (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Alison Hoffman presented the report to members.

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

Members asked officers the following questions:

- Councillor Cornwell stated that the entrance off Drybread Road is quite narrow and he questioned whether the entry point meets the necessary requirements? Nick Harding stated that from a planning and highway perspective, consideration needs to be given as to what the starting point is and, in this case, it is a garage site. He added that if the garages were in use you would need to consider whether that would generate more, the same or less traffic than the proposed development and whilst the access is not what would be accepted if it was a fresh development, when taking into consideration the context of the proposal then an objection on highway grounds cannot be raised.
- Councillor Cornwell stated that given the fact that the garages appear to have been out of use for some considerable amount of time, consideration does need to be given to the fact that vehicles are a lot larger than they ever used to be. He added that presumably nobody lives there and there is no pedestrian footfall but in time it will become a shared access if there are dwellings built on the site. Nick Harding stated that whilst it appears that the garages may not be in use, the lawful use has to be looked at which is a garage parking court.
- Councillor Sutton stated that there is no reason not to approval the proposal.

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

(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took

no part in the discussion or voting thereon)

(Mrs French and Murphy declared that, whilst they are both members of the Cabinet, they are not pre-determined on this application and will approach it with an open mind)

P83/22 **F/YR22/1149/F**
LAND EAST OF HIGHLAND VIEW, BENWICK ROAD, DODDINGTON
ERECT 3 X DWELLINGS (2-STOREY 4-BED), AND THE FORMATION OF AN
ACCESS

Alison Hoffman presented the report to members.

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

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the Agent. Mr Humphrey stated that there is an opportunity to provide three self-build plots and he is aware that there is a large shortage of self-build plots and as Doddington is a growth village it will help in a small way to deliver some self-build plots because his client has got people looking to purchase them. He stated that the site will enhance the edge of the village development, it is also close to the adjacent Askham village community and also close to a village of holiday lodges and whilst the proposal may not be in the village it is very close to an approved 'village' next door, and it has dwellings both left and right.

Mr Humphrey explained that the applicant is looking to develop the land at the front as it is not suitable to farm as it is small and very difficult to work. He stated that the house types have been redesigned since the first application in accordance with the Parish Council's comments and that if the Parish Council and officers require more amendments then these can undertaken on any reserved matters application.

Mr Humphrey stated that the Parish Council are not against the development, the Environmental Health team have no objections to the proposal and the conditions that the Highway Authority have asked for can be complied with. He made the point that there were 6 letters of support and one letter of objection to the proposal which is sited in Flood Zone 1.

Mr Humphrey stated that the emerging Local Plan proposes 311 dwellings, and this is less than one percent of the proposal and it will provide employment during the course of its construction, and asked members to support the proposal.

Members asked Mr Humphrey the following questions:

- Councillor Connor questioned whether the proposed site is likely to be approved in the emerging Local Plan? Mr Humphrey stated that it is his understanding that the site is not within the new boundary, but when you look at the red line, there is also an area of red that shows that officers are content with development encroaching towards the applicants plots albeit not included. Councillor Connor stated that if the proposal was approved it would equate to 311 plus 3.

Members asked officers the following questions:

- Councillor Skoulding stated that he has seen at 5.3 of the report where it states that the highways authority has no objections. David Rowen explained that there is no recommendation for refusal on highway grounds for the current proposal and the previous application was refused on highway grounds due to the fact that there were three individual access points, with the application now being amended so that there is now a single access point which the highway authority are happy with although they have expressed in their comments on what may or may not happen at the back but that would be a matter to be

considered at that particular time.

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

- Councillor Skoulding expressed the view that he can see the proposal as an infill development as there are buildings to both sides. He added that the Highway Authority do not object and he thinks that the dwellings will look nice as you enter Doddington.
- Councillor Cornwell stated that he recalls at the last meeting that the committee were told that there were plenty of self-build plots available which is contrary to what the agent has stated. Nick Harding stated that is correct and the evidence that the Council holds points quite strongly that it is exceeding the delivery of self and custom build plots over and above the evidence that the Council holds in terms of the number of people on its register and the number of the actual completed as well. He added that members should be aware as part of the application that was submitted there was no mention of self or custom build dwellings and that has only been mentioned as part of the Agent's presentation today.
- Councillor Mrs Davis expressed the view that she has a problem with refusing the application due to the fact that there is Askham Village Community and the holiday lodge park which has 60 lodges and caravans and also Askham Row which is of a similar design and, therefore, she may well be going against the officer's recommendation.
- Councillor Mrs French stated that she agrees with Councillor Mrs Davis and she added that it has only been 2 or 3 months since the application in Hospital Road was approved and she cannot see much difference with the application before members.
- David Rowen stated that the existence of a holiday lodge does not set a precedent for the erection of permanent dwellings outside of a settlement. He made the point that when considering the proximity of the proposal site to Askham Row, this site is another 500 metres along the road outside of the village and he drew members attention to the Local Plan and the Rural Areas Development Policy which states that 'development will only be permitted in villages and the developed footprint of the village is defined as the continuous built form of the settlement and excludes individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built up area of the settlement, agricultural buildings and associated land on the edge of the settlement'. David Rowen stated that he cannot see how the application cannot be considered as within the open countryside and, in his opinion, if this is classed as being within the village then most of Fenland could be considered as being within a village.

