

PLANNING COMMITTEE



WEDNESDAY, 13 MAY 2020 - 1.00 PM

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

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

P84/19

F/YR20/0120/O

LAND WEST OF GAULTREE LODGE, LONDON ROAD, CHATTERIS, CAMBRIDGESHIRE, ERECT A DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

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

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

- Councillor Benney expressed the opinion that London Road and Ferry Hill have always been part of Chatteris. He stated that he does not class the proposal as being in an elsewhere location and feels that the proposed location is also in a sustainable position. He added that there is the need for housing in Chatteris to ensure no further services and facilities are lost and expressed the view that it is a good development which he will be supporting.
- Councillor Murphy expressed the opinion that the proposal is in an elsewhere location and is a distance from the built up area of Chatteris. He expressed the view that it cannot be classed as infill development and there is no footpath or lighting on that particular stretch of the road. Councillor Murphy added that the proposal is against the aims and objectives of the National Planning Policy Framework and also against Policies LP3 and LP16 of the current Local Plan.
- Councillor Hay expressed the view that she agrees with Councillor Murphy and stated that although there will be a new Local Plan in time, it is the current Local Plan which members should be considering when determining applications. Councillor Hay stated that the proposal does go against LP3 and LP16 and added that on the site opposite where permission had been granted for 3 dwellings was infill development. She stated that Chatteris Town Council are also recommending refusal because they consider the proposal to be outside of the development area and the fact that it has no footpath or street lighting.
- Councillor Benney expressed the opinion that it is infill development adding that the other property is on Ferry Hill albeit set back in the woods. He stated that when consideration has been given to the proposed new Local Plan, Councillor Hay had put forward that the building line should be taken further down Ferry Hill. He expressed the view that although the proposal may not be fully compliant with the current Local Plan, it will be when the new Local Plan is introduced.
- Councillor Hay stated that Councillor Benney is correct and she did think it would be sensible to move the boundary going forward; however, members still need to abide with the current Local Plan.
- Councillor Sutton stated that he has listened to the other members and he expressed the opinion that this proposal is in an elsewhere location and he will be supporting the officer's

recommendation.

- Councillor Mrs Mayor stated that she will be supporting the officer's recommendation, as the Local Plan policies need to be followed.

Proposed by Councillor Murphy, seconded by Councillor Mrs Mayor that the application be REFUSED as per the officer's recommendation. This was not supported on a vote by members, which included the use of the Chairman's casting vote.

Proposed by Councillor Benney, seconded by Councillor Marks, and agreed, with the use of the Chairman's casting vote, that the application be APPROVED against the officer's recommendation.

Members approved the application against officer's recommendation for the following reasons; the development is not classed as an elsewhere location, is a sustainable location and forms part of Chatteris.

Members agreed to delegate authority to officers to formulate conditions in consultation with the Chairman, Councillor Benney and Councillor Marks.

(Councillors Benney, Hay and Murphy stated that they are members of Chatteris Town Council but take no part in planning matters)

**P85/19 F/YR20/0167/O
LAND NORTH OF THE BARN, HIGH ROAD, BUNKERS HILL, CAMBRIDGESHIRE,
ERECT UP TO 5X DWELLINGS INVOLVING THE FORMATION OF A NEW
ACCESS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT
OF ACCESS)**

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

David Rowen read out a written representation received from David Broker, the Agent for the application.

Mr Broker, referred members to the executive summary within the officer's report which states that this is an elsewhere location thus being void of all chance of development although there are 25 dwellings in the hamlet of Bunkers Hill. He stated that with regard to the flood risk, only a very small part of the site is within Flood Zone 3, adding that the recommended floor level is 300 mm above ground level and this is typical for all new build properties in Fenland.

Mr Broker stated that with regard to the absence of a Sequential test, why would the owner of this specific site be looking for a site which he didn't own elsewhere. He highlighted aspects of previous applications which had been submitted including a previous application which was refused but under a former development plan.

Mr Broker stated that in previous applications the Planning Officer refers to Bunkers Hill comprising linear development, which is precisely what this is. "Linear Development. He explained that the geometry of the access in question can easily be conditioned for technical detailing as part of a Reserved Matters application stating that a revised plan was sent to County Highways in response to a former comment to which they have not responded, but they do not object in principal to the application.

Mr Broker explained to members that he has made reference to a recent application on the opposite side of the road which came before the Planning Committee in 2019 and was approved although the Planning Officer had put forward an almost identical case why it should be refused.

He added that on that occasion it was recognised that there was the need for future sustainability of rural communities and the need for housing in Rural Areas.

Mr Broker concluded by stating that the applicant owns the land, he is a builder by trade and this is an opportunity to provide business and work for himself and local tradesmen and he asked members to please let common sense prevail.

