
F/YR18/0646/O

Applicant: Mr P Jolley

Agent : Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd

Land South Of 6, Eastwood End, Wimblington, Cambridgeshire

Erection of up to 3no dwellings (outline application with all matters reserved) and construction of footpath.

Reason for Committee: Recommendation contrary to Parish Council comments for a proposal of more than 2 dwellings

1. UPDATE

- 1.1. This application was deferred by the Planning Committee at the 12th September meeting in order to enable further examination of the feasibility and deliverability of the footpath. Since that meeting a further appeal decision has been received relating to the construction of a new dwelling along Eastwood End and this report therefore focuses solely on those two issues and their implications for the proposal. The original report to the Planning Committee and the minutes of that meeting are attached at Appendix A and B respectively.

2. ADDITIONAL COMMENTS

Cambridgeshire Constabulary Crime Prevention

- 2.1. *There are some community safety concerns due to the lack of street lighting in this rural setting, albeit that a footpath is an improvement to walking on the road. There have been some reports of suspicious activity in the general area and one house burglary reported. If planning approval was given I would like to see confirmation that hedges and bushes that align the new footpath would be managed and growth kept to under 1m.*

Cambridgeshire County Council Highways Authority

- 2.2. *The footpath element located behind the hedge to the east would not be adopted.*

The footpath construction detail does not cater for earthwork batter between the edging kerb and the existing ground, where the roadside ditch falls away.

Footway will require piping of the ditch which could prove problematic due to the shallow depth and footway construction. Diversion of the ditch would require additional land.

3. FOOTPATH PROVISION

- 3.1. Following the consideration of the application at the previous meeting, several iterations of the design for the footpath have been considered.
- 3.2. The latest layout indicates that the footpath link will begin adjacent to the single vehicular access point into the site at its northern corner. The footpath then flanks the shared private drive running south inside the existing hedgerow (reduced to 0.9 metres height) to the southern end of the site, whereupon it turns west to adjoin the highway. It then runs west alongside the southern side of Eastwood End for a distance of approximately 100 metres before crossing to the

northern side of Eastwood End to join the existing footpath at the western junction of Eastwood End with the A141.

- 3.3. The proposed footpath terminates at the entrance to the application site at its northern edge, leaving a gap of approximately 50 metres before the footpath along the remainder of Eastwood End resumes.
- 3.4. The footpath is shown as being 1.2 metres wide for its entire length, although the sections provided indicate that there may need to be some hedgerow removal along the southern side of Eastwood End to the west of an existing access point.
- 3.5. Consultation with the Local Highways Authority has confirmed that the section of proposed footpath behind the hedge and alongside the private drive to the proposed dwellings would not be adopted and would therefore be required to be maintained privately for the public benefit.
- 3.6. Two sections through the proposed footpath are provided to indicate construction, however these sections are not located where the relationship between the footpath and hedgerow is at its closest and do not therefore illustrate the precise nature or extent of any impact on the hedgerow at this point.
- 3.7. In addition to this, the plans detailing the proposed layout and construction of the footpath show that it requires the piping of the existing roadside ditch alongside the southern stretch of Eastwood End.
- 3.8. The comments relating to crime prevention are noted also, and would necessitate the maintenance of the hedgerows adjacent to the path to a height of 1 metre or less.