Proposed by Councillor Skoulding, seconded by Councillor Purser to approve the application against the officer's recommendation, which failed on a majority vote by members.

In providing reasons for going against officer's recommendation, Councillor Skoulding stated that under LP16 he feels the development would enhance the approach to Doddington and the proposed plans are acceptable. Nick Harding responded that he is concerned about this being the reason for going against the adopted Local Plan policy as it does not give any indication of why the existing plan policy of only allowing development in the open countryside in very limited circumstances should be put to one side in this instance, with the reason given being very general in its nature and would apply to any development anywhere in the district. Councillor Skoulding stated that he feels it is infill and enhances the area. Nick Harding stated that his concerns still remain and made the point that officers are providing a recommendation based on the Council's adopted policy, which was approved by members. The Legal Officer added that the other aspect that should be considered is that by giving inadequate reasons for opposing the officer's recommendation is to make a legally dubious decision should there be a challenge on the decision that is made then with regard to this application there may well be grounds to do so.

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

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he represents Doddington and Wimblington as a Fenland District Councillor and attends meetings of Doddington Parish Council, but takes no part in planning matters)

P84/22

F/YR22/0706/O

**LAND EAST OF SANDBANK FARM HOUSE, SANDBANK, WISBECH ST MARY
ERECT UP TO 4NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS)**

Alison Hoffman presented the report to members and drew members attention to the update that had been circulated.

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

Members received a presentation, in accordance with the public participation procedure from Mrs Shanna Jackson, the Agent. Mrs Jackson stated that the application submitted is for a scheme for up to four dwellings and has been submitted in outline with matters committed in respect of access only. She added that the Parish Council support the application and eight letters of support from residents along Sandbank have also been received.

Mrs Jackson referred members to an application for a single dwelling on the land to the immediate southeast of the site which was also recommended for refusal, however, members considered that the single dwelling would adjoin the built form and was in a growth village and would not constitute ribbon development and the application was approved. She made the point that the application before the committee is the same in many aspects as the plot next door and, in her view, it is in a better position as it would infill the gap between the building plot to the southeast and the remainder of the built form to the northwest along Sandbank.

Mrs Jackson expressed the view that given its position between existing buildings it cannot be considered as ribbon development, and she agrees with the views of the Parish Council who have stated that the site is in the village. She made the point that Wisbech St Mary is a growth village where new development is encouraged and under Policy LP3 of the Local Plan it states that development including village extensions are appropriate in such locations and the proposal would provide four new dwellings within the growth village and even if the site was considered to be outside of the existing footprint, Policy LP3 would still allow for such development as it provides for extensions to the built up area and, therefore, the principle of development is supported in policy terms.

Mrs Jackson explained that the further benefit to the application includes the footpath to the front of the site which will link to the footpath which is included as part of the neighbouring plot, and it will provide a safer pedestrian access route for the parents and children of future residents and those that currently walk to the primary school. She made the point that it will also help with the speed reduction of traffic along Sandbank which is something that the Parish Council is working towards.

Mrs Jackson stated that the indicative drawings show that quality homes and spacious plots can be achieved on the site and the proposed finished floor levels will match those of the neighbouring plot to the southeast. She added that the further detail on how this will be accommodated into the building in design terms will be dealt with as part of the reserved matters application.

Mrs Jackson stated that there are no objections which have been received from any of the technical consultees and the scheme has the support of the Parish Council and from the neighbours in the immediate vicinity of the site. She stated that the proposal would bring significant benefits to the area by means of providing housing in a growth village, by providing a footpath link to both existing and future residents to the amenities within the village centre and there is, in her

opinion, no conflict with the policies which are set out in the reasons for refusal.

Members asked Mrs Jackson the following questions:

- Councillor Miscandlon stated that in paragraph 9.16 it makes reference to the existing application which has received planning permission as a grand design for the entrance to the area of the village and he asked Mrs Jackson whether it was her view that the current proposal if approved will diminish that statement? Mrs Jackson stated that in her view it would depend on the interpretation as to what the entrance to the village would be and there is development all the way along Sandbank to the north and to the south and personally she would not have said that the other site was the entrance to the village because the whole area of land would be an infill plot within the wider setting. Councillor Miscandlon stated that the application that was granted by the committee against the officer's recommendation was to make a grand entrance and, in his opinion, the addition of the proposed dwellings will diminish the grand design entry into the village.

