

PLANNING COMMITTEE



WEDNESDAY, 19 JUNE 2019 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor A Bristow, Councillor S Clark, Councillor A Lynn, Councillor C Marks, Councillor N Meekins and Councillor P Murphy,

APOLOGIES: Councillor D Patrick and Councillor W Sutton,

Officers in attendance: Stephen Turnbull (Legal Officer), Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Shared Planning), Sheila Black (Principal Planning Officer) and Gavin Taylor (Senior Development Officer)

Councillors Mrs Jan French, Councillor Mrs Laws and Councillor Rob White were present in the public gallery as observers.

P10/19 PREVIOUS MINUTES

The minutes of the meeting of 29 May were confirmed and signed as a true and accurate record, subject to the following amendments.

- With regard to minute number P5/19 concerning application F/YR18/0458/F, Councillor Murphy clarified that the point he raised should read 'Councillor Murphy highlighted that the proposed application complies with the National Planning Policy Framework. He added that if the planning permission complies with Policy LP15 of the Fenland Local Plan, which ensures suitable vehicular and pedestrian access there is no reason that the application **should not be approved.**'
- Councillor Hay highlighted that also in minute P5/19, there is an error and it should read that Councillor Patrick agreed with Councillor Murphy that the proposal complies with planning policy and there is no reason for the application **not** to be approved.

P11/19 F/YR19/0294/O/ LAND NORTH OF 3A-15 HIGH ROAD, GOREFIELD

ERECTION OF UP TO 5NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

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.

Gavin Taylor presented the report to members and drew their attention to the update report which had been circulated.

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

Mr Edwards referred to the officer's report stating that Gorefield is a small village under LP3 development will be considered on its merits but will normally be limited in scale to residential infilling and, in his opinion, this is the case with this proposal as it infills between the existing

dwellings on the High Road and the existing drain which is consistent with other developments that have been approved in the district. He highlighted that the site is within the village as it falls within the 30mph speed limit, adding that the built form opposite extends beyond the proposed site. The proposal does fall within flood zone 2, however there have been recent approvals in the district that have been at a much greater risk of flooding being in flood zone 3.

Mr Edwards expressed the opinion that the site is within the built form of the village and therefore the search area should be Gorefield for the sequential test purposes. The officer's report states the sequential test confirmed that there are no other available sites in the lower flood risk areas of Gorefield.

He added that all villages need growth to support the local amenities and Gorefield benefits from a public house, shop, post office, butchers shop, school and preschool and additional houses would provide further support to these businesses.

Mr Edwards stated that he had attended a Parish Council meeting and some of the points that were raised during the discussions at that meeting included that there was a need for new houses, that it was a logical area for development is infill development within the 30mph speed limit, would naturally slow down traffic with dwellings on each side of the road, there was a need for a mixture of housing types and it would balance the village. He highlighted that Gorefield has a diverse mixture of houses which includes the High Road, where houses, bungalows and chalet bungalows and provides opportunities for first time buyer's families and retired people. The applicant owns the adjacent farm and as they are reaching the age of retirement the next generation will be more involved in the day to day running of the farm with the first plot nearest the farm being for the applicant's son.

Mr Edwards concluded by reiterating that the site is within the built form of Gorefield and will help reduce vehicle speeding in the area. It will provide much needed new housing in the village and is supported by the Parish Council, Cambridgeshire Highways and 9 letters of support from local residents and he asked members to approve the application with any conditions they feel appropriate.

Members asked Mr Edwards the following questions.

- Councillor Murphy asked Gareth Edwards why a sequential test for the whole area has not been carried out. Mr Edwards stated that there are other areas in villages and towns that will have development within flood zone 1. He added that in his opinion the proposal is within the built form of Gorefield and is within the village signs, so the sequential test area should only be Gorefield.
- Councillor Meekins commented that whilst he does not disagree with the need for villages to expand, the particular area is predominantly bungalows and the outline design that has been submitted are for substantial two storey four bedroomed houses, which, in his opinion, do not seem to fit with the street scene. Mr Edwards responded by saying that the layout is only indicative and is only to illustrate and demonstrate what could be achieved.
- Councillor Meekins added that the proposal is for four bedroomed houses and there is no provision for anybody wishing to join the property ladder. Mr Edwards reiterated that it is only an indicative layout. The Chairman added that if planning permission was approved, then discussion could take place with officer's regarding the further detail.
- Councillor Bristow asked whether the local schools are oversubscribed in the village. Mr Edwards confirmed that he is unsure with regard to the available provision in the preschool, however, he believes that there are vacancies in the primary school.
- Councillor Hay commented that the suggestion was made that the proposal was infill as it is adjacent to garden land on one side and a drain on the other, however, in her opinion infill is where a proposal is between two properties and not between a drain and garden land. Mr Edwards responded by saying there has been a similar project in Church End, Parson Drove, where the development was infill between a house and a drain and that was