4. APPEAL DECISION

- 4.1. The proposal was for the construction of a single dwelling at the eastern end of Eastwood End where it becomes Hook Road, and was refused by the Planning Committee on 28th February 2018. Two main issues were identified by the Planning Inspector, being whether or not the site was suitable for housing (with particular regard to its sustainability) and the effect of the development on the character and appearance of the area.
- 4.2. With regard to the first of these matters, the Inspector's Report concludes that Eastwood End falls within the 'Elsewhere' category identified in policy LP3 of the Fenland Local Plan (2014) where residential development is restricted. It accepts that residents would be likely to depend on the private car to reach essential services and employment, but notes that some such trips could be undertaken by sustainable means. It states that the National Planning Policy Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas.
- 4.3. In respect of the second matter, whilst this is a more site-specific consideration, the Inspector concluded that the construction of a new dwelling would compromise the sense of space and openness of the site, which was located between two existing dwellings. The impacts were considered to adversely harm the rural character and appearance of the area sufficient to dismiss the appeal.
- 4.4. The appeal is therefore of particular relevance to the consideration of the current scheme as it sets out not only the consideration of sustainability issues as they relate to the proposal but also the impact of development on the character and appearance of an area and the importance and contribution made to an area by more open and undeveloped spaces.
- 4.5. **Impact of appeal on the principle of development**
- 4.6. The most recent Inspector's decision with regard to the sustainability of Eastwood End is noted, however the scale of the current proposal is significantly in excess of the scheme that was being considered at that time and

as a result the need for a sustainable location is proportionately greater. The appeal decision reinforces that Eastwood End is in an area that would not normally be granted permission for development and although in that instance concluded that the sustainability of the location did not support refusal of the scheme, does not indicate that Eastwood End is a sustainable location nor that applications such as the current proposal should be supported.

4.7. Impact of appeal decision on the character of the area

4.8. Policy LP16 seeks to deliver high quality environments across Fenland District, with sub paragraph (d) requiring development to make a positive contribution to the character of an area and its setting. The application site is prominent in views travelling east along Eastwood End from the southern access point with the A141 and also its openness is a key characteristic of this part of the road and the overall character of the area. The development of the application site would result in the urbanisation of a 120m stretch of open countryside in what is currently a mix of residential and agricultural land. This length of open countryside is not considered to be small in scale relative to the scale of existing development and is an important feature within the street scene in establishing its rural character, linking the residential properties that are present to the agricultural land beyond.

4.9. The appeal was dismissed on the grounds of harm caused to the rural character and appearance of that site by the construction of a single dwelling. Whilst the two sites are different in their relationship and characteristics in this regard, the site of this application is of a size far in excess of that relating to the appeal, and is located in a more prominent position, giving a much more significant contribution to the rural character of Eastwood End and therefore its development would result in a substantially greater detrimental impact on the character of the area.

4.10. Decision history within Eastwood End

4.11. In support of the above information, an analysis of the decisions in respect of the construction of residential properties on Eastwood End since 2012 has been conducted and demonstrates that prior to the adoption of the current Local Plan, 6 decisions were made, on 5 different sites, with 4 of the applications being granted consent. Both refused applications were located on a single site.

4.12. Since the adoption of the Local Plan, there have been a further 10 applications on 6 sites, 8 of which have been refused. Of the two approvals, one related to the provision of a residential annexe, and the other granted permission for the construction of a single dwelling as enabling development to facilitate the refurbishment and restoration of a non-designated heritage asset.

5. CONCLUSIONS

5.1. The original report on the application recommended that the proposal be refused on the grounds of its unsustainable location and its impact on the character and appearance of the area. The subsequent appeal decision lends greater weight to the second of these issues and reinforces the recommendation previously given.

5.2. The route of the proposed footpath results in a contrived design and would necessitate users entering the application site and walking alongside the private

drive to the dwellings, an arrangement that is likely to discourage some pedestrians from using the path and instead walking along the roadside verge.

- 5.3. It is therefore concluded that the proposed footpath is not feasible, as it would be of a contrived design that would be likely to fail to satisfy its intended purpose and would exacerbate the detrimental impact on the character and appearance of the area caused by the proposed dwellings, whilst providing only limited benefit in terms of access to and from the services within Wimblington.

6. RECOMMENDATION

6.1. That the application be refused for the reasons given in the original report attached at Appendix A and for the following supplementary reason for refusal.

