

PLANNING COMMITTEE



**WEDNESDAY, 23 SEPTEMBER 2020 -
1.00 PM**

PRESENT: Councillor D Connor (Chairman), Councillor A Hay (Vice-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,

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

P31/20

F/YR20/0054/O

LAND SOUTH OF MEADOWGATE ACADEMY MEADOWGATE LANE WISBECH, HYBRID APPLICATION: ERECT UP TO 10 SELF-BUILD DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) AND FULL PLANNING PERMISSION FOR CONSTRUCTION OF INTERNAL ROAD LAYOUT AND WORKS TO MEADOWGATE LANE

Nick Thrower presented the report to members.

Members asked officers the following questions:

- Councillor Meekins asked whether Meadowgate Lane is still a no through road and Nick Thrower confirmed that it is. Councillor Meekins asked whether the proposed development on the disused College of West Anglia agricultural campus is still going ahead? Nick Thrower stated that he was unaware of any formal proposals on that site, however, this proposal is in the southwestern corner of the Broad Concept Plan, which is the strategic allocation for East Wisbech.
- Councillor Murphy asked whether discussions have taken place yet regarding condition 12, which is the Refuse Collection Strategy or does it get agreed afterwards? He also questioned whether the planning permission would cease if the refuse strategy is not agreed? Nick Thrower stated that the strategy is yet to be discussed, but the internal road layout could be constructed in a manner that would accept the refuse collection vehicles and, therefore, specific refuse collection consideration could be accommodated within the road layout that is proposed. Councillor Murphy asked whether the planning permission will be granted without the condition? Nick Thrower stated that the condition proposed would require the refuse strategy to be agreed and implemented and he cannot see the development proceeding without a formal strategy in place.
- Councillor Lynn asked whether the Highway Authority have agreed the layout leading to the site? Nick Thrower stated that their current view is to recommend refusal of the application.
- Councillor Sutton referred to the two-page report from the Highway Authority, which conflicts with the officer's recommendation, and asked whether an officer from Highways was invited to attend the meeting? David Rowen stated that officers from the Highways Authority were not invited to attend the meeting as their comments are outlined within Appendix A of the report, which is a full summary of their position and an officer attending would not provide any further detail than that which has been provided to members in the committee report.
- Councillor Cornwell questioned that if the application is approved and the work is carried out, but not to the requirements of the Highway Authority, could they then refuse to adopt

the road? David Rowen stated that it is his understanding that if a scheme has obtained planning permission then the Highways Authority cannot automatically decline to adopt the road, because they did not agree with it at the planning stage. Nick Harding stated that officers have specifically checked with the Highway Authority, that if this application was approved, would they refuse to enter into a Section 278 agreement for the proposed road improvements to be made, even though they were not in agreement with them, and they stated that they would honour the fact that planning permission had been granted. Stephen Turnbull, the Legal Officer, confirmed that when planning permission is granted the Highway Authority cannot refuse to cooperate with the Section 278 agreement.

- Councillor Sutton expressed the opinion that going forward when there is such a difference in opinion with the Planning Officer's recommendation and the opinion of the Highway Authority, he would like to see an officer from the Highways Authority present at Planning Committee meetings.
- Councillor Mrs Mayor expressed the view that she agrees with a number of points that Councillor Sutton has made and added that it is a comprehensive highways report which recommends that the application is refused for highways safety reasons or for it to be deferred for amended plans and, in her opinion, she would like the application to be deferred so that amended plans can be provided, which are acceptable to the Highway Authority.
- Councillor Hay stated that she has reservations regarding the highways issue referring to Appendix A where it states that there is land available as an alternative to the proposal, and she would have liked the Agent or the Highways Officer in attendance at the meeting to provide further detail, making the point that safety must come first.
- Nick Thrower added that the Highways Officer did identify an opportunity to mitigate their concerns and this was shown in the second highways drawing where it showed the lengthening of the ditch on the right hand side of Meadowgate Lane and the widening of the carriageway of 5.5 metres with a 1.8 metre footpath to the eastern side of the site, however, Planning Officers concluded it would result in unacceptable harm to the character of the area.

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

- Councillor Cornwell expressed the view that there appears to be reluctance from officers to lose the hedges in this proposal and taking into consideration the safety of walkers and cyclists using a highway, if this view cannot be balanced, then he does not see how the development is beneficial to the area. He stated that he does not feel he can support the application in its current format.
- Councillor Benney stated that he welcomes the application and, in his view, officers have brought a scheme forward that finds a balance and they should be congratulated. He expressed the opinion that the road is a cul-de-sac that leads to nowhere, with a few houses and the road then leads to a field and that all over the country there are small estates, which have adopted or private roads which have a lower standard of access than those of a larger size. Councillor Benney added that there is a small distance from the adopted highway to the entrance of the site and the applicant has tried to reach a satisfactory compromise, which includes a footpath, and he stated that he will be supporting the officer's recommendation.
- Councillor Sutton expressed the view that, although he agrees with some of the points raised by Councillor Benney, he cannot agree the balance between ecology, street scene and character against highway safety and he would suggest that the application is deferred as he believes that there is a better scheme to be put forward. He added that the ditch could be box culverted and that the trees and bushes in the ditch are to the detriment of the drainage system.
- Councillor Lynn stated that the road runs alongside a school that educates the most vulnerable children in society and he is disappointed to see that there is no highway agreement in place as he would like to see the development go ahead, but he would like to see the proposal deferred to come back to the committee with a better road scheme in

place for consideration.

- Councillor Connor stated that he agrees with the comments raised by Councillor Benney and added that he would also like to congratulate officers for bringing this report forward. He expressed the opinion that although the access road is narrow, with the necessary improvements that are proposed put in place, he would not be in support of a refusal or a deferment of the application on highway grounds. He expressed the opinion that with regard to the comments made concerning the East Wisbech Broad Concept Plan (BCP), it is his belief that the proposal will not affect the BCP at all and will bring a disused piece of land into use, providing much needed housing.
- Councillor Meekins stated that Meadowgate Lane is a narrow lane and by increasing the vehicle movements into a narrow road is unacceptable. He stated he cannot support the current proposal as it stands.
- Councillor Benney stated that he was willing to support the application, however, from comments that members have made so far it does not look as though it will be supported and if the application is going to be refused then officers should be given some guidance as to what improvements would make the proposal agreeable. He stated that the trees could be removed and be re-planted elsewhere as part of a tree planting scheme, which would please more people and ensure that the road is up to standard. He expressed the view that no trees should stand in the way of a house and there are waiting list for homes, due to a shortage of self-build plots in Fenland, which would also bring much needed employment to the area.
- Councillor Hay stated that she would support a deferment of the application because as soon as she read the report she was concerned with regard to the issues surrounding safety and these cannot be set aside for the sake of the character of the area. She added people's lives must come first, particularly when the Highways Officer states that it can easily be designed out and she expressed the view that she sees no reason to support the application as it stands.
- Councillor Connor questioned that if the committee approve the application, could a caveat be added that the applicant has to meet the road safety standards so that the Highway Authority are content.
- David Rowen stated that members have debated the highway issue to some depth, adding that officers do not go against the Highways Authority recommendation to refuse lightly and great consideration has been given to the application. He added that there are very few proposals that are brought before the committee which go against the highway's recommendation for refusal, but this application is slightly more nuanced in terms of discussions with regard to what is the most appropriate type of road improvement. The Highway Authority is requesting an engineered 5.5 metre road and 2 metre footway compared to leaving the road in its current form, with officers trying to reach a satisfactory resolution, which meets the highway requirements to upgrade the road, and at the same time does not obliterate the character of the road either. It is important for members to note the wider context, particularly the nature of the Quaker Lane and Meadowgate Lane further to the north, which are not typically designed estate roads and they fluctuate in width currently and the pedestrian facilities on those roads also fluctuate as there are areas where there is no segregated footway, areas where there is footway on both sides and areas where there is footway on one side. David Rowen added that the Highway Authority's view is for a high standard of road along Meadowgate Lane and Quaker Lane for the final 50 metres as you approach the site to serve the final ten dwellings and whilst he understands the concerns raised by some members over Meadowgate Academy, it is not a typical school in terms of pedestrian movements and the majority of pupils are brought to the school by car or minibus. He made the point that officers have taken the nature of the pedestrian movements into consideration when determining the application, which is a lightly used stretch of road to the south of the school at the moment, but, in the opinion of officers, by adding an additional 10 dwellings would generate a significant increase in vehicle movements in conflict with significant pedestrian movements.
- Councillor Sutton stated that he is surprised to hear the suggestion of the Chairman to pass