Members asked officers the following questions:

- Councillor Cornwell stated that one of the points raised is that the floor level will have to be at least a metre above the ground level which presumably was a requirement of the previous approval and whilst he appreciates that there are different levels in that particular area and the fact that the land where these are to be built is quite low he would like to know why there is not an issue for one dwelling but is for a few more. David Rowen stated that when the reserved matters application came before the committee in August, the recommendation was to refuse it, due to the overall scale and design of the proposed dwelling and that would be exacerbated by the need to raise the land levels by a metre to make the site safe from flooding as it is in Flood Zone 3. He added that the reason for refusal with the current application relates more to the impact on the overall character of the area by having four houses there again exacerbated by the need to raise the levels up so that potentially you are looking at structures which are quite a way above existing ground level. Councillor Cornwell questioned what the detriment and difference would be with regard to the dwellings built at a higher level? David Rowen explained that the issue with this particular application is the need to look at the relationship with the property immediately to the north of the application site which is at its existing level and the overall concern is that not only is there the introduction of a level of urbanisation within the gap at the edge of the village there is also the exacerbation of the visual impact through the raising of the levels as well.

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

- Councillor Mrs Davis expressed the view that the only difference between this and the previous application is that one is in Flood Zone 1 and the other is in Flood Zone 3. She added that they have the same reasons for refusal and at the time when members voted to go against the officer's recommendation for the house, it had been said by some members that there would be a precedent set and if the current proposal is approved it will only be a matter of time before there will be further applications submitted for further dwellings. She made the point that, in her opinion, the officers have made the right recommendation.
- Councillor Sutton stated that he does not agree with Councillor Mrs Davis, he voted in favour for the single dwelling, but a precedent has now been set and if it is refused and it goes to appeal then the Council could incur costs due to the inconsistency of decision making.
- Councillor Mrs Davis stated that she does not think there is inconsistency as the single dwelling had another house opposite it whereas the current proposal is a block of dwellings going into the open countryside and, therefore, she views this differently.
- Councillor Mrs French stated that she has referred to the minutes of the meeting in August and the proposal was made by Councillor Sutton and seconded by Councillor Mrs Mayor that the application should be refused, and that proposal failed. She added that a further proposal was made by Councillor Benney and seconded by herself and the application was

then granted against the officer's recommendation with authority delegated to officers to apply conditions in line with the previous consent. Councillor Mrs French added that it also states in the minutes that 'members do not support officer's recommendation of refusal of planning permission as they feel that the height difference of 40cm makes no impact'. She stated that it was decided at that time that the proposal was going to be something different and there was no indication at that time that a further application was going to be submitted for a further four dwellings which she is very disappointed to see.

- Nick Harding clarified to the committee that the site is different, and it is a site next door.
- Councillor Cornwell stated that he can see from the plan that the other application that was approved was in fact opposite the existing development on the other side of the road to this particular plot although it is different it gives the appearance of just being another add on to the same plot and opposite there is simply open countryside and, in his view, officers have made the correct recommendation. He added that if there was the wish to maintain the gap between them all then this is the way for it to be achieved.
- Nick Harding pointed out that Councillor Mrs French had referred to the minutes of the August Planning Committee meeting and he pointed out that the quote she made was not the site next door and, therefore, the issue of the 40 centimetres was not relevant.

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

P85/22

F/YR22/1187/FDC

LAND NORTH OF 6 RIVERSIDE GARDENS, PARSON DROVE

ERECT 1X DWELLING INVOLVING DEMOLITION OF EXISTING GARAGE BLOCK

(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

Alison Hoffman presented the report to members and drew members attention to the update that had been circulated.

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

Members asked officers the following questions:

- Councillor Cornwell stated that members had indicated on the site visit the importance of the bottom end which incorporates the plot for turning as it is a very narrow road and most of the existing residents along the road appear to park on the road and, therefore, there is nowhere to turn. He added that should the proposal be approved it is very important that there is sufficient space to turn, and that the Parish Council have also highlighted the same point. Councillor Cornwell expressed the view that it has been further complicated with regards to the other entrance from Riverside and the development on the other side and, therefore, it is important that if approved then strict controls be included with regards to access and turning for the remainder of Riverside Gardens and not just the proposal plot. David Rowen responded that access is committed as part of the application and the arrangement at the turning head is incorporated as a detailed matter as part of the application.
- Councillor Sutton asked officers to clarify why the dwelling could not have been built on Brewery Gardens because there are four plots there which are in Flood Zone 1 and, in his opinion, a dwelling would fit there quite comfortably. Alison Hoffman explained that part of applying a sequential test is to see whether or not a site is available and once the first clod of soil has been moved and a commitment to build has happened, a site is deemed as no longer available. She added that she is aware that the applicants at Brewery Close in that particular instance were very keen to commence development and their intention was to build out that site and as the site was not available it would not be factored into the sequential test. Nick Harding confirmed that work has commenced on the site.

