

PLANNING COMMITTEE



WEDNESDAY, 2 SEPTEMBER 2020 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor S Clark, Councillor M Cornwell, Councillor A Lynn, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor R Skoulding and Councillor W Sutton,

APOLOGIES: Councillor A Hay (Vice-Chairman),

Officers in attendance: David Rowen (Development Manager), Gavin Taylor (Senior Development Officer), Stephen Turnbull (Legal Officer), Jo Goodrum (Member Services & Governance Officer) and Elaine Cooper (Member Services)

P20/20 **PREVIOUS MINUTES**

The minutes of the meeting of 29 July 2020 were confirmed subject to the amendment of adding Councillor Miscandlon to the list of those Members in attendance, who was acting as a substitute member for Councillor Mrs Mayor.

P21/20 **F/YR20/0536/F** **30 PARK LANE, WHITTLESEY, ERECT A 1.8M HIGH (MAX HEIGHT) CLOSE** **BOARDED BOUNDARY FENCE INVOLVING THE DEMOLITION OF EXISTING** **1.6M HIGH FENCE WITHIN A CONSERVATION AREA (RETROSPECTIVE)**

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 David Broker, the Agent.

Mr Broker explained that the application has been re-submitted in its previous form following a delegated decision to refuse adding that at that time the Town Council supported the scheme and were surprised by the decision. He explained that the application is before the Committee today with support from the Town Council and 9 Letters of support, one letter of objection and no Comments from County Highways or Conservation Officer. He stated that CAMBS Historic Environment have no Objection or modifications..

Mr Broker stated that the applicant has lived at 30 Park Lane for over 40 years and has recently found it necessary through failing health to form an annexe to the house for herself enabling her son and his family to occupy the main house and be on hand for her future care. He added that the applicant's son has young children and has the front garden which is enclosed for their recreation making it visually secure from the very many people who use the road en route to Park Lane School. He stated that the rear garden to the property was the subject of intense scrutiny for bio diversity when the extension was approved and as such is only suitable for the applicant herself who is a keen ecologist; young children playing are not conducive to frogs, newts and other species that exist in the garden.

Mr Broker stated that the fence is on a particularly tight bend in the road and the previous overgrown hedging and dilapidated fencing overhung the road obstructing forward visibility around the bend. He expressed the opinion that the new fence is an overall improvement and is certainly no more prominent than the 1.8m high common brick wall which dominates the back of the footpath to the North East of the application site.

Mr Broker added that it has been suggested that the height of the fence be reduced but this is not an option which can be practically achieved and still retain the visual security required.

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

- Councillor Mrs Mayor stated that she has known the applicant for some considerable years. She added that she disagrees with the statement at 2.2 in the officer's report, which states that the site forms the edge of the Whittlesey Conservation Area, and it is also adjacent to the Grade II Listed Building of 7 Horsegate which is around the double bend from this property and it is only the north east corner of the applicants garden which is actually anywhere near 7 Horsegate. Councillor Mrs Mayor stated that she has noted that only one property in Horsegate has responded as part of the consultation process and number 7 has not raised any objection at all. She added that the property who has objected to this proposal, also objected to the extension which was mentioned, due to ecological reasons.
- Councillor Mrs Mayor explained that 2 of the consultees who have responded are not local residents anymore; however they are the next of kin of a resident who used to live in Church Street and were brought up and raised in the property and locality. She added that she is surprised that this application has been brought back before the committee.
- Councillor Lynn expressed the opinion that the fence improves the visual impact and the street scene.
- Councillor Sutton stated that he agrees with officer's that the fence in its new form is stark and very prominent. He added that in his opinion it is not any worse than the brick wall referred to by Mr Broker, but he added that it could be improved. He referred members back to a previous application at Yarwells Headland which was refused on the same grounds and then consequently approved by the Planning Inspector. He added that if the application was approved, then he would like to see a condition added, which would state that the fence should be painted a different colour to soften the starkness.
- David Rowen stated that the Yarwells Headland comparison that Councillor Sutton had made reference to, is a different to the application before members today, due to this application site being in a Conservation Area and therefore having a deal of greater protection and regard to design appearance whereas the Yarwells Headland application had an area of land in front of it, enabling a small amount of planting to be accommodated. He continued that with regard to the suggestion made by Councillor Sutton concerning the possibility of treating the fence to soften its impact, although this is something that could be conditioned, over time the agreed colour is likely to fade and any subsequent re treatment of the fence, may not be as sympathetic as the colour agreed as part of the condition.
- Councillor Sutton expressed the view that if a condition was added to that effect, it could state that it would need to be kept like that in perpetuity.
- Councillor Mrs Mayor agreed with the point Councillor Sutton made concerning the addition of a condition and stated that with regard to the comment that David Rowen made with regard to the differences between the Yarwells Headland application and today's application that whilst she appreciates that it is in the Conservation Area, it is only the area of 30 Park Lane, where the fence is positioned that falls under it.