1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 3 dwellings in Eastwood End, which is categorised as an Elsewhere location within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.
2. The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to Policy LP16 (d) of the Fenland Local Plan (2014) and the also conflicts with aim of Paragraph 170 of the NPPF.
3. The proposed footpath link from the application site to the A141 will require a substantial increase in the amount of hard surface provision along Eastwood End, and result in the loss of a proportion of the existing hedgerows and the installation of significant new drainage measures where the existing roadside ditches are to be infilled. This will result in the loss of the essential rural character of this section of Eastwood End, which is exacerbated by the need to reduce the height of a substantial part of the existing hedgerow where the proposed footpath passes behind it along the application site frontage, increasing the prominence of the development and the urbanisation of the area. Such impacts are contrary to the provisions of policy LP16 (d) and the aims of paragraph 170 of the National Planning Policy Framework.

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Erection of up to 3no dwellings (outline application with all matters reserved)

Reason for Committee: Recommendation contrary to Parish Council comments for a proposal of more than 2 dwellings

1. EXECUTIVE SUMMARY

The proposal is for the construction of 3 dwellings, made in outline with all matters reserved.

The application site is located in Eastwood End, an Elsewhere location as identified in policy LP3 of the Fenland Local Plan and confirmed in multiple previous appeal decisions. Application references F/YR14/0488/F, F/YR13/0422/F and F/YR13/0755/F relate to residential developments along Eastwood End and were refused permission, with the latter two being upheld at appeal, whereby the Planning Inspectors concluded that Eastwood End does not amount to a sustainable community with any significant services and, other than via use of private motor vehicles, it has relatively poor access to services and facilities elsewhere.

No justification is provided for the development meeting any of the exceptions identified in policy LP3.

The development of this land will result in the urbanisation of a 120m stretch of open countryside in what is a mix of residential and farmland. This length of open countryside is not considered to be small in scale relative to the scale of existing development.

As regards sustainable infrastructure, the site is not part of a highway network which provides good pedestrian links to facilities or services.

Overall the proposal would harm the character of the open countryside and cannot comply with Part A of Policy LP12, Therefore the proposal does not accord with either policy LP3 or LP12.

2. SITE DESCRIPTION

- 2.1.** The application relates to a part of an agricultural field within the open countryside that fronts the eastern side of Eastwood End to the east of the A141 Isle of Ely Way to the east of Wimblington. Eastwood End has a mix of agricultural land and residential properties located along it. The application site sits between 4b and 6 Eastwood End, and benefits from a hedgerow along its

frontage approximately 2-2.5m high. This part of Eastwood End demonstrates a rural character.

- 2.2. The application site is located on land designated as Flood Zone 1, the area at lowest risk of flooding.
- 2.3. The following table indicates pedestrian walking distances to the nearest essential facilities. All are across the A141, a busy highway forming the bypass around Wimblington and Doddington. Crossing the A141 from Eastwood End and heading into Wimblington as a pedestrian the only assistance is a central pedestrian refuge to the north of the junction of Eastwood End and the A141 near to the junction with King Street.

Facility	Pedestrian distance to 6 Eastwood End
Post Office	850m
Pub (Anchor Inn)	800m
Primary School	1km
Church	1.2km
General Store	950m
Medical Centre	1.1km

3. PROPOSAL

- 3.1. This application is a resubmission of 2 recent refusals for 3 dwellings on the site and is in outline form with all matters reserved. The application includes a site plan with indicative layouts for three large properties on spacious plots. This application seeks to demonstrate that with only a single access point to a shared driveway a development could retain much of the existing hedgerow and it seeks to indicate a footpath could be provided to the rear of the hedgerow and a new footpath to join up with the A141.

4. SITE PLANNING HISTORY

F/YR17/1095/O	Erection of up to 3no. dwellings (outline application with all matters reserved)	Refused 15/1/18
F/YR18/0442/O	Erection of up to 3 x dwellings (outline application with all matters reserved)	Refused 8/6/18

5. CONSULTATIONS

- 5.1. **Wimblington Parish Council**
No objections

- 5.2. **Cambridgeshire County Council Highways Authority**
Could the footway be accommodated on the southern side of Eastwood End and the pedestrian crossing installed near the junction with the A141. Have concern regarding the crossing point being located as indicated.