- Councillor Sutton expressed the view that now that information has been confirmed by officers, in his view, the report has been written without any detail of that evidence and it did not detail Brewery Gardens specifically but referred to two other sites which were available. He added that the proposed dwelling would not fit on those sites and the report did not mention why it could not be built on Brewery Gardens at all. Nick Harding agreed with the feedback from Councillor Sutton and clarified that at 10.8 of the officer's report it states that the submitted sequential test information fails to identify any sites with extant permissions which would be at lower flood risk and that no other sites are known, and the sequential test is, therefore, passed.
- Councillor Mrs Davis stated that officers would not normally be expected to list sites and the fact that the sequential test has been passed is acceptable.

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

- Councillor Miscandlon stated that he will support the application regardless of who the applicant is as the current site is an absolute tip and an eyesore. He expressed the opinion that the resident of Number 6 will be glad for a house to be built there instead of a group of derelict garages.
- Councillor Purser agreed with the comments made by Councillor Miscandlon and will support the application.
- Councillor Mrs Davis stated that a derelict site is not a material planning consideration. She added that she has had her concerns allayed with regards to the turning circle as she has been advised that the average size delivery vehicle would be able to turn, and she will support the proposal.
- Councillor Skoulding stated that he will support the application, but he would like to see the hammerhead have hatched markings. Councillor Connor stated that it is a good idea but it would be down to the Highway Authority to decide that.

Proposed by Councillor Mrs Davis, seconded by Councillor Miscandlon and agreed that the application be APPROVED as per the officer's recommendation.

(Mrs French and Murphy declared that, whilst they are both members of the Cabinet, they are not pre-determined on this application and will approach it with an open mind)

**P86/22 F/YR21/1421/F
LAND NORTH OF KNOWLES TRANSPORT, BLUE LANE, WIMBLINGTON
FORMATION OF A CAR PARK AND ACCESS, AND THE ERECTION OF 2.0-
METRE-HIGH PALISADE FENCING, GATES AND 10 X 3M HIGH LIGHTING
COLUMNS**

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

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

Peter Humphrey, the Agent, had registered to speak under the public participation procedures but indicated that he did not wish to exercise this right. Members asked Mr Humphrey the following questions:

- Councillor Sutton stated that the concerns of the local residents appear to be that of noise, and he asked whether any consideration has been given to an acoustic fence along the frontage? Mr Humphrey confirmed that an acoustic fence on the boundary which will stop the headlights into the neighbours' properties and also reduce the noise can be installed, which the applicant is happy to implement. He stated that he is happy for a condition to be applied including changing the weld mesh fencing to timber acoustic fencing.
- Councillor Murphy agreed that this would be more appropriate.

- Councillor Connor stated that he does like to encourage the expansion of local businesses, but there is the need to be mindful of the residents of Coney Walk and Blue Lane. He is happy with the acoustic fence and the tree planting, but he made the point that he is concerned with the lighting on the site and for the residents he is of the opinion that it will be a nuisance and he asked whether there was any mitigation that could be included in the proposal? Mr Humphrey explained that earlier an amended lighting layout had been sent to officers but stated that he would be happy for a condition to be included which could be agreed with officers so that there are not lights which are intrusive into the neighbouring properties. He suggested that bollard lighting could be introduced so that staff could see to walk to their cars, but it would not shine over the top of the fencing. Councillor Connor stated that he would prefer that type of lighting, rather than what has been suggested currently which is a 3 metre high lighting scheme and the suggestion from Mr Humphrey has gone a long way to alleviate his concerns.
- Councillor Sutton stated that he is aware that the Police are not in favour of bollard lighting as it does not show up faces of people when they are walking and, therefore, there may need to be a compromise which Mr Humphrey can resolve with officers.
- Councillor Mrs French stated that there is a public right of way on the site and if it is to be closed during the development then a Traffic Regulation Order will need to be applied for which has a minimum of 12 weeks to obtain. Mr Humphrey stated that the design has been moved away so that the footpath and parking do not impact on the right of way.
- Councillor Miscandlon stated that he is glad to see that the agent is taking on board the issue with regards to the lighting and added that lighting which projects upwards is wasted and does impact on wildlife. He asked Mr Humphrey when the lighting is installed can he ensure that it is downlighting and not up lighting? Mr Humphrey stated that the same situation arose at another Knowles Transport site in Wisbech, where there were column lights which had an extra cover on them, and the lighting stream does not impact the neighbours.
- Councillor Connor asked whether the planting scheme can be enhanced to include a better hedge, or some mature trees? Mr Humphrey stated that could be conditioned. He added that when you drive past the lorries are not visible in the car park due to the landscaping scheme on the previous application. Mr Humphrey stated that he knows that the applicant will be happy to include a landscaping scheme that will mitigate and hide the traffic, but he would be happy to accept a condition.
- Councillor Sutton asked for clarification that an acoustic fence was only being suggested at the front of the site and not all of the way round? Mr Humphrey stated that it is about reaching a compromise between an acoustic fence and the weld mesh, the weld mesh is more secure as there is still the ability to see what is happening behind it and he would only really want to install the acoustic fence where the properties are, and he would like to ensure that is made clear.