- Councillor Mrs Mayor questioned why the Conservation Officer at the Council was not consulted on this application as she had noted that the Historic Environment Team at Cambridgeshire County Council (CCC) was consulted and they came back with no objection. David Rowen clarified that as a general course of action; the Conservation Team are not consulted on smaller scale issues, and normally deal with more complex heritage matters. He added that the Historic Environment Team at CCC deal with archaeological matters and therefore they are commenting generally on whether the proposal will damage what historic remains are in the ground.
- Councillor Mrs Mayor queried that officers are saying that the Conservation Team are not important enough to look at this application, but the Planning Committee are.
- Councillor Sutton responded to Councillor Mrs Mayor by saying it was quite clear why the application was being considered by the committee as the Scheme of Delegation required this, and it was not down to officers. He stated that he had noted that there were existing bird boxes in the trees around the application site which he was pleased to see and he added that he would like to propose that this application be approved against the officer's recommendation with a suitable condition added.
- Gavin Taylor added that although a condition could be added, the difficulty with enforcing it with regard to perpetuity is that over time the colour will change due to natural weathering and then a decision needs to be taken as to whether enforcement action then needs to be considered.
- Councillor Sutton agreed that Gavin Taylor does make a good point and over time the condition of the fence will change and therefore perpetuity maybe too long a period to stipulate. He added that the condition could state 5 years.

Proposed by Councillor Sutton, seconded by Councillor Skoulding and decided that the application be APPROVED against the officer's recommendation It was agreed that the conditions imposed on the permission be delegated to officers, but include a sympathetic treatment of the fence within three months.

Members did not support the officer's recommendation of refusal of planning permission as they feel that as long as the fence receives a sympathetic treatment within three months, it will enhance the street scene.

(Councillor Cornwell declared an interest in this item as the applicant is known to him and he took no part in the discussion on this application and voting thereon).

(Councillor Mrs Mayor declared an interest in this item as the applicant is known to her, she took part in the discussion on this application but took no part in the voting thereon following advice from the Legal Officer)

P22/20

F/YR20/0537/F

16 NORTH STREET, WISBECH, CHANGE OF USE OF GROUND FLOOR FROM OFFICES TO 5 X 1-BED AND 1 X 2-BED FLATS INCLUDING ERECTION OF A 2 METRE HIGH CLOSE BOARDED TIMBER FENCE/GATE, ADDITION OF CLADDING AND PAINTING OF BRICKWORK AND REFURBISHMENT OF WINDOWS TO FLATS 1-10

Gavin Taylor presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure from Mr Henry Adams, the Applicant.

Mr Adams explained the background of the development and advised that he purchased the property 18 months ago with the aim of his proposal to improve the look of the building and to enhance and improve the streetscene. He explained that he has worked with the agents to make the building look visually attractive and that there have been security issues to date which have been addressed with new locks and CCTV, however there are still issues with regard to flytipping.

Mr Adams stated that with regard to parking, the double garages which can be seen on the plans, these were already bricked up and out of use prior to his purchase. He added that the two parking spaces are leased out to the dog grooming business.