deemed as a natural boundary and the proposal before members today is the same.

- Councillor Benney queried whether the houses opposite the proposed development site are within the boundary of Gorefield. Mr Edwards stated that his understanding is that the village boundary runs just beyond the land to the right hand side. Councillor Benney asked whether the proposed development will be in the village of Gorefield and Mr Edwards stated that it would be.
- Councillor Bristow asked when the existing dwellings were built opposite the proposed site. Mr Edwards stated that there is a mixture of dwellings, some of which are from the 1940's, through to the current day, where some dwellings are near completion.

Gavin Taylor clarified some of the points that members had made:

With regard to village boundaries, the village boundaries are not set within the Local Plan. They are settled through the application of LP3 and LP12 (a) and the footnote which defines where sites are and are not inside the settlement. He highlighted to members on the presentation screen the dwellings on the southern side of the High Road and, with regard to LP12, the dwellings would be considered to be inside the settlement because they continue back in towards Gorefield and some of the developments that are coming forward are clearly infill sites because they sit between two buildings.

He provided a definition of infill as per the glossary of the Local Plan which defines residential infilling as development of sites between existing buildings and, on that basis, officers would not consider that a drain is a building.

He clarified the location of the 30mph speed sign and added that the position of the sign does not define where the settlement starts and ends and it does not feature in the footnote to LP12 (a) as a definition either.

Councillor Benney stated that LP3 of the Local Plan states that in small villages, development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. He added that 'normally' means variable, and therefore, it is not fixed. All villages need to have growth and new houses, in order to keep the amenities and schools in place and If this application is not approved it penalises the village of Gorefield.

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

- Councillor Mrs Bligh added that the application has the full support of the Parish Council and she is disappointed that not enough notice is taken of the Parish Council's views and beliefs. The application has no technical issues from the main statutory consultees.
- Councillor Hay commented that there needs to be consistency when determining planning applications. There is a Local Plan which needs to be taken into consideration. In the last 3 months similar applications have been taken to appeal and both applications were dismissed on appeal by the Planning Inspector. Officers updated members with details concerning the appeals Councillor Mrs Hay had referred to.
- Nick Harding reiterated that the policy does include the word normal, however, members need to consider that decisions need to be taken into accordance with planning policy and therefore, if members are minded to go against the policy and the officer recommendation, there needs to be clear reasons given so that members can demonstrate that with this particular application they can state what special circumstances are in play which justify why a departure from normal policy should be allowed.
- Councillor Marks asked that if the application had been submitted was just for one dwelling would that be acceptable. Nick Harding stated that the application before members is for

residential development and no part of the proposal was to ring fence any single property for a member of the family and we would not be able to impose a condition in relation to that. If a completely different application had been submitted and that was for an agricultural dwelling then that would need to go through the normal process of trying to establish whether or not the dwelling was genuinely needed in relation to an agricultural business.

- Councillor Hay added that members must adhere to the Local Plan and the proposal is clearly against LP12 and LP3 and if members want to approve the application, they need to demonstrate how the application is in accordance with those two parts of the Local Plan.

Proposed by Councillor Meekins, seconded by Councillor Bristow and decided on the casting vote of the Chairman that the application be REFUSED as per officer's recommendation.

(Councillor Clark registered, in accordance with paragraph 2 of the code of conduct on planning matters that she had been lobbied on this item)

P12/19

F/YR19/0357/O

LAND SOUTH EAST OF 182 WYPE ROAD, EASTREA, PE7 2AZ

ERECTION OF 2 X 4-BED SINGLE STOREY DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS, LAYOUT AND SCALE)

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.

Gavin Taylor presented the report and update to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Lee Bevens the Agent.