the application. Councillor Connor stated that the ten houses could be approved, and it could be a condition that the access and highway is looked at later. Councillor Sutton stated that the access and the roadway are committed and if this application is passed that decision is final. Councillor Connor reiterated his point that the application could be passed with the condition that the road issue is looked at afterwards. Councillor Sutton stated that if that is the case, what is the difference between passing it with a condition or deferring it to ensure the roadway is agreeable to everybody. Councillor Connor stated that is for members to decide.

- Councillor Cornwell asked for advice from the Legal Officer with regards to the suggestion made by Councillor Connor. Stephen Turnbull addressed members and stated that the highways issue is a detailed matter and the application should either be refused or deferred.
- Nick Harding asked officers to confirm whether a drawing was submitted from the applicant, which the Highways Officer is content with? Nick Thrower confirmed that a plan was produced by the agent following the initial highways comments, but the second highway layout plan that was presented to members was produced following the initial highways comments on the scheme. Nick Harding stated that if the applicant has already submitted a highway improvement drawing that the Highways Authority are happy with and Planning Officers are not it would have meant that there was the potential for members to approve the application and as part of the approval give consent to the drawing that has already been submitted, but officers will need to check whether that drawing has the full approval of the Highway Authority, however, it could be approved as an indicative Section 278 scheme, subject to a condition.
- Stephen Turnbull stated he would prefer the application to be deferred, given the large amount of detail which needs to be looked at.
- Councillor Mrs Mayor stated that her view would still be for deferment until there are some acceptable highways details which are agreeable to officers and the Highway Authority.
- Councillor Lynn stated that he would like to see the application go ahead and if officer's can work to resolve certain issues, such as removal of some of the trees, add a decent roadway, that may encourage highways for further road improvements going forward and for that reason he would also support a deferment.
- Nick Harding stated that there have been two highway improvement schemes submitted, with one of them satisfying the Planning Officer's recommendation and the Highways Officer is content with the other version and the detail within it. He asked the Legal Officer to confirm whether it would be acceptable if the committee made a decision to approve the development, subject to confirmation that the Highway Authority approved scheme is agreeable to them, with officers having delegated authority to issue the planning permission.
- Councillor Sutton stated that he appreciates that officers are seeking to obtain a resolution and he has nothing against the scheme except for the safety issue, but as the specific detail has not been provided members cannot make a decision, adding that had a Highways Officer been present at the meeting the application could have been determined and for that reason he would like to see the item deferred. He added that if it comes down to highway safety versus character trees and bushes then, in his opinion, safety should always be paramount.
- Councillor Benney expressed the view that one of the options that Nick Harding has proposed is that the application be approved with the condition that the highway drawing, which has been approved by Highways Officers be brought forward. He feels that the advice officers have provided is good advice and this is a compromise to ensure that the houses and self-build plots are provided. He stated that the matter of safety can be addressed, because if it becomes apparent that the drawing has not been approved, then the application will have to come back before the committee. Councillor Benney asked Nick Harding to clarify whether the option he has put before the committee is realistic? Nick Harding stated that the drawing allows for a highway improvement, which is more aligned to the standard approach of County Council than officers are comfortable with, but if the committee are minded to give delegated authority to officers then the drawing that has been submitted can be reviewed and put into a final version that the County Council is happy

with.

- Councillor Benney asked Nick Harding to confirm that if a compromise could not be reached with the highways how would the application move forward and Nick Harding confirmed that the application would be brought back to the committee. Councillor Benney stated if the committee agree that the other drawing is used and if that is then finalised and satisfies the Highway Authority, that would mean the Planning Committee would be content and that would mean that the application is passed and if agreement is not reached with the Highway Authority then the application would come back to committee.
- Stephen Turnbull confirmed that he agrees with Nick Harding that if there is a drawing in existence that the Highways Authority are happy with then he can see no issue with the committee resolving to approve, as at that point there is no permission granted and if that drawing is approved by the Highway Authority then permission can be granted or if it needs alterations to it post scheme, those can be met. He added that if the applicant is unhappy and does not agree it can come back to committee or it can be refused.
- Councillor Meekins stated that he would still like to request a deferment to ensure the highways issue is resolved properly.
- Councillor Lynn asked for clarity and confirmation from officers that they would be happy to take the application forward, based on the first drawing. David Rowen stated that the drawing now being discussed is one that officers did have issues with and he added that the implications with that, in his opinion, need to be reported more fully than have been presented to members.
- Nick Harding stated that the view held by Councillor Sutton where he stated the importance of highway safety outweighs all other matters is the reason why he has put the suggestion forward to members. He added that David Rowen has correctly stated that if the committee want to have knowledge of all the implications of what the higher standard of highway improvement are, then it should be laid before committee before they make their final decision.
- Councillor Sutton stated that he would be content with the suggestion made by Nick Harding if he could see the physical drawing as he has no problems with the development itself, only with the issues surrounding highway safety. He added that the character of the area will change with ten houses being constructed and he would like to see that application passed, but not at the expense of highway safety.
- Nick Harding stated that the high specification highway improvement drawing was shown as part of the officer's presentation.
- Councillor Benney asked for the drawing to be shown again and he stated that it did appear to show the ditch on the opposite side of the road being filled in to make the road wider.
- Members Services presented the drawing on the screen. Nick Thrower highlighted to members the aspects of the drawing which would form part of the Section 278 application and pointed out the area where the works would be undertaken and the areas where the infilling of the existing ditch and removal of the bushes and trees would take place.
- Councillor Benney stated that he would like to propose that the application is approved subject to the drawing being approved by the Highway Authority. He stated that there is no problem with the development, just the safety and access, and the application should be passed, with officers being given delegated authority.
- Councillor Sutton asked if we are sure that the Highways Authority is 100% happy with the drawing. Councillor Connor asked officers to give assurances that the drawing satisfies highways. Nick Harding stated that a decision would not be issued if the Highway Authority are not happy with the drawing and it would, therefore, be brought back to the committee.
- Councillor Hay stated that she would be happy with supporting the application if the proposal is quite clear that it was that agreed drawing that was being put forward.
- Councillor Sutton stated that a condition should be added that it will be actioned in conjunction with the revision of 011P6.

Proposed by Councillor Benney, seconded by Councillor Skoulding and decided that, subject to the original drawing for highways works being agreed, that the application be

APPROVED, as per the officer's recommendation.