Mr Adams concluded by stating that there will be an outside functional courtyard space created for the residents, which in a town centre location is an added benefit and it will utilise the area which is currently suffering from issues of fly tipping.

Members asked officers the following questions:

- Councillor Murphy expressed the view that he is pleased to see where the refuse and recycling has been accommodated and asked for clarification with regard to one of the conditions where it states that the boundary treatments and access control measures shown, shall be fully implemented and maintained in perpetuity thereafter and he asked who will be maintaining this and where is this documented?. Gavin Taylor stated that whoever is controlling this building will be responsible for ensuring that they are maintained in perpetuity and if the property is sold then the planning condition will remain with the land

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

- Councillor Meekins stated this property is in his ward and he is well aware of the issue of fly tipping at that location with it being unsightly for many years.
- He stated that he has noted that Wisbech Town Council have objected to the application as they feel it is over development, however in his opinion he does not feel this is the case pointing out in the vicinity of the application site there are other blocks of flats and apartments and he does not think that the proposal for an additional 6 flats should be classed as over development in this case. Councillor Meekins made the point that on the Old Market in Wisbech there are currently 3 empty commercial units which are available to let.
- Councillor Meekins expressed the view that when he had cause to visit this site over the last year, he found it to be quite unnerving. He added he was able to access the entrance without any issue and, therefore, he is pleased to hear that the door is now secured by keyfobs and CCTV.
- Councillor Meekins added that single occupancy properties will be welcomed in Wisbech and if there is the need for parking then Chapel Road car park is only 200 yards away. He added that it will improve this area of Wisbech as currently this site it is a blot on the landscape and he will really welcome this as an enhancement to Peckover Ward.
- Councillor Lynn expressed the view that he would normally be against changing a business into a residential dwelling, however, in this case the site is in desperate need of renovation and change. He added that this area has suffered from anti-social behaviour on a large scale, fly tipping, violence and this part of the town needs to be improved and he will support the application.

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

P23/20

F/YR20/0598/O

LAND NORTH OF THE BARN, HIGH ROAD, BUNKERS HILL, 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.

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

Mr Broker explained that this scheme came before committee in May this year with support from the Parish Council and 6 letters of support from neighbouring residents with this support being reiterated in the officer's report and update. He added that the Planning Committee had previously voted against the Officer's recommendation and approved 3 houses on the opposite side of the road in the same location.

He made the point that in the in the previous application the committee had determined to go against Officer's recommendation issuing a refusal for reasons only related to details for the access visibility splays with the committee had recognising the merit of the development and did not consider it as an elsewhere location.

Mr Broker stated that immediately after the meeting he contacted the Head of Planning, who agreed in writing that if a new application, including suitable splay details were submitted it ought to be decided under delegated powers, however 6 days ago, including a 3 day Bank Holiday and 3 days of the Fenland web site being off line, he was informed that the application is to be heard by committee today as it had been referred by the Head of Planning. He added that it is because of an appeal decision of refusal for another so called elsewhere site in Fenland.

Mr Broker stated that in this application he has submitted the appropriate information as required for visibility splays which has been approved and identifies that splays in excess of those required by the traffic survey can be achieved and that the access is acceptable all to County Council Highways requirements. He explained that the Parish Council have requested speed reduction features and the applicant is fully prepared to provide these along with the footpath to the bus Shelter and path and crossing improvements in that area. Mr Broker added that a letter of objection highlight traffic concerns but all Highways responses discount those concerns.

Mr Broker asked members to compare the location of the application site with the appeal site in question at Crooked Bank Wisbech which bears no resemblance to the application site other than titled an elsewhere location. He stated that it is accessed off an unmade track barely wide enough for a single vehicle to enter and exiting onto a blind bend in the road. no foot paths, no bus route, no services and this can be seen clearly on Google..

He made the point that through his 45 years of making planning applications officers always insist that each application is considered on its own merit, however, in this case, he does not understand the comparison between the 2 sites.