Member asked officer's the following questions:

- Councillor Meekins asked for clarification with regard to the terminology of visibility splay as contained within the officer's report. David Rowen stated that this means the distance initially set back from the road and by a certain distance down the road, to ensure cars have adequate visibility down the road in either direction.

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

- Councillor Sutton expressed the view that he has concerns over the visibility splay. He stated that he is reluctant to support an application which could put motorists in danger exiting the property and therefore, he will support the officer's recommendation.
- Councillor Hay stated that the visibility splay is drawn through the fence line to the host property and is incorrect and it would be remiss of members to pass this application. She will be agreeing with the officer's recommendation.
- Councillor Benney asked whether the visibility splay could be something that could be conditioned if approval was granted. David Rowen stated that it is an outline application with access included, and therefore, members need to be satisfied that the access they are approving today is safe and adequate.
- Councillor Mrs Mayor stated that she will be supporting the officer's recommendation as the access is not safe.
- Councillor Lynn stated that approval cannot be given to an application where it causes a danger to motorists. He added that if the applicant came back after revisiting the visibility splay issue, then he would look at it with a different perspective.
- Councillor Sutton stated that Councillor Lynn has indicated he would have a different view if the visibility issue was resolved and, therefore, questioned if members agree with the recommendation in totality. He stated that members need to be clear with their reasons for refusal in totality.
- Nick Harding stated that if members are to make a proposal for refusal solely on the grounds of the highway issue, it is important to identify why this application is otherwise acceptable given the recommendation to members by officers.

Proposed by Councillor Murphy, seconded by Councillor Mrs Mayor that the application be REFUSED as per the officer's recommendation.

Councillor Benney asked for clarification with regard to the proposal for refusal and asked whether the committee are refusing the application on the grounds of visibility and splay or on the four reasons for refusal as given by officers. Nick Harding clarified that members would be voting to refuse the application in its entirety.

This was not supported on a vote by members, which included the use of the Chairman's casting vote.

Nick Harding stated that there needs to be a planning reason which explains why the other reasons for refusal should not be applied in this instance.

- Councillor Benney stated that he does not think the proposal is in an elsewhere location. He

added that although it falls in flood zone 1, 2 and 3, it does mean that flood zone three is going to be built on as it is an outline application.

- Nick Harding stated that in Policy LP3, it specifically list the various settlements that are in different categories and Bunkers Hill is not listed on any of them and therefore is an elsewhere location. He added that with regard to flood risk the Local Plan and the SPD is clear that a sequential test for alternative sites at lesser flood risk should take place. He added that Government policy states that wherever possible development should take place in locations where mitigation is not required with regard to flood risk.
- Councillor Lynn expressed the opinion, why would the applicant carry out a sequential test on this location, when he already owns the land. Nick Harding stated that this a fair point but when you look at it more widely when you look at Government policy, everybody could circumnavigate the sequential test by having a land interest in a parcel of land.

Proposed by Councillor Benney, seconded by Councillor Lynn and agreed that the application be REFUSED on the grounds of visibility and safe access only.

Members did not support officer's recommendation to refuse planning permission on the other three grounds as they feel that the site is not an elsewhere location, would make a positive contribution to the character of the area and flood risk can be mitigated against.

**P86/19 F/YR20/0182/O
LAND SOUTH OF NORBROWN, HOSPITAL ROAD, DODDINGTON,
CAMBRIDGESHIRE, ERECT UP TO 2 X DWELLINGS (OUTLINE APPLICATION
WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Mr John Cutteridge, the applicant.

Mr Cutteridge stated that he is proposing to build 2 average size family properties, however the Council have said that these are not appropriate without a footpath being installed. He stated that the land opposite has had 10 homes recently built and added that the Parish Council have given full support to the proposal with their also being 100 letters of support from the village.

Mr Cutteridge stated that Hospital Road gets at least 40 dog walkers, runners and pedestrians per day and he expressed the opinion that this to be due to his business planting over 10,000 trees in their Woodland and many metres of hedging, making it a more desirable area. He added that there has not been any accident involving pedestrians along this stretch of public highway without a footpath and therefore cannot see why one is needed now questioning whether the Council are suggesting that the road is unsafe for all these regular users?

Mr Cutteridge stated that the Council have also suggested the properties will spoil the landscape but he expressed the view that he cannot see how this can be as they will be situated behind a large native hedge and between an existing bungalow and the large new hospital building. He stated that he is not looking to develop this area to fund his personal lifestyle but to financially help develop his family run business and in turn create new jobs in Fenland along with helping the local economy.

Members asked the applicant the following questions:

- Councillor Marks asked for clarification on where the 10 dwellings that Mr Cutteridge had referred to were and asked whether it was those dwellings on the Benwick Road? Mr Cutteridge confirmed that they have been built on the land opposite the access to the proposed site.