P32/20

F/YR20/0441/O

LAND SOUTH OF 127-141 COATES ROAD, EASTREA,,ERECTION OF UP TO 20 DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Kelly Kennedy, in objection to the application.

Mrs Kennedy stated that she lives in Paddocks Farmhouse at number 2 and is addressing the committee as a representative of herself and some of the residents in Minuet Paddocks, making the point that when she purchased her property, she was led to believe that there would be dividing land between her land and the proposed development. She stated that, from the revised plans, the dividing land has been added to the other side of the development and expressed the view that some of the detail in the plans are misleading as there were hawthorn hedges and trees shown at the back of her property dividing her from the proposed development and this is clearly not the case as there are only twigs in place, with the plans that were received also showing that her garden, which is finished at the rear by a 3ft country open style fencing, will now have peoples gardens attached to her own garden.

Mrs Kennedy stated that on her deeds of the property it details that the 3ft open style fencing cannot be changed for 5 years, which means that the rear of her property which is already very open will have proposed new gardens backing onto her property, which she feels is an infringement on her family's privacy as well as her neighbours. She added that when purchasing her property they were advised that there would be dividing land, including environmental features, and had they been informed that her garden would be attached to somebody else's garden then she would not have purchased the property. She added that she has had to erect a bamboo style shield to negate the issues of lorry drivers disturbing her children in the garden and, in her opinion, the way to provide privacy for all concerned would be to erect a 6ft fence before any development commences and this would provide privacy to all residents.

Mrs Kennedy stated that her children are aged 6 and 11 and there is no school bus service for her daughter from Sir Harry Smith School to Coates and Eastrea. She expressed her concerns for her daughter having to use the road to get to and from school, making the point that there have been speed cameras installed at Whittlesey Green, but there are none through Eastrea and Coates, with there being very often vehicles which speed through Coates and Eastrea at high speed, which is a safety concern for the current and any future residents living in the area.

Members asked Mrs Kennedy the following questions:

- Councillor Sutton referred to Mrs Kennedy's presentation where she mentioned a 6ft fence and he asked her that if that was erected would several of her concerns would be addressed? Mrs Kennedy stated that she has discussed her concerns with Mr Warner, the developer, however, she had discussed the issues with her solicitor prior to signing the contract for her property and it was within her deeds that the fence cannot be changed for five years.
- Councillor Marks asked Mrs Kennedy how long she has occupied her property and she advised she has lived there since July 2019. He asked whether all the properties on the development are occupied and she stated that they are all sold subject to contract, with the Manor House still to be built.

Members received a presentation, in accordance with the Public Participation Procedure, from Gordon Smith, the Agent and Brent Warner, the applicant.

Mr Smith stated that this is a reasonable site for development, the harm to the countryside is

limited, and the Council has granted permission for similar schemes elsewhere. He stated that they undertook their own consultation as encouraged by Local Plan Policy LP12 that the officers regrettably have not reported on, but they have received a good measure of community support and he stated that, importantly as well, this is one of the few sites in the district outside any flood risk.

Mr Smith stated that there are no consultee objections, there is no visual harm and the only view of note is from the main road adding that there are no footpaths to the south. He explained that with regard to the separation distance between Coates and Eastrea there is only a 18% reduction, which will be enhanced by considerable landscape work extending across 1/3 of the frontage and that this would eventually screen much of the development in these views. A new landscaped edge to Coates will result that will better focus and frame southward views from the main road

Mr Smith referred to an example of where the Council has approved a similar scheme in Doddington and added that both examples are connected by continuous built form to the opposite side of the road.

Mr Warner stated that Postland Developments is a local developer based in Coates, who employ local people and want to continue to do so. He added that there is a considerable amount of local support for the scheme including that of Whittlesey Town Council and that he has listened and acted on their comments as well as the comments of residents who, during a public consultation process, provided a considerable positive response.

Mr Warner stated that he wants to fulfil the need and will, therefore, should approval be given, incorporate bungalows specifically for the over 55s within the development. He stated that during the building out of an adjacent scheme to Minuet Paddocks, he was approached by several self-builders, who were in the majority local people, asking whether he would sell plots and two weeks ago he received a telephone call from another local expressing their interest in a self-build plot should planning be approved.

Mr Warner stated that this development is supportive of self-builders, accommodating 4 such plots and he added that when he was last before the committee regarding Minuet Paddocks, this scheme received a lot of positive comments from the Councillors regarding its design and attention to detail and one thing in particular was raised at that time and that was whether he would build it out or land bank and would he build it out as it is shown. He made the point that at that time his response was that he will build it out and it will be as designed, adding that he has kept to his word.

Mr Warner stated that should the Councillors see fit to vote in favour of this development he would give that same word that he will build out a high quality development, accommodating the needs of the older generation by building bungalows for them to down size in to, and will allocate self-build plots for those aspiring to build their dream home and in doing so provide much needed homes for the people of Fenland.

Mr Warner concluded by stating that as Mrs Kennedy has pointed out the concerns she has with regard to the fence and overlooking and privacy, he will on his side of the development, erect a 6ft fence to address and negate some of her concern.

Members asked Mr Smith and Mr Warner the following questions:

- Councillor Connor stated that he can see no mention of any affordable housing or financial contributions within the detail of the application and asked whether this was correct? Mr Smith stated that as the application is recommended for refusal and officers have not brought forward any proposals for affordable housing, it is not relevant. He added that if the application was recommended for approval then the normal policies would apply.
- Councillor Lynn asked Mr Warner to confirm that he has stated that he will erect fencing to

separate all the houses that back on to his development and not just Mrs Kennedy's property? Mr Warner stated that he will do that, he appreciates the residents of Minuet Paddocks want their own privacy and he will incur the cost of the erection of the fence. Councillor Lynn commended Mr Warner for his goodwill.

- Councillor Meekins stated that some of the proposed properties for development have been identified as bungalows for the over 55's and he referred to a small development in his ward where the houses started off as being for over 60's but now the age limit has been reduced and asked whether Mr Warner has anything in place to ensure that the bungalows will be guaranteed for purely over 55's? Mr Warner stated that in terms of insisting in that for perpetuity, he doesn't know. He added that it is his intention and it could be conditioned in the planning permission that the bungalows are for over 55's, with the reason it has been put in place, is that a number of people who have approached him have wanted bungalows have been in the over 55's age group and he wanted to be able to provide assurances that there would be bungalows for them to buy.

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

- Councillor Benney expressed the opinion that the developer brings forward a high standard of development, which stands out. He stated that we are surrounded by countryside in Fenland, making the point that whilst he appreciates that villages like to have their defining line of boundaries, the division line does not run down the middle of the road, it runs across the road and that on the opposite side of the road there are already houses and, in his opinion, the principle of development is sound. Councillor Benney stated that there are two fields between the two villages and by building into this by only 59 metres across, it will bring much needed homes to people. He sympathizes with the residents, but if the developer is prepared to put a fence up, it will define the boundary and overcome some of the problems that Mrs Kennedy has alluded to. He expressed the opinion that the proposal will bring forward a required high-quality development and he will be going against the officer's recommendation to approve the application.
- Councillor Connor stated that Whittlesey Town Council approved the proposal unanimously and added that the other development that the developer has completed looks very nice. He stated that public consultation took place, with the outcome being generally that the development was very much needed, with there being other development already in place across the road from the proposed site and if there can be some financial contribution attributed to the application, he will support it.
- Councillor Murphy stated that he will also support the application, but he would like to see the 6ft fence added as a condition, so that there is something in writing.
- Councillor Lynn expressed the opinion that he also likes the development and there is the need for housing as well as the inclusion of much needed bungalows. He hopes the developer has the same positive outlook when the Section 106 discussions take place and he will also request that the 6ft fence is added as a condition.
- Councillor Sutton stated that the second reason for refusal is the Section 106 Agreement and he asked officers how could the Section 106 be secured as it is a reason cited for refusal? Nick Harding stated that if the application is approved contrary to the officer's advice then it would be subject to a Section 106 Agreement being entered into. He added that Mr Smith had stated earlier that his client would be prepared to enter into a fully policy compliant Section 106 Agreement and if that turned out not to be the case, then the application would be brought back to committee before any final decision is made on the application.
- Councillor Connor stated that if a financial contribution is brought forward, could it be ringfenced for Coates, Whittlesey and Eastrea? David Rowen stated that the Section 106 Agreement would have to meet the necessary tests related to the development, including any requirements with regard to a contribution for affordable housing, which would have to be spent in the most appropriate manner relative to the development.
- Nick Harding stated that with regard to the approach for affordable housing contributions, it would be for the money to be spent anywhere in the District because the amount of money