Members asked officers the following questions:

- Councillor Sutton asked whether officers are content with the questions and answers from Mr Humphrey so that appropriate conditions can be added? David Rowen stated that the condition that is recommended as part of the update report relates to fencing purely along the Blue Lane boundary and the anticipation is that it would be a solid fence of an acoustic grade mainly to prevent headlights shining into the properties on Blue Lane. He added that with regards to the wider lighting scheme, he is not aware that a further lighting scheme has been submitted by the Agent and he made the point that he would question whether it is necessary, given that there is a lighting scheme in place that the Environmental Health Team are content with and they have not raised any concerns about excessive illuminance or light overspill.
- Nick Harding stated that the lighting plan shows that the light spill going into the houses opposite is less than one lux and he advised members that a streetlight is 5 lux or more and, therefore, there is no light trespass in terms of this development onto the adjacent dwellings because it is not even at street lighting level.

- Councillor Sutton asked whether it would be possible to ask for a mixed scheme with bollard lighting at the front of the site and then a better scheme at the back which would alleviate everybody's issues. David Rowen stated that the Police Designing Out Crime Team are also content with the proposal, making reference to the point made by Mr Humphrey with regards to bollard lighting and confirming that the Police are not overly keen on bollard lighting as it does not provide a good environment in terms of security. He added that if consideration is being given to implementing bollard lighting at the most vulnerable part of the site which is at the front, in his opinion, it would not be looked at favourably by the Police. David Rowen added that the Wildlife Officer has also stated that they are happy with the proposal and, therefore, in terms of the lighting scheme, the Police, Environment and Health and the Wildlife Officer are all content.
- Councillor Connor stated that whilst he appreciates that all the parties are happy, consideration must be given to the local residents who are not happy, and a compromise needs to be sought.
- Nick Harding stated that there is a lighting scheme before the committee which is acceptable to the technical experts and the decision the committee needs to make is whether they wish to approve it on the basis of the submitted lighting scheme and if members are happy to approve it on the basis that discussions will take place between the officers and the applicant to see if the lighting levels can be reduced even more then so be it.
- Councillor Mrs French stated that members of the committee are not technical experts and, therefore, it should be left to officers and the agent and applicant to reach a satisfactory outcome.
- Councillor Murphy stated that it must be an acoustic fence on one side.
- Councillor Cornwell asked whether the conditions are going to include elements of tree planting on the eastern side so that the existing gap where the tip at the back is not left completely open? David Rowen stated that there is a condition proposed with regards to the reinstatement of the existing access points and as part of that he would anticipate that hedge planting would come in as part of the condition, however, if members would like to put on a wider landscaping condition across the site it is within members gift should they wish to grant planning permission.

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

- Councillor Miscandlon stated that the agent accepts that there does need to be compromises with regards to the lighting and the fencing. He added that he is aware that the Police do not like bollard lighting as it is detrimental to security, but he stated that there are infra-red cameras that can be considered, and it could be something that the applicant may wish to look at. Councillor Miscandlon made the point that the lighting scheme will have to form a mixture of different types on the site which the agent and applicant will appreciate and will act accordingly.
- Councillor Sutton stated that there is already a tree planting scheme in place which just needs to be extended to the front of the site along with the acoustic fence which will go some way to allaying any concerns that the residents may have. He added that if the bollard lighting is considered in row 1 then he would be happy to approve the application.
- Councillor Miscandlon stated that he would like to see a construction management plan included which will not disturb the neighbours as the proposal is going to be a large project.
- Councillor Mrs French stated that whilst she agrees with the inclusion of a construction management plan, they do need to be monitored and adhered to.
- Councillor Cornwell stated that the car park is a private car park, and it is the responsibility of the applicant to offer a duty of care to his employees which may not correlate with the suggestions put forward and, therefore, unless conditioned the applicant can do as he may wish.
- David Rowen stated that there is Construction Management Plan which has already been submitted which is at Condition 11 and sets out the permitted hours of operation.
- Councillor Sutton asked officers to provide the details of the conditions that they wish to add

to the permission should it be granted. David Rowen stated that from his notes from the debate he has captured that members are looking at including a landscaping condition, reinforcement of the condition that has been included in the update report with regards to specifically detailing an acoustic fence and a lighting scheme to be submitted and agreed. Councillor Connor stated that he would still like the bollard lighting to be included even though it is not favoured by the Police.