- Councillor Meekins asked for clarity with regard to the nursery business. Mr Cutteridge confirmed that he already has an existing nursery business and he would like to sell the land for the building plots to give a financial increase to the business in order for it to be developed further.
- Councillor Marks asked for confirmation as to whether Mr Cutteridge intends to live in either of the proposed two dwellings? Mr Cutteridge confirmed that is not the intention.

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

- Councillor Hay stated that Hospital Road it is a very narrow road and has very few passing places and added that she is concerned about the increase of another two dwellings. She also noted that on the edge of the site there are also electricity cables which she also has concerns over.
- Councillor Sutton expressed the view that he has mixed feelings over the proposal. He stated that with regard to the 74 letters of support submitted by the Agent, 10 of them had no comment, 29 referred to either affordable housing, first time buyers or lower cost housing and three mentioned a bungalow, making the point that clearly some people are of the opinion that they may be affordable or starter homes, which clearly they are not.
- Councillor Sutton stated he has concerns with regard to accessibility and sustainability, the proposed site is about 9 minutes' walk from the centre of the village. With regard to the footpath, it is quite a short distance from the proposed site to the sheltered housing accommodation and there is a gate there but it does lead to an accessible footpath.
- Councillor Mrs Mayor expressed the opinion that the entrance to the centre of the village has changed over time. She stated that she agrees with Councillor Sutton on some of the points that he has raised. Councillor Mrs Mayor stated that in Fenland there are a number of developments approaching villages, and transport can be an issue but if highways have no objections, to the proposal then she is minded to go against the officer's recommendation.
- Councillor Meekins stated that on the map within the agenda pack, there are no houses opposite the proposal site and it is open land. He referred to the lack of footpath and expressed the opinion that he does think it is a good idea to build further dwellings. Councillor Meekins stated that the application appears to be the same application that was submitted nine months ago and he referred to the officer's summary highlighting the reasons for refusal and he expressed the opinion that he will be supporting the officer's recommendation for refusal.
- Councillor Benney expressed the view that each application is looked at on its own merits. He added that if we want to encourage business and people to move to Fenland, then it is important to have attractive dwellings. He stated that in his opinion that there is the need for individuality and added that if people have surplus funds, they look to reinvest it and along with planning reasons to consider there are also moral reasons to take into account. He added for those reasons, he will fully support the application.
- Councillor Murphy stated that the proposal site is quite a distance down the road and it does mean pedestrians have to step on the verge out of the path of traffic. He added that members cannot be sure what the applicant will do with the proceeds from the sale of the land and he expressed the view that to approve this application would be against many planning reasons.
- Nick Harding stated that whilst the speaker has advised members that the profits from this development will go into his business, the grant of planning permission will not contractually oblige him to do that and there is no guarantee that this will happen.
- Councillor Sutton highlighted to members, the map on page 33 of the officer's report, where he pointed out an access footpath for walkers. He stated that the only issue of accessibility for walkers would be a distance of 150 metres.
- Councillor Lynn stated that if the applicant is unable to raise the funds, then he would not be able to invest the money back into the community. However it would be important to give the applicant the opportunity to do so.
- Councillor Marks expressed the opinion that regard to the investment of money back into

the business, currently all businesses are struggling and members must remember the land has to be sold first.

- David Rowen stated the footpath that Councillor Sutton had highlighted earlier to members is actually an emergency access to the hospital site. He drew members attention to point 5.3 on page 26 of the officers report, where the Highway Authority have stated that Hospital Road is devoid of footways, street lighting and passing bays and the Council should take into consideration the impact of incremental development and the inadequate highway infrastructure to support further development along Hospital Road.
- Councillor Sutton expressed the opinion that members are here to determine whether the land is suitable or not suitable for development and the focus needs to be on planning issues.

Proposed by Councillor Hay, seconded by Councillor Meekins that the application be REFUSED as per the officer's recommendation. This was not supported on a vote by members.

Proposed by Councillor Benney, seconded by Councillor Lynn that the application be APPROVED against the officer's recommendation.

Members approved the application against officer's recommendation for the following reasons; the agricultural grounds on the adjacent property were lifted prior to the application, the proposal is within the extremities of the village, there is other development in the area, and it is not felt this proposal is in the open countryside.

Members agreed to delegate authority to officers to formulate conditions in consultation with the Chairman, Councillor Benney and Councillor Marks

**P87/19 F/YR20/0188/F
LAND SOUTH WEST OF, 32 EASTWOOD END, WIMBLINGTON,
CAMBRIDGESHIRE, ERECT A 2-STOREY 4-BED DWELLING WITH GARAGE**

David Rowen presented the report to members.