to be obtained in lieu of onsite provision in terms of affordable housing is quite small and if a restriction is added to say it can only be spent in the parish within which the development is proposed, then it may mean that no development site would come forward for affordable housing. The contribution will be placed in a district wide pot.

- Nick Harding stated that regarding Section 106 Agreements there is a requirement for the money that the Council is trying to obtain through the agreement is that all physical projects must be related to the development in question. He added that in the case of affordable housing, because the opportunities for the delivery of it is very rare and the housing need is quite widespread, it is appropriate that an exception be made in that context.
- Councillor Sutton stated that in the past, registered providers have not wanted small amounts of housing on a small development and he questioned whether that was still the case. Nick Harding stated that the preference is for onsite, and the normal process is for the developer to approach the Registered Social Landlord sector to ascertain whether there was any interest with onsite provision and if that is not the case then the off-site cash contribution is reverted to.

Proposed by Councillor Murphy, seconded by Councillor Lynn that the application be APPROVED against the officer's recommendation subject to a Section 106 agreement and boundary treatment along Minuet Paddocks.

- Stephen Turnbull stated that, prior to a decision being made, the Section 106 requirements need to be resolved.
- Nick Harding stated that when providing planning reasons to go against the officer's recommendation, specific reference needs to be made regarding whether the development compromises the separation between the two settlements. Councillor Murphy stated that in his opinion there is still a distance between the two settlements.
- Nick Harding stated that the proposal to grant consent is subject to a condition regarding fencing to be added to the approval and the entering into a Section 106 Agreement that is policy compliant.
- David Rowen stated that regarding the 6ft fence, the application is an outline application with details of layout not committed and there would be a standard outline condition requiring reserved matters including landscaping which would include boundary treatment to be submitted.

Members approved the application against officer's recommendation for the following reasons; The site does not harm the open character of the area, with there still being an acceptable separation between Coates and Eastrea and is, therefore, being looked at sympathetically.

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

(Councillor Mrs Mayor registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she has taken part in the discussion and voting when this item was discussed at Whittlesey Town Council Planning Committee, and, therefore, left the meeting whilst this item was determined)

P33/20

F/YR20/00508/F

LAND NORTH OF, 39 MARCH ROAD, RINGS END, ERECT A 2-STOREY 3-BED DWELLING INVOLVING DEMOLITION OF OUTBUILDING

David Rowen presented the report to members:

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Lee Shepherd, the Applicant.

Mr Shepherd stated that he owns the property at 39 March Road and explained that the proposed plot has been used as garden land for years, but due to being exposed to the road it has never been a benefit to the existing house. He added that the garden to 39 March Road has been reduced so as to decrease the possibility of being overlooked by road users.

Mr Shepherd stated that if the dwelling is not permitted the land will be cleared and left vacant and he added that once the work is completed on 39 March Road the fencing and section garage will be cleared meaning full visibility to the unmaintained arches, the static caravan and makeshift accommodation built under the arches. He stated that the plot is identified as a "infill plot" by the Planning Inspectorate when the proposal went to appeal and the scheme that was presented for appeal was considered too tall, with the Inspectorate indicating that a 1.5 storey house would be suitable, therefore, he has proposed a 1.5 storey home for this application.

Mr Shepherd expressed the opinion that the house design is very similar to the existing terrace of ex-railway cottages and there is connotation back to the arches without the need to expose them. He added that the initial discussion with current planning officers identified the proposal was oversized therefore, he reduced the footprint to appease these concerns and he also altered the parking layout.

Mr Shepherd added that the dwelling to be created will be in the lower price bracket yet still have 3 bedrooms and space for a family and the location is very convenient for bus links to Peterborough, Kings Lynn, Wisbech and March. He added that there have been concerns that the current temporary fence has blocked vision for joining the A141, clearly the fence line could be agreed as a planning condition.

Mr Shepherd explained that there are no legal issues that restrict the development, and it has been suggested there may be access issues,, however legal advice has confirmed there are no matters of concern. He referred to the presentation where photos were being shown, which are indicative of the state of disrepair, of the arches and the amount rubbish and junk that is stored under them. He added that it has been made known that the neighbour is merely objecting to this application as they aren't able to build on their land although they do not have any road frontage and there is no planning consent for the static caravan or the permanent structure connected to both caravan and arches.

Mr Shepherd stated that the planning history on the site has seen 3 previous planning approvals; twice for a single dwelling and another for 2 x flats. He added that he hopes that his brief verbal appeal has enlightened those with concerns that this is the best use of this land showing that it will offer the benefit of a good quality home on good public transport routes, making it a very sort after property. He concluded by thanking the Planning Committee for their time.

Members asked Mr Shepherd the following questions:

- Councillor Benney asked Mr Shepherd to confirm who owns the area underneath the railway arches? Mr Shepherd stated that the area belongs to the neighbours.
- Councillor Lynn asked for clarification from Mr Shepherd regarding his intentions with the dwelling. Mr Shepherd stated that it will be a rental property, he moved out of number 39 due to the lack of garden space and has been renting the property out for the last ten years and the new dwelling if agreed will also be rented out.

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

- Councillor Murphy expressed the opinion that the letters of support and objection appear to be received from all areas of the country and not from the locality of the proposal and he feels that going forward the letters should only be allowed if they are from local supporters and objectors.
- Councillor Sutton expressed the opinion that officers have made the correct

recommendation and the applicant needs to work with officers to bring back a proposal of an adequate size and design. He will support the officer's recommendation.

- Councillor Lynn stated that when he read the officers report it states that there is a discrepancy with the waste removal. He added that if the dwelling is built then there is very little land left and he expressed the opinion that the land should have been shared equally between the two plots. He expressed the view that he likes to see new development but is undecided with this application
- Councillor Benney stated that there is nothing at the proposed site of any architectural beauty, with a row of council houses, some houses tucked in behind the old railway bridge that are built closer than the proposed development, a toll cottage across the road and a disused pub, which is waiting to be redeveloped, and that by having one person coming forward and showing an interest in rejuvenating the area can sometimes bring others forward, with the land currently being a blot on the landscape and the area needs to be tidied up. He expressed the opinion that although it does not have much amenity space, the committee have passed other applications which have had no amenity space and, therefore, there is another side to the recommendation to be considered. Councillor Benney expressed the view that if there was not a pre application carried out then maybe there should have been. He added that the applicant has brought forward a different scheme for consideration and although it may not be a right scheme, some officer advice may be beneficial to find the right solution for that location. Councillor Benney stated that he does not think that the proposal would detract from the beauty of Rings End if the house was built.
- Councillor Murphy expressed the opinion that officers have made the correct decision with their recommendation and there is no difference in this proposal from the previous submission that went to appeal.
- Councillor Cornwell stated that he would like to see the mess underneath the railway arches cleared as the arches are part of our railway heritage. He added that the actual layout of the corner does cause a problem with insufficient amenity space and he agrees with the comments of Councillor Benney as it is good that someone is taking an interest in the area, but he agrees that some pre application advice would be beneficial to the applicant as to the way forward.
- Councillor Marks stated that the area is an eyesore and does need tidying up and whilst there is a shortage of amenity space, it will have less garden area for the tenant to maintain.
- Nick Harding stated that if permission were to be granted then no condition can be added to state that it will be a rental property as there is nothing to stop the dwellings being sold off in order to become a private dwelling.