Mr Broker expressed the opinion that members have recognised the need to support its rural communities in this respect and in strict contradiction to 10 of the 14 points raised in the appeal and taking into account the committee's previous support the application site is not considered to be an elsewhere location, has justification in sustaining rural settlements and is not isolated. He expressed the view the proposal is of benefit to the area and is on a service bus route to Wisbech, March and much further afield and has other transport links, such as school buses and the FACT bus facility.

Mr Broker stated that it was deemed sustainable by the committee in May and is within comfortable reach of the services in Wisbech St Mary being as close to the school, shops and church as other houses in Sand Bank and Station Road and it is served by a trunk road.

He added that the committee report all lead to the conclusion that all matters have been satisfactorily addressed either by Officer acceptance or Planning Committee ruling. He stated that there is now with this application, one reason for refusal, which is on the same policy terms that applied in May as well as now.

Mr Broker asked members of the committee to consider those policies and make balanced decisions in support of the needs of the district, not necessarily national policy.

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

- Councillor Lynn stated that he recalls this application when it came before the committee previously and added that at that time, he had no issue with the proposal apart from the visibility splay, however now the developer has addressed the issues raised at that time to appease the committee and has carried out in his view an excellent job. He added that he can understand why officers are identifying this as an elsewhere location, however in his opinion this is an excellent use of the land and this should be welcomed. The Council are keen to find parcels land for development and in this case the proposal should be welcomed making the point that the local community appear to be in support with the proposal.
- Councillor Lynn expressed the view that local developers should feel that they can trust the Council and he thanked Mr Broker for taking into consideration the previous views of the Planning Committee and addressing the aspects highlighted and stating that he would like to propose to go against the officers recommendation and approve the application
- Councillor Benney stated that when this application was presented to the committee before, the only reason it was refused was due to the highways concerns and at that time the committee gave an indication that should those issues be addressed then the application would be looked at favourably. He added that the developer has worked to find a solution to overcome the highways concerns and has also committed to helping to address the issues of speeding which appear to be the main concern in the letters of objection and the developer should be commended for this
- Councillor Benney stated that letters of support have been received from residents in Bunkers Hill and those residents should be appeased that the developer has taken steps to deal with concerns. He added that in LP3 it states that we do not want ribbon development; however there are houses opposite the proposed site and the proposal is balancing the hamlet. He stated that as an authority we have to deliver 850 houses per year going forward and the villages and hamlets need to play their part as that amount of development cannot be accommodated in the towns. He added that the targets have been set by Central Government and he stated that when small developments come forward they are built, unlike the larger developments which are often delayed due to Broad Concept Plans and finding developers to build the sites out. There is the need for housing for future generations and he added that it is a good use of land.
- Councillor Benney added that there are concerns about farmland being taken out of production by set aside country stewardship schemes. He stated that maize is being grown for the anaerobic digestion plants in the area and land is being taken out of food

production. He stated that there is other development in Bunkers Hill that has been approved and he would like to support Councillor Lynns proposal.

- David Rowen stated that with regard to the 850 dwellings that Councillor Benney has referred to, the figures have not been established as yet as being the set number of houses required. The Government are keen for new housing but there is also the need for it to be in sustainable locations with services and facilities, as has been seen with the appeal decision in Begdale, where the Inspector concluded that to have housing located in such a settlement would not be sustainable and would not meet the local policies of the Local Plan or the policies set out in the National Planning Policy Framework.
- Councillor Sutton stated that this proposal is certainly in an elsewhere location and is not named in the Local Plan. He expressed the opinion that to compare that elsewhere location with the Begdale site is not a direct comparison, as there are more dwellings in Bunkers Hill, than in Begdale. He added that he does not feel it is the correct place to be building, although the transport links in Bunkers Hill are far better than in Begdale. He added that the Inspectors report at Begdale, needs to be taken into consideration when determining this application.
- Councillor Benney expressed the view that the Inspector's report does not seem to be consistent in what they state.