Proposed by Councillor Murphy, seconded by Councillor Mrs French and agreed that the application is APPROVED as per the officer's recommendation including additional conditions in relation to landscaping, acoustic fencing and a lighting scheme.

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he represents Doddington and Wimblington as a Fenland District Councillor and attends Wimblington Parish Council meetings but takes no part in planning matters)

(Councillor Mrs Davis declared that she is pre-determined on this application and took no part in the discussion and voting on this item)

P87/22

F/YR22/0966/O

LAND NORTH OF WINDY WILLOWS, CHURCH LANE, TYDD ST GILES

**ERECT UP TO 2 X DWELLINGS AND THE FORMATION OF AN ACCESS
(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF
ACCESS)**

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

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

Members received a presentation, in accordance with the public participation procedure from Shanna Jackson, the Agent. Mrs Jackson stated that the proposal is for two dwellings and has been submitted in outline form, with matters of access committed only. She explained that the proposal has 16 letters of support and has been recommended for refusal by officers for reasons which include principle, visual impact, flood risk and highway safety.

Mrs Jackson explained that with regards to the principle of development, the national and local housing policies direct new housing to locations amongst existing housing and within an existing settlement. She stated that there is a dwelling to the immediate south of the site and there is also continuous residential development opposite and whilst the proposal does not strictly adhere to the infill definition as detailed in Policy LP3 of the Local Plan, it is within the spirit of the policy as it constitutes new housing which is amongst other residential development.

Mrs Jackson explained that the site is opposite an existing footpath which links the land to the village centre by foot and future residents will be able to walk to local amenities including the pub and the primary school and become part of the local community which is what the national and local policies require. She made the point that set against the backdrop of the existing dwelling to the south and the continuous frontage development opposite, in her opinion, there would be no visual harm caused by the proposal in principle as the site is already within a residential location and the specific design details of the development would be secured at the reserved matters stage.

Mrs Jackson explained that the Environment Agency have not objected to the proposal which must demonstrate that the scheme is technically safe from flooding and the sequential test has passed on the basis that the village of Tydd St Giles applies, however, there is a difference of opinion as

officers consider that the whole of the district applies. She stated that in the event that it is considered that the sequential test has passed, the application contains the necessary credentials to pass the exception test.

Mrs Jackson referred to the reason for refusal concerning highways and added that there have been no objections received from the Highways Authority, the site is located along a long straight road where visibility splays of 2.4m by 120m can be achieved in either direction as well as sufficient space within the site to allow for turning and, in her opinion, the proposal is acceptable in highway safety terms. She expressed the view that the proposal would bring new housing to the village of Tydd St Giles which has been acknowledged as an aspiration of the Parish Council in their recent comments relating to the emerging Local Plan and the proposal is an appropriate form of development which she would like to see the committee approve.

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

- Councillor Cornwell made the point that there is no development at all along that side on the approach into the village from the main drain, until you reach the road on the left-hand side. He expressed the opinion that it is a new plot in an open area.

Proposed by Councillor Miscandlon, seconded by Councillor Cornwell and agreed that the application be REFUSED as per the officer's recommendation.

**P88/22 F/YR22/1123/PIP
LAND EAST OF CHARDOR, NEEDHAM BANK, FRIDAY BRIDGE
RESIDENTIAL DEVELOPMENT OF UP TO 9 X DWELLINGS INVOLVING THE
FORMATION OF 9 X NEW ACCESSSES (APPLICATION FOR PERMISSION IN
PRINCIPLE)**

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

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

Members received a presentation, in accordance with the public participation procedure from Mr Peter Humphrey, the Agent. Mr Humphrey referred to the presentation screen and explained that the white triangles displayed highlight the developed frontage pointing out to the committee the only other gap on the southern point where it shows FDC Draft Local Plan and there is an allocation for the other open space for 6 dwellings and then further along on the slide it shows the proposal that the committee are determining. He expressed the view that the proposal should be one of the simplest, easiest Planning in Principle application that has been submitted as it is only for frontage and it is of a very similar format to the rest of the village.