Mr Bevens firstly clarified a point contained within the officer's report which refers to the adjacent site being a working farm and this is not the case, It is a Business which occasionally throughout the year cleans and repairs farm sprayers. From discussions with local neighbours there have never been any issues with regard to noise issues from the site. He added that with regard to the officer's report and the details of reasons for refusal, the application site is not in an area of open countryside and that there is not a developed footprint for Eastrea. In his view there have been recent approvals for developments along Wype Road which have seen frontage development like the scheme that is proposed and as the application site is located within a 30mph speed zone suggests that the site is in a built up area. He made the point there have been no objections raised for Cambridgeshire Highways. The proposal is opposite another large detached bungalow at 127 Wype Road and, therefore in his opinion, the application is not contrary to the policy in the Local Plan that the Officer has referred to.

Mr Bevens stated that the housing allocation for Eastrea had not been met as noted within the latest village threshold statement of June 12. He made the point that the site is next to a farm which is not an unusual factor in the Fens and here has been a great deal of weight to the impact of noise raised in the officer's report but the business on site repairs sprayers for other businesses and does not carry out this work all year round with the works often carried out at other locations.

Mr Bevens stated that the issue of noise has been highlighted by the Council's Environmental Health Team, however, this was not raised when the original application was submitted and nor was it raised when the Council approved the scheme directly to the north of the site for 6 houses at 182 Wype Road. The owners of 182 Wype Road, the farm, did not raise any objection based on

noise issues for that development and only raised concerns when they visited the site on 29 May with the majority of neighbours close to the site support the application.

Members asked Mr Bevens the following questions:

- Councillor Lynn asked for clarification over the operating hours of the farm as the officer's report states that it is open and operational 7 days a week. Mr Bevens confirmed that the farm is open 7 days a week, but the business that operates from the farm is a mobile business and 90% of the times during the week, the vehicles associated with the business are operating away from the site.
- Councillor Lynn asked what work the farm carries out for the rest of the week. Mr Bevens stated that, to the best of his knowledge, the farm repairs farm sprayers.

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

- Councillor Benney asked whether officers were aware that the business appears to be more of a mechanical business rather than a working farm. Gavin Taylor stated that he was aware of the farm and its existence and the farm has no restrictions in terms of its hours of operation. Councillor Benney added that the report states that the farm is a working farm and if it is an agricultural related business where it is repairing agricultural machinery it is more of a garage than a working farm and he asked for further clarification. Gavin Taylor stated that officers from Environmental Health carried out a site visit, they reviewed the current status and the potential to cause noise and disturbance to adjacent residential development. He added that it is a business and there is commercial use of the site and if possible we would not be seeking to restrict its future use. Its current use is a consideration but also the flexibility of its future use is also a consideration. If there are concerns over contaminated land or biodiversity, the applicant would be asked to provide further evidence and acoustic assessments, where there is the potential for noise, however, in this instance this is not available. Therefore, with this application, the potential has to be looked at which our Policy LP16 of the Local Plan states.
- Councillor Benney asked whether an acoustic assessment was considered when the report was compiled. Gavin Taylor stated that the comments that were received from the Environmental Health team and given the issues that officers found from the development in principle it did not seem reasonable to ask the applicant to undertake an acoustic assessment of the site because potentially there are other reasons for refusal of the application.
- Councillor Hay asked if the application before the committee today was for 2 houses, a farmhouse dwelling and an agricultural business, would it be approved? In her opinion, it would not be passed because there would be concerns over noise. Currently the business has no restrictions and we all want growth in businesses, but going forward the vehicular movements into the farm is unknown. Councillor Hay stated that she considers this location as open countryside and she believes it would be wrong to restrict the future expansion of the business which would happen if the application was approved.
- Councillor Lynn added that when he read the report he thought during harvest time the operational hours of the farm would cause an issue, however, now he understands the type of business operating, his view has changed.
- Councillor Hay stated that the agent is advising that it is a different type of business, however, there is no proof of this as no noise assessment has been carried out.
- Councillor Meekins stated that, in his opinion, this application is not infill and is adjacent to open agricultural land and there needs to be consistency in the decisions made by the committee.
- Gavin Taylor highlighted to members on the presentation screen the location of 6 dwellings

that had outline planning approval agreed in 2017/18. Three of those have come forward in the northern area of the site and the layout was not committed for the southern 3 dwellings. He added that officers would expect to consider the layout in relation to potential noise issues.