In relation to revised plans received detailing the alterations requested, the highways authority note that they have some concern regarding deliverability of the proposed footpath.

- 5.3. **FDC Scientific Officer (Land Contamination)**
No objection. Request condition regarding unsuspected contamination.

5.4. Local Residents/Interested Parties

Objectors

Five letters have been received from 5 properties in the immediate vicinity of the application site objecting to the proposal on the following grounds:

- Overdevelopment of a rural location – detrimental impact on character and charm.
- Conflicts with core planning principles and policy provisions.
- Increased road safety risks on an already hazardous road.
- Proposed crossover sited in a hazardous position.
- Reduction of the hedgerow will have a major impact on its potential biodiversity habitat.
- Loss of views of the countryside.
- Several statements made within the design and access statement are incorrect.
- Overlooking of adjacent dwelling.
- No guarantee of the permanency of planting.

Supporters

Seven letters of support have been received in relation to the proposal, from properties ranging between 400m from the site and 3km from the site, citing the following reasons:

- Ideal position for infill development
- New footpath will enhance the area
- Large dwellings will make Eastwood End a more desirable place to live
- Only a short walk from existing amenities.
- No real impact on traffic or noise levels.
- Work to hedges will enhance the area.
- Was advised in 2005 that an application would be supported on the land.
- Will enhance support for local businesses.
- Meets all the criteria needed to approve.
- Existing hedge is of poor quality.
- The crossing on the A141 makes Eastwood End a sustainable community with access to services without resorting to the motor vehicle.

6. STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

Para 155-165: Development and Flood Risk

Para 175: Minimising impacts on biodiversity

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

8. KEY ISSUES

- **Principle of Development**
- **Character of the Area**
- **Impact on Amenity**
- **Highway Safety**
- **Flood Risk**
- **Ecology**

9. BACKGROUND

9.1. Application references F/YR14/0488/F, F/YR13/0422/F and F/YR13/0755/F, F/YR16/0794/O, F/YR17/1181/F and F/YR18/0442/O are related to residential developments along Eastwood End and all were refused permission, with the 2013 and 2016 applications being dismissed at appeal, with the Planning Inspectors concluding that Eastwood End does not amount to a sustainable community with any significant services and, other than via use of private motor vehicles, it has relatively poor access to services and facilities elsewhere. This is a material planning consideration.

9.2. Planning application ref F/YR17/1095/O was refused for the following reasons:

9.3. *1. Eastwood End has been classified as not forming part of the main settlement of Wimblington due to its physical separation. Consequently the application site is within an elsewhere location in the settlement hierarchy defined in Policy LP3 of the Fenland Local Plan 2014. The principle of three dwellings in such a location would be contrary to this policy and would result in an unsustainable form of development due to poor access to services and facilities for future residents and a consequent reliance on car journeys. This would conflict with the aims and objectives of the National Planning Policy Framework and would also be contrary to Policy LP1 of the Local Plan.*

- 9.4.** *2. The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to the core planning principle in Paragraph 17 of the NPPF and also conflicts with Policy LP16 of the Fenland Local Plan 2014.*
- 9.5.** Planning application ref F/YR18/0442/O was refused for the following reasons:
- 9.6.** *1. Eastwood End has been classified as not forming part of the main settlement of Wimblington due to its physical separation. Consequently the application site is within an elsewhere location in the settlement hierarchy defined in Policy LP3 of the Fenland Local Plan 2014. The principle of three dwellings in such a location would be contrary to this policy and would result in an unsustainable form of development due to poor access to services and facilities for future residents and a consequent reliance on car journeys. This would conflict with the aims and objectives of the National Planning Policy Framework and would also be contrary to Policy LP1 of the Local Plan.*
- 9.7.** *2. The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to the core planning principle in Paragraph 17 of the NPPF and also conflicts with Policy LP16 (d) and LP12 Part A (c) of the Fenland Local Plan 2014.*