Proposed by Councillor Lynn, seconded by Councillor Benney and agreed that the application be APPROVED, against the officer's recommendation. It was agreed that the conditions imposed on the permission be delegated to officers.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the developer has addressed the highway concerns reason for refusal on the previous application and the proposal would be of benefit to the local area and consistent with the previous decision of the Committee.

**P24/20 F/YR20/0603/F
LAND WEST OF 44 ROBINGOODFELLOWS LANE FRONTING, NORWALDE
STREET, MARCH, ERECT 1 DWELLING (2 STOREY 3-BED)**

Gavin Taylor presented the report to members.

Members received a presentation in support of the application, in accordance with the public participation procedure from Mr Matthew Hall, the Agent.

Mr Hall stated that all consultees including March Town Council and Cambridgeshire County Council Highways team support the application. He added that the proposal is for a modest three bedroomed dwelling to match other dwellings in Norwalde Street and Robingoodfellows Lane with the site area being 180 square metres and the dwelling 57 square metres in size which takes up a third of the site with the remainder for a garden and parking.

Mr Hall added that within the officer's report between 10.6 and 10.10, there are no concerns raised with regard to overlooking or over shadowing and there are no concerns with regard to any of the adjacent properties. He added that there are numerous types of this proposal in March which have been built out and these include properties in Ash Grove, Hawthorne Grove, Orchard Road, Henson Road and St Marys Drive.

Mr Hall referred members to the photographs being displayed as part of his presentation and identified the properties in Russell Avenue and West Close which he feels are similar to the

proposal before members today. He highlighted to members that the properties previously approved do not fall in line with each other and are stepped back, very similar to the proposal before the members today.

Mr Hall concluded by stating that there are no objections, from the Highways Authority or the statutory consultees. The proposal falls within flood zone 1 and matches in with adjacent properties and the applicant is happy to agree materials with officers.

Members asked officers the following questions:

- Councillor Cornwell stated that the agent has shown photographs of properties in West Close and added that if you transpose that onto the map of Norwalde Street on page 76 of the officer's report, the new build properties are almost in line with what would be the equivalent of number 44. He expressed the view that the comparison cannot be taken as like for like and asked officers to clarify.
- Gavin Taylor stated that essentially the properties in West Close show a step effect arrangement between the existing buildings fronting Russell Avenue, leading back into West Close and the infill actually steps whereas the proposal before members today protrudes beyond the build line, so he does not consider the two are comparable in his opinion.
- Councillor Murphy made comments regarding the impact on the street scene.

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

- Councillor Cornwell stated that proposal falls within his ward and added that on page 76 of the officers report, it shows that every property has a frontage and added that if you draw a line from 28 to number 44 Robingoodfellows Lane, the proposal sits way ahead of the building line and is out of keeping with the rest of properties in the area. He added that he has no issue with the design of the building, only the positioning of it and he will be strongly supporting the officer's recommendation.

Proposed by Councillor Cornwell, seconded by Councillor Mrs Mayor that the application be refused as per the officer's recommendation which was not supported at the vote by the majority of members.

Councillor Benney stated that in his view the dwelling would not appear out of character as it is similar to the one in his back garden and would have no different an impact to the fence along the boundary. He added that there is no consistent theme to the street as the houses are painted differently and do not look the same and there is the need for houses and to get people out of hostels and this would be an acceptable development in the town

David Rowen referred members to the earlier comments made by Councillor Cornwell and Gavin Taylor and added that just because the application site is in the built form of the town, it does not automatically mean it should be built on. He stated that members do need to look carefully at the character and appearance of what is proposed and how it would fit in the street scene and to draw comparison between fences that exist at the moment and the introduction of a new dwelling into the street scene are not comparable. He stated that in terms of the example that Mr Hall gave in his presentation, the street pattern on West Close is different to that of Norwalde Street and members need to be confident that the development will not have an adverse impact on the character and appearance of the area and also have no impact on the neighbouring property, who have objected to the proposal, on the basis of the impact on that property.