- Councillor Benney commented that there is a great deal of development on that road and questioned the location of the boundary. He added that every town and village in Fenland is in open countryside. The proposal is in flood zone 1, in his opinion, it is a good development and as you enter the village, it will look better visually to see two bungalows in that location.
- Gavin Taylor clarified that the houses to the north of the six previously approved dwellings were approved when the Councils housing allocation policies were out of date as a result of not being able to demonstrate a five year supply of housing, so the tilted balance indicated that officers had to recommend approval for that site. Our policies currently are considered to be up to date and robust and, therefore, we do not need to move away from our housing policies of which LP12 states that sits outside of the settlement.
- Nick Harding stated that as Gavin Taylor had already indicated the special circumstances were used at the time, when the Council did not have a 5 year land supply and the law states that there had to be a tilted balance in favour of granting planning permission. We have now demonstrated that we have a 5 year land supply and, therefore those special circumstances are no longer relevant.
- Councillor Mrs Bligh stated that as much as she agrees with Councillor Benney's comments, she that Whittlesey Town Council actually recommended refusal of this application. Councillor Benney responded by saying Whittlesey Town Council recommended refusal on the grounds of Cambridgeshire County Highway concerns, however, highways then revisited the plans and were in agreement with the proposal.

Councillor Benney proposed that the application be approved against officer's recommendation.

- Councillor Lynn asked that if he agreed to second the proposal and, if the application was approved, could a condition be added to ask for a suitable noise pollution test to be carried out. Nick Harding responded by saying that this could not realistically be achieved because effectively you would be approving a development proposal when you were not in fact sure whether the development would be adversely affected by noise from the adjacent development. He added that if that is a concern for members then an option to consider would be to defer the application in order for a noise assessment to be carried out. Councillor Benney asked would an alternative be to approve the application and request a condition for an acoustic barrier to be installed. Gavin Taylor stated that If there is no demonstration of noise impact it would be an unreasonable condition to add as we cannot show it is necessary. With regard to landscaping which would include any barriers including fencing are not committed with this application as it is an outline application without landscaping.

Councillor Mrs Bligh proposed for the application to be deferred, which was seconded by Councillor Lynn.

Nick Harding added that if members were minded to defer the application, the assumption would be that the committee were happy with all other parts of the proposal and it would only be the noise issue that members were unsure of. He added that members need to consider the officers reasons for refusal which relate to the fact that the development proposal in the planning officers view does not constitute infill.

Councillor Mrs Hay stated that she is not happy for the item to be deferred. Officers have advised members if the item is deferred solely on the basis of concerns over noise, the other reasons that officers have put forward for refusal are being ignored.

Councillor Mrs Bligh agreed to withdraw her proposal and Councillor Lynn concurred.

The original proposal from Councillor Benney to go against officers' recommendation and approve the application was reverted to.

The substantive reasons given by Councillor Benney to go against the Officers recommendation were Policy LP3, due to the fact that it states the word 'normally' which would indicate that there is an option to deviate in certain cases. Councillor Benney does not feel that this can be classed as linear development as in Policy LP12 (a) as it does not harm the character of the area and LP12 (b) as in his opinion the proposal is not outside the footprint of the village.

Nick Harding added that Councillor Benney has outlined the proposal which is to grant planning permission and has expressed the reasons why he feels an exception to the policy and Nick Harding asked whether an addition could be made to include that Officers have delegated authority to apply appropriate planning conditions. The Chairman agreed with this.

Councillor Hay stated one of the reasons that officers had stated were LP12 Part A (c, d and e,) and the report states 'it would not extend existing linear features of the settlement, or result in ribbon development'. Councillor Hay added that it is exactly what this would do if the application was approved.

The proposal was seconded by Councillor Lynn and decided that the application be APPROVED.