10. ASSESSMENT

10.1. Principle of Development

10.2. Policy LP3 considers that Eastwood End is a remote community and as such is an Elsewhere location in terms of LP3, where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture etc. This is upheld by the Planning Inspector's decision made in relation to application F/YR13/0755/F. The proposal clearly does not accord with the criteria for development in Elsewhere locations. Wimblington is a growth village where development and new service provision either within the existing urban area or as a small village extension will be appropriate albeit of a considerably more limited scale than the Market Towns. Nevertheless it is clear that previous decisions conclude that Eastwood End is a separate settlement to Wimblington and therefore the more restrictive approach for development in Elsewhere locations should be applied to this site.

10.3. Policy LP3 is the Council's Spatial Strategy that reflects the sustainable credentials of settlements. As regards the above mentioned decisions and appeal decisions the isolated nature and poor access to services (other than by motor vehicles) is a key consideration. As sustainability is the 'Golden Thread' running through the NPPF developments that are poorly located are contrary to Local and National Planning Policy and guidance. The proposal to introduce a

new footpath to join the application site to the A141 is noted, however this does not overcome the main barriers to non-vehicular access to services, which remains the need to cross the A141 itself and the distance to the relevant services. Therefore it is not considered that the proposal is acceptable in principle.

10.4. Character of the Area

10.5. Policy LP16 seeks to deliver high quality environments across Fenland District, with sub paragraph (d) requiring development to make a positive contribution to the character of an area and its setting. The development of the application site would result in the urbanisation of a 120m stretch of open countryside in what is a mix of residential and farmland. This length of open countryside is not considered to be small in scale relative to the scale of existing development and is an important feature within the street scene in establishing its rural character, linking the residential properties that are present to the agricultural land beyond.

10.6. The indicative layout indicates properties with large footprints and large parking turning areas. The plan indicates reducing the hedge height to only 600mm to seek to achieve highway visibility. This is for a length approximately 90 metres in length. Such a low-level hedge will have negligible ecological or visual benefits as regards the appearance to the countryside. It appears the layout has been designed to achieve engineering standards. This results in an urban form of development with substantial hard surface/roads/parking and large footprint properties, whilst no layout or scale is being submitted it is considered that the indicative layout does not overcome concern regarding the harm to the countryside.

10.7. Impact on Amenity

10.8. Policy LP16(e) considers the impact upon neighbouring amenity. This application does not seek determination of siting or scale and therefore it is not possible to assess impact on the amenity of neighbours. The plots are quite spacious and therefore it appears capable of accommodating the dwellings satisfactorily. The proposal is therefore considered capable of complying with policy LP16(e).

10.9. Flood Risk

10.10. The site is within Flood Zone 1 an area at lowest risk of flooding. The proposal is therefore considered to pass the sequential test and accords with Policy LP14 of the Fenland Local Plan,

10.11. Highway Safety

10.12. The LHA does not object, however requests consideration of an alternative route for the proposed footpath. The previous application was not refused on highway safety grounds. This scheme indicates a possible single access point likely to reduce impact on vehicular movements on the highway. The proposal is therefore considered to accord with Policy LP15 of the Fenland Local Plan.

10.13. The revised plans relating to the location and route of the proposed footpath and pedestrian crossing are the subject of concern to the highways authority. Given the lack of support for the principle of the development however this is not

considered to be a matter that requires resolution at this stage. Should members be minded to approve the application then the precise route of the footpath and location of the pedestrian crossing would need to be resolved prior to the issuing of any decision on the application.