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

Mr Edwards explained that the applicants are long established residents of Eastwood End and that the site is a vacant piece of land positioned on the corner of Eastwood End. He added that the site has had many uses over the years, including accommodation of mobile homes and a workshop, some of which still exist adding that unless developed the site will remain unused. He made the point that there is built up residential development on either side of the highway.

Mr Edwards stated that planning permission was refused on the site in 2017 and as a result was subsequently appealed. He added that the Inspector's key findings were that the principle of the dwelling was acceptable given that the site is not remote from the services or facilities in Wimblington and future residents would support these services.

Mr Edwards stated that the appeal for a dwelling was refused for reasons of the scale, bulk, height and siting on the front part of the site would compromise the sense of space and openness. This was exacerbated by the prominent position within the site where it would be visible from vantage points along Eastwood End.

Mr Edwards stated that the dwelling has been positioned further back within the site to allow for views to the open countryside from the critical vantage point to the west on Eastwood End and it should be noted that that the site is not visible from the east (Hook Road). A single-storey

garage element is positioned to the north of the site, which will allow for views to the countryside beyond and the site is lower than the highway which means that the dwelling will appear less visually intrusive.

Mr Edwards stated that the site is located within flood zones 1, 2 and 3 with the dwelling positioned in flood zone 1, which emphasises the acceptability of the site. He expressed the view that officers have objected to the proposal on the grounds of the site being located outside of an established settlement which goes against what the Planning Inspector had said when he said that the site had access to services and facilities and did not object to the principle of development.

Mr Edwards added that appeals in other parts of the District have been used to object to the proposal in principle, however, in his opinion, this doesn't make sense when there is an appeal relating to this specific site which says that it is within a settlement. He concluded by stating that there have been letters from local residents in support of the application.

Members asked officer's the following questions:

- Councillor Marks asked for clarification with regard to the height of the property once the ground is levelled? David Rowen confirmed that the property would sit slightly higher than that of the existing property if built as shown by the visualisations submitted as part of the application.

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

- Councillor Lynn expressed the opinion that he is in favour of development in Fenland. He expressed the view that he is not in favour of building attractive dwellings which impose on neighbouring dwellings and he will be voting to support the officer's recommendation.
- Councillor Hay expressed the opinion that she considers this proposal as backland development of number 32. She added that she does not feel that the property should be built adjacent to a public right of way. Councillor Hay stated that she is giving great consideration to the views of Wimblington Parish Council, who quite clearly object to the proposal, as they consider it to be in the open countryside. She stated that she will be supporting the officer's recommendation.
- Councillor Meekins stated it does appear that the applicant has taken the comments previously made by the committee and also the Planning Inspector into consideration. He added that the footprint is still the same size and there is just a reduction in the number of bedrooms. The proposal appears to be situated on a hazardous bend in the road and unfortunately, although some notice has been taken into consideration by reducing the height, he will be agreeing with the officer's recommendation.
- Councillor Sutton stated that on several occasions over the last year, he has asked for a more balanced report with regard to Inspector's decisions. He expressed the opinion that the case officer has given a fair balance in this case and congratulated the officer for the quality of the report. Councillor Sutton expressed the view that the applicant and agent have taken notice of the some of the issues raised previously with regard to massing and the photo montage reflects no overlooking.
- Councillor Sutton stated that once the proposed footpath is constructed, it makes the hamlet of Eastwood End more accessible for the pedestrians. He added that he will be voting against the officer's recommendation.
- Councillor Hay stated that Councillor Meekins had stated that the footprint had not altered, however in 10.17 it shows that the footprint has increased albeit not very much, but it has increased.
- Councillor Sutton expressed the opinion that he wants to propose that the application be approved due to the footpath linking the hamlet to the village making it sustainable which it was not before.
- David Rowen stated that the footpath at the other end of Eastwood End has not been provided yet and therefore it is not guaranteed that it will be delivered.

- Nick Harding drew members attention to the Inspector's report and added that that the Inspector makes the comment that the design is not in any way suitable or mitigating to his concern over principle of the impact of the development of the land and therefore if members are minded to grant the application they need to identify why the principle of development in terms of the loss of this site is now acceptable.
- Councillor Sutton stated that whilst he appreciates the comments that Nick Harding has put forward, in his opinion, he feels that the proposal will improve the area and the proposed footpath link will almost certainly be put in place.
- Nick Harding stated that he appreciates Councillor Sutton's comments with regard to Inspector's decisions however there are 4 appeal decisions which all raise concerns over principle of development.

Councillor Sutton proposed that the application be approved against the officer's recommendation however no seconder was forthcoming.

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

(Councillor Mrs Mayor took no part in the vote or the discussion thereon for this application as she lost internet connection during the debate)

3.16 pm

Chairman