(Councillor Bristow registered in accordance with paragraph 14 of the Code of Conduct on planning matters that he was a member of Whittlesey Town Council when this application was considered. He did not take part in any discussions or vote on this agenda item)

(Councillors Benney, Clark, Connor, Lynn, Marks, Meekins, Murphy and Councillor Mrs Bligh registered in accordance with paragraph 2 of the Code of Conduct on planning matters that they had been lobbied on this item)

P13/19

F/YR19/0068/O

LAND NORTH OF 17 DODDINGTON ROAD, BENWICK

ERECTION OF UP TO 15NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) INVOLVING DEMOLITION OF BUILDINGS

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.

Gavin Taylor presented the report to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Lee Bevens, the Agent.

Mr Bevens stated that the scheme is a culmination of 2 years of work and looks to address the reasons for refusal of a previous scheme to find a cost effective and sensible solution to an overgrown site that has the potential to provide much needed low cost housing. He stated that Cambridgeshire Highways have no objections and other issues have been addressed and the number of dwellings proposed is a maximum. The officer has raised reasons for refusal which include Policy LP3 which states that the development will be considered on its merits and he believes that the proposal has met all the criteria to be approved under the policy.

Mr Bevens expressed the view that the proposal can provide small, lower cost market housing, where there is a need. Access is the only matter committed and there are no objections from highways. The proposal will address the fact that Benwick has not met its housing allocation in the latest threshold statement with 18 dwellings still outstanding. He added that there is good visibility in and out of the site and the proposed scheme will avoid piecemeal development in the village and will also support local businesses with new customers. He commented that all sites in Benwick are liable to flooding as it lies within flood zone 3 with the proposal improving the overgrown site which has been subject to complaints and anti-social behaviour.

Mr Bevens stated that his clients have agreed to the Section 106 contributions which will benefit the village in terms of open space money and an infill only development would land lock the full potential of the site. He made the point that under LP14 a detailed flood risk assessment and sequential test have both been submitted and the sequential test had been met, with Benwick lying largely in flood zone 3 and there are no other undeveloped unavailable sites in the village. He added that if housing is to be provided in Benwick then every site would fail the sequential test which would mean that the housing targets would not be met. He referred members to an approval of a development in Turves in 2018 where the officer noted that because the entirety of Turves is located within flood zone 3 at the time of its designation as a small village that the development should go ahead and it was approved.

Mr Bevens referred to surface water provision with there being levels of hierarchy that should be met, the first is to use infiltration, then to use water courses and the third is to use sewers with the preferred route being via a water course which runs along the side Doddington Road and some residents have voiced their concerns over this, however the adjacent Heron Way scheme runs into Anglia Water sewers and discharges into a water course outside number 22 Doddington Road. There are ongoing discussions taking place with the drainage consultant and the Lead Local Flood Authority along with Anglia Water and it is hoped a successful surface water solution can be achieved.

Mr Bevens concluded that out of the nine villages identified under LP3 of the Local Plan, Benwick has the highest outstanding number to achieve of 18 dwellings. Some similar sized villages have substantially exceeded their numbers in their allocations, such as Guyhirn, Murrow and Newton.

Members asked Mr Bevens the following questions:

- Councillor Lynn asked for clarification with regard to the report which states that the proposal is on archaeological ground and asked whether a survey has been carried out. Mr Bevens confirmed that discussions are yet to take place with the County Council, however, it would be expected that conditions would be applied to reflect this should the outline consent be approved.
- Councillor Lynn asked for clarification with regard to drainage. Mr Bevens stated that if infiltration cannot be met then the obvious place for surface water to go will be the open ditch that runs along the side of Doddington Road. The Anglian Water sewer that runs through Doddington Road discharges into the open water course and there is riparian ownership of the ditch along with the Internal Drainage Board and there would need to be an agreement to enter the open ditch. The other alternative is to agree with Anglian Water to enter the sewer which ultimately enters the ditch.

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

- Councillor Hay expressed the view that if the application was for 1 or 2 dwellings between the existing houses then it could be classed as infill, however, in her opinion the 15 houses should be classed as back land development. The application is also very similar, if not identical, to an application that was refused in May 2018 and the Parish Council have clearly stated that they believe it is over development and is not supported. They also have

concerns over the sewerage and the location is unsustainable due to lack of infrastructure.

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

(Councillors Benney, Clark, Connor, Lynn Marks, Meekins, Murphy and Mrs Bligh registered in accordance with paragraph 2 of the Code of Conduct on planning matters, that they had been lobbied on this application)

2.35 pm

Chairman