10.14. Ecology

10.15. The applicant submitted a Biodiversity Checklist which identified no sensitivity with the site. However the Hedgerow is considered a habitat corridor on the edge of the field which has some ecological benefit. Notwithstanding visual amenity considerations however it is accepted that a replacement hedgerow could be conditionally required within the site either at the front or to the rear given the applicant's ownership of the adjacent land. Therefore in this instance it is not considered that the impact upon biodiversity is a reason on which to refuse the application.

11. CONCLUSIONS

11.1. This proposal conflicts with Policy LP3 the Council's Spatial Strategy as it fails to demonstrate how it falls within any of the categories set out for development within Elsewhere locations. The development is considered to have poor access to services and facilities and fails to support a strong, vibrant and healthy community with accessible local services that reflect the community's needs and support its health, social and cultural well-being, and fails to protect and enhance the natural environment. It is therefore not considered to represent sustainable development and does not comply with the aims of the NPPF. There are considered to be significant or demonstrable adverse impacts arising from the development of this site that are not overcome by the benefits of the scheme.

11.2. It is also considered that the development of dwellings on this 120m length of open countryside will result in an urbanising impact on the rural street scene or this part of Eastwood End and as such is considered contrary to Policy LP16(d).

12. RECOMMENDATION

Refuse

1 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 3 dwellings in Eastwood End, which is categorised as an Elsewhere location within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.

2 The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of

Appendix A

visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to Policy LP16 (d) of the Fenland Local Plan (2014) and the also conflicts with aim of Paragraph 170 of the NPPF.

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**LAND SOUTH OF 6, EASTWOOD END, WIMBLINGTON, CAMBRIDGESHIRE
ERECTION OF UP TO 3NO DWELLINGS (OUTLINE APPLICATION WITH ALL
MATTERS RESERVED)**

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

Officers presented the report to members.

Members received a presentation in accordance with the public participation procedure from Mr David Green in support of the application.

Mr Green explained he is a resident of the area and knows the proposed location well. His main concern is that if the area isn't developed on, it could be used for further industrial use but he totally understands the Officer's recommendation. There is a good opportunity to develop and use the land as per the proposal, and if the application was granted it would safeguard the area. The hedgerows could benefit from some husbandry and the Council could impose some conditions on the developer to enforce the maintenance of the hedgerow. He feels that there is a missed opportunity here and there is a great opportunity to safeguard the area especially with industrial areas encroaching and there are residential houses to the left and right hand side of the application site.

Members received a presentation in accordance with the public participation procedure from Mr Peter Humphrey the applicants Agent.

Mr Humphrey stated that he agrees with the previous speaker, that there is an opportunity to carry on building large detached dwellings to enhance the area.

The Parish Council have no objections to this application and if there were concerns there would be objections. The site is in flood zone 1. Highways have no objections and there is a proposal for a footpath to link this site with the village and there is already a pedestrian crossing to cross the A141. The Planning Officers have appeared to focus on LP3 which is growth of the village and have separated Eastwood End from the village of Wimblington. On the previous local plan, Eastwood End was always shown as part of the village and he had asked Planning Officers when the new local plan came out whether he could be provided with a copy of what they define as villages, but there is no such plan. This site, when taken in context the whole of Eastwood End, just forms a natural infill gap and is ideal for development. Referring to 11.1 of the Officers report, it states that it fails to protect and enhance the natural environment and Mr Humphrey disagrees with this. There are numerous new houses at Eastwood End and the proposal is not a new example and it is not setting a precedent, it is helping the village. Villages have a dense concentration of houses in the middle and sporadic large houses on the fringe, and the proposal is for three large houses on the fringe to retain the form and character of the village.

Officers are concerned with regard to LP12 which is rural areas development policy; however the application is not affected by an agricultural application so that cannot be considered as a reason for refusal. LP3 is a village classification and Officers have classed the application as to being elsewhere he is unsure as to whether it should be classed as elsewhere or as the village as Wimblington is a growth village and should fall within the growth village category and not classed as elsewhere.