Mr Humphrey added that there is an estate to the top left-hand side of the slide on the screen but, in his view, the majority of Friday Bridge is frontage, and frontage development is more sustainable making the point that why would there be a backland development where a new road would have to be implemented with all of the amenities when there is an existing frontage. He stated that the site is in Flood Zone 1 and there are 16 dwellings after the proposal site and before you reach The Stitch and there is already a footpath up to Laddus Drove which is to the south of Needham Bank, but he would be happy to extend the footpath along this site frontage to make it safer for everyone in the village.

Mr Humphrey referred to the presentation screen and explained the proximity of the site to the assumed village centre which contains the school, pub and shop and expressed the view that the site is so much closer than The Stitch and 50% of the village but the opinion of officers is that the site is in the wrong location. He made the point that the draft Local Plan proposes infill only gaps

and it also proposes 230 dwellings for a limited infill village and, in his opinion, the proposal before the committee is more logical.

Mr Humphrey stated that there is shortage of plots for people to build their own properties but officers have stated that there is not a shortage on self-build plots, however, in his view, there is a difference in the Council's self-build, custom build register of plots that people want to buy and build their own. He stated that the proposal site is a classic site which can be divided up into 9 plots and the plots will be sold quickly as he is aware that there is a demand for available plots and he asked the committee to consider and approve the application.

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

- Councillor Mrs French stated that the application site falls within part of her County Council division and it is Councillor Sutton's district ward. She made reference to the points made in the officer's report from Councillor Sutton where he has stated that 'Both sites, ref: F/YR22/1123/PIP and F/YR/22/1124/PIP, are adjacent to the built form so are policy compliant both locally and nationally. Under the local plan Friday Bridge is a limited growth village where it is expected to deliver 10% of the total dwellings during the life of the plan, (58 dwellings) currently it has only delivered 35 whereas most villages, including Elm, are way over the 10%. With a shortfall of 23 and generally linear development, it would appear that this type of proposal is the only option of Friday Bridge to take its share of development'. Councillor Mrs French stated that she agrees with the comments of Councillor Sutton and will support the proposal because not only will it support the linear development of the proposal site it will also help the rest of the village.
- Councillor Mrs Davis referred to the point made by Councillor Mrs French and made the point that the 10% is not something that has to be met.
- Nick Harding stated that the agent has made reference to the application being for self-build homes and that has not been mentioned in the application when it was submitted. He added that the drawing that the agent referred to on the presentation screen only included some of the allocations which are proposed within the village which were the road frontage ones and he added that there are other allocations which are proposed in the emerging Local Plan and there is nothing to suggest that two of those sites could not come forward under the auspices of the current plan policy. Nick Harding explained that given that those sites are being put forward to the Council by the landowner, there is no reason why the sites would not come forward in due course.
- Councillor Mrs French stated that the committee are in place to look and listen to the new information which is brought forward. She stated that she is not pre-determined and whilst she understands the views of officers, there will need to be discussions between the agent and officers to clarify whether it is a self-build proposal, but, in her opinion, Friday Bridge is a village and she will support the application.
- Councillor Miscandlon expressed the view that the application has been submitted in an incomplete format and the agent has provided information during his presentation that the committee was not aware of. He added that it is incumbent of the agents to speak to the officers with as much information as possible and he appreciates that there will always be a last-minute addition but to find out now that the proposal is for self-build dwellings, he can understand the frustration of officers.
- Councillor Cornwell stated that there have been points discussed which have skewed his thinking and he agrees that it would have been ideal to have some of the points raised in the officer's report and before the application came before the committee.
- Councillor Mrs Davis stated that consideration also need to be given to the points raised by Elm Parish Council and the fact that they have made reference to the nine access points that will be formed along a 60mph stretch of road with possibly up to four additional vehicles per dwelling is quite a considerable increase in traffic.
- Councillor Cornwell stated that the application is only being considered in a permission in principle format and aspects such as the access points along a road like that which is quite a fast road need to be taken into account.

- Councillor Connor stated that the committee are considering the land use aspect of the application.
- Councillor Mrs French stated that the local highway improvements are now being considered and Elm Parish Council can apply for the speed to be reduced along that road. She added that the proposal will include a footpath and that is something that will come under a local highway improvement, however, the Parish Council are only allowed one unlike the Town Councils and, therefore, in her opinion it is a prime opportunity to actually give something to the village.
- David Rowen clarified that the speed limit on this particular part of Needham Bank is actually 40mph rather than 60mph and the actual change from 30mph to 40mph is just to the west of the site.
- David Rowen explained that Planning in Principle (PIP) applications are unusual applications due to the fact that the Government guidance on them is that a PIP cannot be granted subject to a Section 106 agreement and you also cannot grant a PIP subject to any conditions and, therefore, if members were minded to give any weight to the self-build elements or to the provision of a footpath, permission is being granted with no conditions and no Section 106 agreements and, therefore, they are not something that can be secured at this point. He added that the properties immediately to the west of the application site do not have footpaths along their frontage and he is not sure what purpose a footway along the front of the application site would necessarily achieve.
- Councillor Mrs French questioned whether if a PIP application is approved when the application comes back as a full application can conditions be added at that stage? David Rowen stated that if a PIP is granted, there is then a technical consent stage and the difficulty would be if the application was granted in principle and then a footpath was not included as part of the technical consent stage, or the application was not proposed as self-build housing then those sorts of issues would perhaps be somewhat difficult to secure at the technical consent stage. Councillor Mrs French expressed the view that if that were the case it would not be a wise course of action for agents.
- Councillor Murphy expressed the view that he does not welcome PIP applications as in his view it is a way of submitting a planning application without actually providing a planning application and he thinks that they should be stopped. He expressed the view that there are so many restrictions once a PIP is approved and he does not agree with them at all.