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

P34/20

F/YR20/0692/O

KITCHEN GARDEN COTTAGE, COXS LANE, WISBECH, ERECT A DWELLING INVOLVING REMOVAL OF EXISTING PORTACABIN (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

David Rowen presented the report to members:

Members received a presentation, in accordance with the Public Participation Procedure, from Mrs Shanna Jackson, the Agent.

Mrs Jackson stated that the proposal is for a dwelling at the kitchen garden cottage and an application for a similar scheme was previously refused as it was considered that the site was in an elsewhere location and was unsustainable as there was no footpath, however, she is of the opinion that the locality and the policy framework does allow for a new dwelling in this location. She made the point that the site is located within the West Wisbech Broad Location for Growth under the

current Local Plan and, therefore, the Council has already accepted that development will take place in this location and questioned how this site has been deemed as being outside of the settlement or in an elsewhere location as the reasons for refusal suggest.

Mrs Jackson referred to the dwellings currently under construction in Barton Road and the proposal for a care home, which recently had planning permission granted by the committee located further down the lane. She added that it is a brownfield site, the development of which is supported by the National Planning Policy Framework, and this also supports the principle of the proposal. She stated that with regard to the footpath link, it would be unviable to provide a footpath to link a single dwelling with the footpath along Barton Road, however, since the Council wish to develop the area a footpath network in this area is inevitable given the amount of houses the land in question can hold.

Mrs Jackson added that a business currently operates from this site and there is a benefit in removing the vehicular movements associated with the catering business which involves delivery vehicles and replacing it with domestic movements, which would benefit the existing residents. She stated that the site is within a residential location, forming part of the Barton Green residential footprint, it is within an area where the Council has aspirations for development and to state that it is in an elsewhere location is contradictory to the plans for the area.

Mrs Jackson added that there are no technical objections to the proposal, and it is supported by residents and by the Town Council and she expressed the opinion that nature and location of the proposal is sustainable.

Members asked officers the following questions:

- Councillor Meekins stated that he was surprised with the aerial photograph that the officer used as it does not show what has been built in the Barton Green area, which was completed in 2011. He asked officers whether there was a more recent photo that could have been provided? David Rowen stated that the photo provided is the most up to date aerial photo that officers had, and the location plan and the outlines of those developments were shown on the aerial photo which he had alluded to in his presentation.

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

- Councillor Meekins stated that Barton Green is a fantastic small development with 6 good quality homes and questioned whether the application is going to be refused because there is a lack of footpath, making the point that there are other houses along that lane and that it is a shame that a more current aerial photo was not provided to members. In his opinion, the portacabin currently in place is an eyesore and a dwelling would enhance that part of Cox's Lane and he will support the scheme and go against the officer's recommendation.
- Councillor Sutton stated that he has reviewed Google maps, which does show Barton Green, so there is access to a more up to date photograph. He added that he cannot understand why the issue with a footpath is any more relevant to this site than it is to Barton Green and if it was just a bare site he would have a different opinion, but as it already has a built form on it, with a brick culvert over the ditch, he cannot see why officers are overly concerned about a footpath.
- Councillor Benney stated that the absence of the footpath does not concern him referring to a previous application where there was no street lighting or footpath for 450 metres, which was approved. He referred to the comments made by Councillor Meekins, who knows the area well and has the local knowledge, and he agrees with the comments of both Councillors Meekins and Sutton and he will be supporting the application.

Proposed by Councillor Meekins, seconded by Councillor Skoulding and decided that the application be APPROVED, against the officer's recommendation, subject to conditions to be imposed on the planning permission being delegated to officers and agreed in conjunction with Councillor Meekins.

Members do not support officers' recommendation of refusal of planning permission as they feel that the application is not detrimental to the area or unsustainable as there is already the existing development in Barton Green.

3.45 pm

Chairman

PLANNING COMMITTEE



WEDNESDAY, 7 OCTOBER 2020 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs J French, Councillor Mrs M Davis, Councillor A Lynn (Vice-Chairman), Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor R Skoulding and Councillor W Sutton.

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

P35/20 APPOINTMENT OF VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE REMAINDER OF THE MUNICIPAL YEAR 2020 - 2021

It was proposed by Councillor Mrs French, seconded by Councillor Connor, and resolved that Councillor Lynn be elected as Vice-Chairman of the Planning Committee for the remainder of the Municipal Year, 2020/21.

P36/20 PREVIOUS MINUTES

The minutes of the meeting of the 2 September 2020 were confirmed.

**P37/20 F/YR20/0458/F
LAND NORTH WEST OF NEMPHLAR, BEGDALE ROAD, ELM;CHANGE OF USE OF LAND TO A 6NO PITCHED TRAVELLERS SITE INVOLVING THE SITING OF 6 X MOBILE HOMES AND 8 X TOURING CARAVANS AND 6 X UTILITY BUILDINGS WITH ASSOCIATED WORKS (PART RETROSPECTIVE)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public Participation Procedure, from Mr Mark Codona, the applicant.

Mr Codona explained that he was making this presentation on behalf of himself and his extended family, asking members to agree with the planning officer's recommendation for granting of planning consent, subject to appropriate addition of conditions. He explained that he had occupied the plot for 12 months and, during this time, there had been no fly-tipping incidents or any other form of anti-social behaviour.

Mr Codona stated that his children attend the local Elm Church of England Primary school and that his family use the local post office quite regularly, sometimes daily, and get on well with the owners. He added that he also has a lot of family and friends in and around the Wisbech area and has a good friendship with the local farmer and the other local residents who walk their dogs regularly through Newbridge Lane, and they have all commented on how much cleaner it is now, and how much more of a pleasure it is to walk down without rodents or anything else running out at them now the rubbish has been removed.

Mr Codona stated that his family now feel that they are part of the community of Elm and added that he feels he has helped improve the local area as he has cleared away all the fly-tipping from Newbridge Lane and continued to maintain it at no cost to the Local Authority. He stated that his

family have been in the Wisbech area for over 40 years and have strong links to the area, with his family attending the local Light and Life Christian Church on a regular basis which is in the nearby village of Elm.

Mr Codona stated that his family need to have a place that can provide them with a safe space, especially for disabled family members where they can be together as one extended family unit and so that they can all provide care for one another. He explained that he has 6 members of his immediate family which are under the Queen Elizabeth Hospital at Kings Lynn with specialist health needs that require regular hospital visits and ongoing healthcare from a local GP surgery.