It is the intention to retain the hedge and in his opinion there are a few anomalies within the report and therefore if members are minded to approve the application, the village can be enhanced 3 houses can be delivered in a suitable location and they

are closer to amenities rather than some other applications which have been approved.

Members asked Mr Humphrey the following questions;

□ Councillor Mrs Hay stated that she recognises that this is an outline planning application and she is concerned as one of the benefits of the application will be the footpath; however the Highways Authority has some concern over the deliverability of the proposed footpath.

She asked whether the applicant has carried out any costings for this. Mr Humphrey responded and stated that the applicant has worked out that one of the plots will fund the offsite works.

□ Councillor Mrs Hay asked whether the applicant has checked the figures and pricing with the Highways Authority. Mr Humphrey confirmed that the applicant has not checked with

Highways Authority but they are his budget costs and he is well aware of the cost implication of a footpath.

□ Councillor Mrs Newell asked for clarification with regard to access and asked whether it would be along the bridleway. Mr Humphrey confirmed that it would not be along the bridleway.

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

□ Councillor Mrs Davis stated that she cannot support the Officer's recommendation to refuse the application. Immediately opposite the proposed site is a brand new house which has recently been occupied. She stated that she also understands there are planning applications which have been submitted for houses either side of it.

□ Councillor Mrs Davis stated that she agrees with the speakers, it makes what is known as unsustainable more sustainable, it will link the area to the village and with the addition of the footpath it will make things easier. It may be a footpath on one side of the road in one part and another part of the footpath on the opposite side of the road, but that is not uncommon.

The application also has local support and there are no objections.

□ Councillor Mrs Bligh agreed with Councillor Mrs Davis. Following the site visit, the proposal is an infill development this would improve the area and she is struggling to see why it has been recommended for refusal.

□ Councillor Benney commented that he has revisited the site and the proposal is on the bypass side of the village, going away from the bypass there are 10 houses on one side and 11 on the other, in his opinion it looks like a piece on infill where 3 dwellings would fit well.

□ Councillor Sutton stated that he cannot believe that the highway authority have not objected to the application as he feels that the road is unsafe, but whatever people say about the proposal being in Wimblington; it is not in Wimblington and never has been. He stated that before the road, there was a railway line which ran through, which cut off Eastwood End from Wimblington. It has been like it for many years and it has been confirmed by Planning appeals that it doesn't fit with the plan. He stated that in his opinion this application is not policy compliant and finds it hard to believe that the Highways Authority have not objected to this on safety grounds alone.

□ Councillor Mrs Davis stated that if Councillor Sutton thinks the road is dangerous there is all the more reason to have the footpath constructed. She understands that there needs to be a balance between industrial and residential premises and the proposal before members today of 3 dwellings is going to have an impact.

- Councillor Sutton commented that members need to be mindful that a planning inspector's decision is a material decision and he is not prepared to go against a Planning Inspectors decision.
- Councillor Mrs Bligh commented that she does not understand why members would not approve this application when the other dwellings are in close proximity.
- Officers stated that the dwelling across the road from the proposed development was the result of a planning permission granted in 2002 under the old Local Plan which had different planning considerations. Now the NPPF has been introduced and the Local Plan was introduced in 2014. Therefore in terms of other recent planning decisions in relation to residential development on Eastwood End, and since the local plan was introduced in 2014, there have been approximately 16 applications for residential development of which 11 have been refused. The only ones which have been granted are ones which have had follow up to previous permissions which have been granted before the adoption of the Local Plan.
- Officers also advised members of the number of appeal decisions that have been recorded.

In 2013, 2016 and more recently in 2017, where the Inspector has recognised that Eastwood End does not form part of Wimblington and it is not part of the growth village but is part of an elsewhere location, consequently residential development would not fit in with the spatial hierarchy set out in the Local Plan.