Proposed by Councillor Benney, seconded by Councillor Skoulding that the application be APPROVED against the officer's recommendation. It was agreed that the conditions imposed on the permission be delegated to officers.

Members approved the application against officer's recommendation for the following reasons; the development makes a positive contribution to the area and brings much

needed homes. It is a sustainable development and has no adverse impact on other houses in the area.

P25/20

F/YR20/0635/F

LAND SOUTH WEST OF, 32 EASTWOOD END, WIMBLINGTON, ERECT 1 X DWELLING (SINGLE-STOREY, 3-BED)

Gavin Taylor 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 stated that the application before members is for a bungalow, and there has been a number of new dwellings developed in the area. He added that the proposal has been revised since it was before committee the last time to address the various points that were raised with the main revision being to address the points raised by Councillor Lynn of a 2 storey dwelling being imposing on neighbouring properties and the proposal is now for a single storey dwelling.

Mr Edwards added that the proposed dwelling is in line with the existing nissen hut, which proves a built form is in existence and removes the open nature and it is not open countryside. He stated that the proposed dwelling is level with the rear of the nissen hut and does not increase built form from what already exists. Mr Edwards explained that the proposal has a public footpath following a previous approval, which will link the dwelling to the settlement of Wimblington, so therefore, it is now a sustainable location. He added that this area of Wimblington has a mixture of 2 storey developments and also a mixture of styles and types of accommodation and the proposal mirrors this and will utilise an area neglected, which already has a built form on it.

Mr Edwards stated that the proposal comes with letters of support from villagers both within the village as a whole and from Eastwood End and the points they raise are all relevant to this application. He stated that there have been no letters of objection received. Mr Edwards added that Wimblington is a growth village under LP3, and is therefore, capable of developments of this nature. He added that additional reports and information have been provided to address the issues surrounding flood risk and the sight line is through to the open countryside which has been maintained, and there will be minimal to no impact to neighbouring properties and the area in general.

Mr Edwards added that on the previous appeal on the site, the Inspector's key finding was that the principle of the dwelling was acceptable, given that the site was not remote from the services or facilities of Wimblington and future residents would support those services. He added that with the footpath link previously mentioned it will provide access to the village. Mr Edwards concluded that this will provide an additional much needed home, which is far better than a person living in temporary accommodation.

Members asked Mr Edwards the following questions:

- Councillor Meekins asked Mr Edwards to confirm why he had failed to mention the objection from the Parish Council? Mr Edwards stated that the Parish Council has been consistent in their view throughout the application process as they deem it to be in open countryside, which is contrary to his view.
- Councillor Meekins asked for clarification with regard to the access which is over a byway?. Mr Edwards stated that Cambridgeshire County Council have stated that this would be conditioned and he is agreeable with this.

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

- Councillor Murphy expressed the view that the land falls away and is over a byway. He stated that it has already been refused 5 times, been sent to appeal and has been

dismissed 4 times and he cannot understand why it keeps coming back to committee. He agrees with the officer's recommendation.

- Councillor Benney stated that he agrees with Councillor Murphy and the comments he has made. He added that it is not a suitable location for a dwelling.
- Councillor Connor stated that this application continues to come back to committee and he agrees with Councillors Benney and Murphy.
- Councillor Lynn stated that he appreciates the efforts the agent has made with regard to his proposal, however he will be refusing this application.
- Councillor Sutton expressed the view, that the last submission of this application was better than the one before members today. He expressed the opinion that this cannot be deemed as open countryside and compared it to the application that members had approved in Bunkers Hill. He stated that he will support it again. He also expressed concerns regarding the consistency of the Committee's decision making.
- Councillor Cornwell stated that he agrees with Councillor Sutton. He added that members had expressed the view earlier in the meeting that more accommodation is needed and there is a single dwelling proposal before the committee, where the agent has tried to find a suitable application. He stated that this is part of the Eastwood End street scene and in his view it is deliverable and he will go against the officer's recommendation.

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

3.27 pm

Chairman