Proposed by Councillor Mrs French, seconded by Councillor Skoulding to approve the application against the officer's recommendation, which failed on a majority vote by members.

In providing reasons for going against officer's recommendation, Councillor Mrs French stated that in her opinion the application is compliant with both Local and National Planning Policies and that Friday Bridge is a growth village.

Proposed by Councillor Miscandlon, seconded by Councillor Cornwell and agreed that the application be REFUSED as per the officer's recommendation

(Councillor Sutton declared that he had called the application into committee and had attended meetings with residents where the application had been mentioned so took no part in the discussion or voting thereon for this item)

P89/22

F/YR22/1124/PIP

**LAND WEST OF RAILWAY CARRIAGE, NEEDHAM BANK, FRIDAY BRIDGE
RESIDENTIAL DEVELOPMENT OF UP TO 4 X DWELLINGS INVOLVING THE
FORMATION OF 4 X NEW ACCESSES (APPLICATION FOR PERMISSION IN
PRINCIPLE)**

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

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

Members received a presentation, in accordance with the public participation procedure from Mr Peter Humphrey, the Agent. Mr Humphrey stated that in his view the benefit of Planning in Principle (PIP) applications is that they are better than pre-applications due to the fact that a formal recommendation is obtained and there is not a large cost implication for his clients to pay out in order to ascertain whether it is worth submitting an application. He added that they are also reviewed and turned around quickly by the officers with a quick decision, with a PIP application reverting back to previous times where a red line would be shown on a piece of land and the Planning Department would make a decision in outline, but the name has changed to a PIP.

Mr Humphrey referred to the presentation screen and pointed out site and the continuous built frontage and explained that there is a house beyond the development site which acts as a stop. He added that he cannot understand the officer's point of view when they state that it is not continuous built-up frontage as it is natural infill.

Mr Humphrey made the point that the site is also very close to the developed executive homes on Bar Drove and it is the development which is furthest north as you look at Bar Drove which is adjacent to the proposal site where there is just one side frontage. He made the point that he does not mean to change the description when he states 'self-build', in the sense that the Planning Officer's mean and explained that his objective is to deliver plots and he does not want them labelled as self-build as he wants to have more marketable plots but he is aware that this is an area where people do like to build their own houses.

Mr Humphrey expressed the view that he would class this as a village gateway site and there are 230 houses proposed in the draft Local Plan and the application before members offers four plots which will help employment during construction, and he asked the committee to support the proposal.

Members asked Mr Humphrey the following questions:

- Councillor Mrs French asked whether the proposal would include a footpath and Mr Humphrey stated that the proposal does not include a footpath.

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

- Councillor Cornwell expressed the opinion that the proposal is intrusion into the open countryside and extends the village when there would appear to be plenty of building opportunities at some stage. He added that there is a built form which finishes at the road junction to the southwest and there is an isolated fen type settlement just beyond it.

Proposed by Councillor Mrs Davis, seconded by Councillor Cornwell and decided that the application be REFUSED as per the officer's recommendation.

(Councillor Sutton declared that he had called the application into committee and had attended meetings with residents where the application had been mentioned so took no part in the discussion or voting thereon for this item)

P90/22

TPO03/2022

LAND ADJACENT TO ST LEONARDS CEMETERY, CHURCH ROAD, LEVERINGTON

TPO IN RESPECT OF THE 1 X POPLAR TREE, 1 X SYCAMORE TREE, 1 X HAWTHORN, 6 X ASH TREES AND 2 X GROUPS OF ASH TREES WITHIN A

CONSERVATION AREA

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

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

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

- Councillor Mrs French stated that she is glad to see that the emergency Tree Preservation Order was added in September, and expressed the view that the trees do need to be preserved.

Proposed by Councillor Miscandlon, seconded by Councillor Mrs Davis and agreed that the Tree Preservation Order should be CONFIRMED.

4.43 pm

Chairman