□ Officers suggested that members may also wish to consider that the Highways Authority have commented in terms of the footpath, on Page 116 of the report, point 5.2 states that the Highway Authority express concerns as to whether the footpath can be delivered and in terms of the footpath and the benefits it may provide to the wider settlement of Eastwood End, it is only actually proposed to take the footpath to the application site and not any further.

□ Councillor Mrs Davis stated that the houses opposite was approved in 2002, however it has only just been built. Officers clarified that it was an outline planning permission granted in 2002 and final approval was in 2011.

□ Councillor Mrs Hay commented that her main concern is this application is an outline planning permission and if approval is granted they will come back regarding viability and say that they cannot afford to install the footpath. The fact that the Highways Authority has raised the concern indicates that it is not deliverable and therefore there is nothing given back to the community and that is why she will support the Officer's recommendation.

Proposed by Councillor Sutton, and seconded by Councillor Mrs Hay to go with the Officer's recommendation for refusal.

This vote failed and therefore the Chairman requested a Proposal for the application to be approved.

□ Officers clarified with Councillor Mrs Davis that any proposal approved might include delegated authority for Officers to add appropriate conditions.

□ Councillor Sutton stated that one of the conditions must be that if the application is approved then the footpath must be in place prior to any development and Councillor Mrs Bligh Agreed.

□ Nick Harding stated that one of the options that members could consider is to defer the application, so that the County Council and applicant can liaise with a view to establishing the issue of deliverability of the footpath. Alternatively members could give authority to the Head of Planning to approve if the path was deliverable and refuse if it were not.

□ Nick Harding stated that members can either choose to defer the application and bring it back to Committee or the application can be approved by Officers, but only if it can demonstrate that the footpath can be delivered and if it cannot be delivered then Officers can refuse the application. The Highways authority did not recommend refusal of the application and neither did it insist that there should be a condition in respect of footway provision. Nick Harding stated that he would suggest to members the application be deferred.

□ The Chairman stated that the concerns of the Head of Planning have been heard. He has suggested a deferment so that all of the concerns members have raised are investigated.

The decision to either approve or refuse the application is then delegated to Officers in consultation with the Chairman and Vice Chairman, or he asked if members want the Application to be brought back to Committee.

□ Councillor Mrs Newell asked for clarification with regard to the Highways Authority not raising any objection. The Chairman referred Councillor Mrs Newell to Page 116, Section 5.2.

□ Nick Harding stated that if the application had been submitted with no footpath proposal, Officers do not know whether the County Council would have stated that they object because a footpath is needed. The Council needs the requirement for a footpath to be set by the County Councils Highway Authority. If members are concerned about the footpath deliverability then the best option is to defer the application, and the queries can be addressed and the application can be brought back to committee.

□ Councillor Mrs Hay stated that if she could be assured that the footpath would be delivered she may have voted differently and therefore she will support a deferment and ask Highways to clarify the issue of deliverability. The Agent has already stated that one of the plots will pay for the footpath, however Highways may provide figures which will mean that one plot will not pay for the footpath.

□ Officers stated that the concerns expressed by Highways Authority in terms of deliverability are not necessarily just in terms of funding it is whether it can be physically constructed.

□ The Chairman agreed and said that the Highways Authority needs to clarify this.

□ Councillor Mrs Davis stated that the Parish Council were prepared to support the application if there was a footpath and with the retention of the hedge. In addition they would like to see only one access point and if the applicant and the Agent agreed to all of those aspects, the Parish Council would support it.

□ Councillor Mrs Laws stated that not only should the hedgerow be retained but also maintained. Officers stated that there would be a reluctance to place a condition on the application to require the maintenance of a piece of private land.

Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Hay and decided that the application be; DEFERRED and brought back to Planning Committee.

(Councillor Mrs Davis registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a Member of Wimblington Parish Council but takes no part in Planning matters. Councillor Miscandlon registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application.)