Mr Codona explained that this is the first time that a piece of land has become available, which was big enough to accommodate his family and his horses as they will now be close by, especially for those disabled family members who find it difficult to care for their animals without additional support and would find it challenging to maintain regular visits or access if the animals were not in the vicinity. He added that members of the committee are probably aware there is no local accommodation available for Gypsy and Travellers and he stated that when his family found this piece of land, which was available within his budget, they decided that it was the right time as a family to try and put down some permanent roots and hopefully establish a winter base where the children could continue their education, health needs could be met and his family could stay in-between nomadic travel periods.

Mr Codona stated that his family have been on the land for 12 months, feel that they are now part of the community and they never had anywhere else to go so felt that they had no choice but to move on to the land. He explained that his family have already carried out some development, most of which is fencing, clearing of the land and access lane and maintaining of the land, and that the other work carried out was undertaken on a need basis to provide hard standing for winter months and to assist those with walking difficulties or who are wheelchair reliant to be able to move around relatively safely.

Mr Codona stated that he is more than happy to work with the Local Planning Authority within the conditions which they have set out, so that he can develop the site to the correct standard and make it a nice, safe place for his family unit to continue to living there and explained that the intention is to plant some evergreen hedge screening to various boundaries of the if planning permission is granted. He explained that the proposal is for 6 pitches, with two of the proposed pitches having been specially designed for his disabled wheelchair reliant family members.

Members asked Mr Codona the following questions:

- Councillor Marks asked Mr Codona whether he has any intention of running any form of business from the site? Mr Codona stated that he does not intend to run any form of business from the site apart from the normal gypsy nomadic way of life. He added that he has 3.5 transit vehicles that will go out to work, but no registered businesses will operate from the site. Councillor Marks asked whether the 8 touring caravans that he referred to will all be for his family members? Mr Codona stated that each pitch will have a static caravan and a touring caravan and the two additional touring caravans on the disabled pitches are there if other families need to assist if need be if health conditions change.
- Councillor Sutton referred to the objection from the Parish Council to the proposal, due to several objections having been received from residents. He made the point that there are good and bad traveller sites, which can influence the views and opinions of residents with regard to the traveller community, and asked Mr Codona whether he could give assurances to the residents of Elm, that should planning permission be approved, his site will be one of the better operated ones. Mr Codona stated that he can give assurances that the site will be operated with the upmost respect for the local community and added that he has been on the site for the past twelve months and there have been no incidents of anti-social behaviour or any other issues. He expressed the view that he has a good relationship with the local farmer who has seen that his family are known and respected members of the

community in Wisbech. Mr Codona added that he agrees that there can be issues with the traveller community connected to certain sites, but he reiterated that there will be no issues from the proposed site.

- Councillor Sutton stated that his understanding was that the entry and exit points to the site would be from the A47, where it is stopped off and asked Mr Codona for clarification? Mr Codona stated the entry and exit to the site will be from Begdale Lane and the Highway Authority have supported this strategy. He added the Traffic Regulation Order will need to be applied for if planning permission is granted. Councillor Sutton expressed the opinion that the site looks tidy and he hopes it will remain like that, if permission is granted, and he congratulated Mr Codona on his efforts towards the issues surrounding the fly tipping problems. Mr Codona added that the site will look even better once development is completed and stated that Newbridge Lane will not be opened as a through road and will remain blocked as it currently is at the A47. Councillor Sutton stated that his preference would have been for the access and egress points to have also been via the A47, as the stop point is a fly tipping hotspot, and had the proposal also used this access then it may have alleviated some of the issues surrounding fly tipping.

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

- Councillor Connor expressed the opinion that the site is very tidy and is a credit to the applicant. He added that he is also of the opinion that the fly tipped waste in Newbridge Lane does not all necessarily come from the traveller site. He noted that there is CCTV at the site, which should alleviate any problems and make it a nice place to live.

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

(Councillor Benney did not take part in the discussion or voting with regard to this application, due to the fact that he lost internet connection at the start of the item)

**P38/20 F/YR20/0585/F
FORMER COACH HOUSE, LONDON ROAD, CHATTERIS, ERECT A 2-STOREY 4-BED DWELLING INVOLVING DEMOLITION OF STORE BUILDING:F/YR20<0586/LB
FORMER COACH HOUSE, LONDON ROAD, CHATTERIS,DEMOLITION OF A CURTILAGE LISTED STORE BUILDING**

This item was withdrawn from the agenda.

**P39/20 F/YR20/0740/F
LAND TO THE SOUTH OF 125 FRIDAYBRIDGE ROAD, ELM;ERECT A 2-STOREY 3-BED DWELLING**

David Rowen presented the report to members

Members received a presentation, in accordance with the Public Participation Procedure, from Mr David Broker, the Agent.

Mr Broker expressed the opinion that there is only one reason that the Planning Officers have recommended the refusal of the application, which is that the site is within Flood Zone 3 and the sequential test has not been applied. He stated that officer's will not accept the physical proof that the site is level from end to end, including that of the adjacent site to the south which is in the same ownership and which has current planning permission.

Mr Broker stated that the whole area was made up with topsoil 30 years ago long before Flood Risk Assessments and sequential tests existed. He added that he has commissioned a GPS base

topographical survey by "RATCLIFFS" who are the same surveyors who carry out surveys for the Environment Agency and they have stated that they do not understand why the Planning Officers refuse to accept the proven facts, which they have previously supported in writing.

Mr Broker stated that over the whole area of the site the levels vary sporadically by only 6 inches and in general terms the site is flat and does not physically slope into Flood Zone 3 to the north. He added that it is all at the level of the approved site adjacent, which is Flood Zone 1, and, therefore, in

technical the terms the north end of the site is 3mms higher than the south end. He expressed the opinion that he contests the Planning Department's statement that the site is in Flood Zone 3 and that the sequential test hasn't been applied as it is a physical and proven fact that the site is at the level of Flood Zone 1 and for that reason the sequential test does not apply in this instance.

Mr Broker expressed the view that the proposal is not out of character with the large number of new houses on small plots along the north side of Friday Bridge Road, the application site is the same size and the proposed dwelling the same size as that approved on the adjacent site and he has proved that the site is above flood risk level. He stated that he would ask members to make their decision based on the physical facts and not the theoretical assumption of the rule book.

Members asked Mr Broker the following questions:

- Councillor Sutton asked Mr Broker to identify where Flood Zone 2 is, making the point that the plot to the south is in Flood Zone 1 and the plot to the north is in Flood Zone 3. Mr Broker stated that he did not know as the environmental mapping shows an area of dark blue, which crosses the road and to the north of the application site, and the only map which is available shows that Flood Zone 3 was at one point at the northern edge of the site in question. Councillor Sutton stated that he was also unsure as to whether Flood Zone 2 was located after reviewing the maps.

Members asked officers the following questions:

- Councillor Meekins stated that on the map and aerial photo that was shown there was a red line highlighted and he asked for an explanation as to its relevance? David Rowen advised that it is to denote the visibility splay for vehicles leaving the site and the visibility needed for up and down the road, so the visibility splays need to be included within the red line boundary. Councillor Meekins questioned that if a sequential test had been carried out would officers have recommended the application for approval? David Rowen stated that the sequential test has not been carried out and there are extant planning permissions and, therefore, plots for development available within the settlement.
- Councillor Mrs Davis asked for clarity regarding the other properties, which have been built or are being built, on either side of the proposal site. David Rowen stated that the plot immediately to the south is in Flood Zone 1 and other plots that have recently been permitted on Friday Bridge Road are also in Flood Zone 1 and it is a narrow swathe of Flood Zone 3 which affects the proposal site.
- Councillor Mrs French asked how old the extant planning permission are and when were they were approved? David Rowen stated that they range from over the last two to three years.
- Councillor Cornwell stated that the neighbouring plots are in Flood Zone 1, which according to the agent has been taken out of the other zones and made into Zone 1 and asked as that issue is not reflected in the Environment Agency maps, if members approve the application because the land level is in effect the equivalent of Flood Zone 1, would that be wrong? David Rowen stated that planning policies at National and Local level, steer development away from Flood Zone 3 and, therefore, development should not be allowed in Flood Zone 3 unless a sequential test has been satisfied, including exception tests. He added that regarding the issue of whether the land level has been raised up to a similar level to those dwellings in Flood Zone 1 cannot be taken into consideration as the information that officers have to work with state that the site is in Flood Zone 3.

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

- Councillor Cornwell expressed the opinion that the existing physical circumstances appear to disagree, and have proven to disagree, with the Environment Agency map and there could be the possibility that the maps used need to be updated. He stated that, in his view, he cannot see a difference in the actual levels of the proposed site to that of the neighbouring sites.
- Councillor Sutton stated that he finds it strange that there are continual concerns raised about a proposal of one dwelling in Flood Zone 3, when the topographical survey has shown that the land is the same if not slightly higher than the plot next door. He expressed the opinion that the proposed dwelling is at no more risk than that of the already constructed dwelling next door and referred to the presentation slides where he highlighted to members a completed dwelling which is in Flood Zone 1 whose floor level is lower than the level of the soil of the two plots in question. Councillor Sutton questioned the accuracy of the Environment Agency flood zone mapping system.
- Councillor Mrs French stated that she agrees with the points raised by Councillors Cornwell and Sutton. She expressed the view that the proposal is infill development, will tidy up the unsightly plot and there are many ways that dwellings can be built nowadays to mitigate the risk of flooding.
- Councillor Mrs Davis stated that she agrees with the other members and added that there appears to be some disparity with what can and cannot be built in Flood Zone 3, as an application has just been approved for caravans to be sited in Flood Zone 3, yet a dwelling is not permitted.
- David Rowen stated that it is important for a distinction to be drawn between the previous application containing caravans and the proposal currently being determined. He added that the site in Newbridge Lane was in Flood Zones 2 and 3, there was detailed modelling work available which demonstrated that should a flood event occur that site would not be at risk of flooding, whereas that level of information is not available in this instance.
- Councillor Sutton stated that any modelling that took place on this application would only identify that there was not a risk to the proposal.

Proposed by Councillor Cornwell, seconded by Councillor Mrs French and decided that the application be APPROVED against the officer's recommendation, subject to reasonable conditions being applied.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the physical flood zoning map has not been kept up to date with regard to the actual events on the site and there is no difference in the levels on this site compared to other sites in the vicinity which are being developed and they believe the site is viable as far as flood risk is concerned.

P40/20

F/YR20/0751/F

LAND NORTH OF 1-5 BREWERY CLOSE, PARSON DROVE;ERECT 4NO DWELLINGS COMPRISING OF 2X3-BED SINGLE-STOREY, 1X2-STOREY 4-BED AND 1X2-STOREY 4/5 BED WITH GARAGES INCLUDING TEMPORARY SITING OF A CARAVAN DURING CONSTRUCTION ON PLOT 3 ONLY

David Rowen presented the report to members

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Robert Bellamy, the Applicant.

Mr Bellamy thanked the committee for giving him the opportunity to represent his family at the meeting and added that he has lived in Parson Drove all his life and intends to do so for the rest of

his life. He stated that he currently lives in the 3-storey house adjacent to the proposed development and advised members of the background history to the site and how he became the owner.

Mr Bellamy explained that the proposal started as an informal joint venture between his parents, Grace and Cyril Bellamy, and the Council in 2008, which culminated in planning permission being granted for 5 bungalows in 2009 and 2012. He added that his father's health declined at this time and the momentum of the development ceased with both parties incurring time and money into the project at this stage.

Mr Bellamy stated that as there had been no other serious purchasers who came forward due to the site complications, his family decided to move matters forward by purchasing the land, buying an adjacent garden to increase the size and reignite the development for themselves. He added that this process began in 2015, but had numerous setbacks and obstacles to overcome in order to achieve the desired family homes and enable his sister to return to the village to assist with their parents' care.

Mr Bellamy stated that he wished to address the Planning Department's concerns and recommendation of refusal with some points to defend and support his application, which has been provided in the further in-depth information and photographs documentation circulated to members prior to the meeting. He referred to the Brewery Close street scene in the application where it shows the properties fronting on to the road, explaining that his existing dwelling is to the left hand side, which is a full 2 storied house with further rooms in the roof space, plot 4 is one and a half stories with the first floor rooms partially within the roof space and plot 3 is the same. He added that the final dwelling is the bungalow which fronts on to Ingham Hall Gardens, but has its side elevation on to Brewery Close, consistent with his proposal, and that as this street scene shows the transition between the 2 and a half story house to the single storied bungalow with the ridge and eaves heights stepping down gradually, his proposal provides a transition which can be seen throughout the village.

Mr Bellamy expressed the view that the dwellings have been designed not to overlook the neighbouring properties from habitable rooms, with the only situation where this is not the case was originally on plot 3, bedroom 4, so he has provided roof lights to this room ensuring views of the sky not of the neighbouring dwellings and the distance between plots 1 and 2 is one metre, not 0.7 metres as stated in the report, as the dashes shown on the roof plan are the brickwork line, therefore, enabling wheelie bins to be brought through and people can pass on it. He stated that the wheelie bins will be brought to the front of the site on collection day and a slabbed area for them can be allocated between the fence on plot 3 and the public footpath, which can be conditioned.

Mr Bellamy expressed the view that the decision to come off Brewery Close was to reduce impact on Springfield Road, which is a tighter road and has predominantly retired occupants, and with regard to the 2 reasons for the recommendation of refusal he would argue that together with his agent he has worked closely with the Parish Council and the neighbouring dwellings, and has produced a transitional scheme that not only is consistent with Policy LP2 and LP16, it is supported by these. In his opinion this has created a bespoke solution for a restricted site for which he has provided a reduced number of dwellings than originally approved for the plot, consistent with National and Local policies.

Mr Bellamy made the point that over the last 18 months, together with his architect, he has put in an enormous amount of time and effort in designing properties that complied with the Neighbourhood Plan, utilised the space efficiently and effectively, met his family requirements with a low maintenance amenity space for those at this time of life, has retained the original reinforced concrete roadway for environmental sustainability, and ensured his plans were supported by the surrounding residents and the Parish Council. He explained that he submitted this proposal in good faith to his desired specifications and requirements to enhance and compliment the surrounding area whilst maximising the sunlight to all plots.

Mr Bellamy explained that his preferred contact method with the Planning Department to discuss his proposal would have been verbally, but he was advised the procedure is to send in a pre-application, which resulted in a disappointing letter asking for 'a complete redesign of the scheme'. He stated that he consulted with his neighbours on the limited options that were available and the overwhelming support was for the original 4 executive homes from the pre-planning application and any drastic alterations would have resulted in objections being raised locally with his neighbours and the Parish Council.

Mr Bellamy concluded by asking members to approve the proposal with the conditions they deem appropriate.

Members asked Mr Bellamy the following questions:

- Councillor Lynn asked Mr Bellamy to clarify whether he is stating that he did not take advice from Planning Officers as part of the pre-application stage because the neighbours were not in support of the detail? Mr Bellamy stated that at the pre-application stage he was advised by officers to carry out a complete redesign of the proposal and when he consulted his neighbours to ascertain their views on the options, they were only satisfied with the proposed option. He added that one neighbour stated that they would object to the proposal if the house faced their property, another neighbour stated that they only wanted the executive style homes proposal. He explained that the estate is of an executive style, which is why it has been reduced from 5 smaller bungalows to 4 executive style dwellings.

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

- Councillor Meekins expressed the view that officers have highlighted the issues of overlooking and difficulties with parking as there are too many dwellings proposed for the space and he would have preferred to see 2 dwellings rather than 4 on the site.
- Councillor Mrs French stated that she disagrees with Councillor Meekins and added that in the National Planning Policy Framework at paragraphs 117 and 118 it states: 'to promote effective use of land, opportunities and benefits of the reuse of land'. She added that she thinks the committee could support the application for an executive style development, which has the support of the residents, and it should be approved to complete the site.
- Councillor Mrs Davis expressed the opinion that the officer's recommendation is correct. She added that there is considerable overlooking into neighbouring properties along with several issues, including visibility and bins, and, in her opinion, the number of dwellings does not accord with the size and shape of the plot.
- Councillor Murphy stated that he agrees with Councillor Mrs Davis and referred to 1.6 of the executive summary, which highlights the proximity and overlooking issues. He added that he is against any form of development in such close proximity of dwellings already in existence and he will support the officer's recommendation.
- Councillor Benney expressed the view that he has taken into consideration the resident's letters of support and that many of them have referred to the proposal resolving the issue of

flooding. He made the point that if you have purchased an executive home, there is the normal expectation that you would want a garden, however, plots 1 and 2 have no amenity space, only a patio area at the front of the house, and plots 3 and 4 are also built close to the boundary, which does not feel the right development for the site. Councillor Benney expressed the opinion that if the site was redesigned with one plot removed, there could be executive homes with executive gardens, and it would solve the problems and have the support of the residents. He added that he will be supporting the officer's recommendation.

- Councillor Mrs Mayor stated that she knows the area well and added that it does need developing and for the area to be finished off. She added that she does support the officer's recommendation and agrees with the points made by the other members, making the point that it is a shame Mr Bellamy did not take into consideration the officer's suggestions during the pre-application stage when they suggested that he should re-evaluate his proposal. She expressed the opinion that the proposal is over developed, the 2 houses dominate the site and the whole application needs to be looked at again.
- Councillor Lynn stated that development on the plot is needed, but he does not agree with overlooking. He feels that the proposal site is too tight, and agrees with the officer's conclusion that the proposal is over development.
- Councillor Cornwell expressed the view that the site is overdeveloped. He expressed the view that it is an awkward shaped plot, but it does need some form of development and he would encourage the applicant to come back with an amended scheme that has enough amenity space for the residents to be able to enjoy.
- Councillor Connor endorsed the comments made by Councillor Cornwell.

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

(Councillor Sutton had left the meeting during the consideration of this application and took no further part in this item or the meeting)

**P41/20 F/YR20/0760/PIP
LAND NORTH OF THE RECTORY, WHITTLESEY ROAD,
BENWICK, RESIDENTIAL DEVELOPMENT OF UP TO 3 DWELLINGS
(APPLICATION FOR PERMISSION IN PRINCIPLE)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Dr Robert Wickham, the Agent.

Dr Wickham explained that he represents the Diocese of Ely and Chorus Homes in this application. He referred to the two objections raised to this application, which he feels are closely related, and that if the site is within the settlement then the flooding policy issue falls away. He asked for the application to be considered fairly and there are several issues where he takes a different view from the Planning Officer's report.

Dr Wickham referred to the issue of whether the proposal is in the village and asked members to take into account decisions on two other applications in this part of Benwick one with reference F/YR15/0411, for a cemetery extension which was the site immediately adjoining to the west of the former Rectory. He quoted from the Case Officer, Kathryn Brand's report of 12 October 2015, which stated under '*Principle of Development* The site is located within Benwick which is identified as a small village in accordance with Policy LP3 of the Local Plan' and under 'Health & Wellbeing The proposed development would be located within a sustainable location located within the village of Benwick'.

Dr Wickham then referred members to the second decision, which related to a consent for a single dwelling further to the west at 6-7 Nene Parade, reference 12/0981/F, which was granted on 11 February 2013, where the Planning Officer on that occasion recommended refusal but the Committee determined in favour. The presentation by the applicant referred to 99% of Benwick being in Flood Risk Zone 3 and that Benwick is 'a real community having a school, pub, hall'. A favourable proposal by Councillor Stebbing was supported at the time and resulted in consent.

Dr Wickham asked members to accept that this is the older part of the village and it is of lower density than the recent part. He drew members attention to one other decision under reference YR15/0132/F and in that case the Planning Officer stated that it was not strictly an infill, with the report explaining that 'it is not strictly supported by LP3 of the plan.

Dr Wickham stated that regarding the proposal before members today, the Diocese will enter into a Section 106 Agreement for the two dwellings to be affordable, with the Diocese having worked with Chorus Housing Association of Huntingdon and the Planning Officer's dismissal of this is disappointing. He stated that a Section 106 is the recommended method to provide affordable housing, with the need for affordable housing in the area being well known and in the Cambridgeshire Acre Survey for Benwick it states that there is a need for 1 or 2 bed homes and this offer is not subject to viability testing because the land is surplus and a cost to the Diocese in terms of upkeep. He explained given that the number of affordable homes in Fenland that are produced, these modest two homes will be of use to the community and should not be ignored.

Dr Wickham stated there is one other important material consideration to mention and that is paragraph 78 of the latest NPPF and this together with paragraph 79 supersede Policy LP3, with this point being accepted very fairly by the Planning Officer on the earlier application and should be considered on this occasion. He added that a detailed flood risk assessment has been undertaken and 99% of the village is in Flood Zone 3. In his opinion the land is dead, is waste land and common sense and public gain in terms of special circumstances, with a material consideration being the affordable housing provision and a Section 106 Agreement will be entered into prior to planning consent being issued.

Members asked officer's the following questions:

- Councillor Murphy asked why no archaeological investigation has taken place with this application? David Rowen confirmed that this is something that would normally be dealt with as a condition and this application is recommended for refusal. He added that the determination of this application is purely for permission in principle and the issue of archaeology would be looked at during the technical detail stage should permission in principle be granted. Councillor Murphy asked for clarity in that if the application was approved, then an archaeological dig would be requested? David Rowen confirmed that if planning in principle permission was granted then a further application for technical details consent would be required and at that stage the archaeology detail would be picked up.
- Councillor Mrs Davis asked for confirmation that, in terms of LP3, this is classed as an elsewhere location? David Rowen stated that the view of officers is that it is outside of the established settlement of Benwick, which constitutes it as an elsewhere location.

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

- Councillor Mrs Davis expressed the view that she will support the officer's recommendation, as it is in Flood Zone 3 and is in an elsewhere location under the terms of LP3.
- Councillor Mrs French stated that she agrees with the comments of Councillor Mrs Davis and added that it is interesting to see this first application for permission in principle and she hopes there will be more of these types of application received which will save applicants and officers time and money. She stated that she agrees with the officer's recommendation.
- Councillor Murphy stated that he agrees with all the comments made by members and he added that if the applicant realises that they would have to carry out an archaeological

study, it could dissuade them from going further as it is so costly and therefore the affordable homes, no longer become affordable dwellings. He added that he agrees with the officer's recommendation.

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

(Councillor Sutton had left the meeting prior to the consideration of this application)

2.42 pm

Chairman