

PLANNING COMMITTEE



WEDNESDAY, 9 JUNE 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood, Councillor D Divine (Substitute)

APOLOGIES: Councillor M Cornwell, Councillor C Marks and Councillor Mrs K Mayor,

Officers in attendance: Nick Thrower (Senior Development Officer), Chris Gordon (Legal Officer), Jo Goodrum (Member Services & Governance Officer), David Rowen (Development Manager) and Alison Hoffman (Senior Development Officer)

P1/21 APPOINTMENT OF CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2021 -2022

It was proposed by Councillor Skoulding, seconded by Councillor Mrs French and resolved that Councillor Connor be elected as the Chairman of the Planning Committee for the Municipal Year.

P2/21 APPOINTMENT OF THE VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2021 -2022

It was proposed by Councillor Connor, seconded by Councillor Skoulding and resolved that Councillor Mrs Davis be elected as the Vice Chairman of the Planning Committee for the Municipal Year.

P3/21 PREVIOUS MINUTES

The minutes of the meetings of 31 March, 21 April and 5 May were confirmed and signed as an accurate record.

**P4/21 F/YR21/0078/RM
LAND NORTH OF THE GREEN AND NORTH OF 145-159, WISBECH ROAD,
MARCH.RESERVED MATTERS APPLICATION RELATING TO DETAILED
MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT & SCALE PURSUANT
TO OUTLINE PERMISSION F/YR17/1127/O TO ERECT 118 X DWELLINGS (2-
STOREY - 50 X 2-BED, 50 X 3-BED, 18 X 4-BED) INVOLVING DEMOLITION OF
147A WISBECH ROAD**

David Rowen presented the report to members.

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

Mr Wells stated that he welcomes the officer's recommendation for approval of the application, and thanked the officer for his professional and proactive approach to the proposal. He made the point

that the urgent need for affordable housing has been set out in both reports and the proposal sets out to deliver a significant contribution to meeting the requirements.

Mr Wells stated that the proposal also represents the delivery of houses which could potentially satisfy 20% of the 589 dwellings identified as being required in the March area and 62% of the 191 families identified as already being in March, but who are on the waiting list. He stated that the application is for the reserved matters approval for the detail concerning scale, layout, appearance, and landscape only and the officers report provides a clear explanation of the proposals and has concluded that they are acceptable.

Mr Wells stated that the principle of developing the site for 118 dwellings was agreed when outline planning permission was granted, and at that time other matters were considered. He added that detailed technical provisions such as drainage are subject to conditions on the outline planning permission and the applicant has submitted separate applications to discharge those conditions required to be agreed in tandem with the reserved matters application.

Mr Wells stated that the other details with regard to drainage, highways layout, biodiversity, archaeological information and trees and hedges have been worked on with the case officer and the statutory consultees and agreement has been reached on all matters and if approved today then all conditions can be discharged. He added that the developer is seeking to commence development at the earliest opportunity and the applicant is happy to work with the Council and the relevant bodies to ensure this can happen.

Mr Wells stated that members will be aware that viability is a key issue for delivery of development and he expressed the view that members will also recognise and acknowledge that affordable housing cannot always bear the infrastructure contributions which are often otherwise sought from market dwellings. He added that the comments of Cambridgeshire County Council are acknowledged, however, the delivery of affordable housing to significantly breach the supply of housing is a key Government requirement and weight should, therefore, be attributed to the proposal for its high quality development.

Members asked Mr Wells the following questions:

- Councillor Sutton referred to the officers report, where it makes reference to the access strips which are in place for maintenance of the ditches and it states that the Internal Drainage Board will be responsible for the upkeep and maintenance of the easement strips, however, he feels that the statement may not be correct. He added that, in his opinion, the area does not come under the March West and Whitemoor Internal Drainage Board (IDB) remit and he asked Mr Wells whether he has had any discussion or any agreement in writing with the Internal Drainage Board to clarify the maintenance arrangements. Mr Wells stated that there had been some uncertainty as to whether the maintenance would fall under the remit of the Lead Local Flood Authority (LLFA) of the IDB and the details of the drainage are to be agreed by the discharge conditions and the applicant has been in discussions with both agencies to discuss the design of the drainage and the requirement of the easement strip.
- Councillor Mrs French stated that she notes the proposal for 118 affordable homes which is welcomed, but she expressed concern over the lack of doctor surgery provision in the March area and she added that she is disappointed to read that the contribution of £42.435 to the Primary Care Trust is being removed. Mr Wells stated that the Council's policies for affordable housing do not include additional burdens and obligations on them for their delivery. He added that is the position the applicant is taking with regard to the Section 106 discussions currently taking place with the County Council and with officers.

Members asked officers the following questions.

- Councillor Murphy asked officers to confirm who will be responsible for the maintenance of the open amenity space going forward. David Rowen stated that it is the intention of the

developer to assume responsibility of the open space which is stated in the officers report as condition 7 which seeks to put in place the long term maintenance and management of the open space.

- Councillor Sutton asked officers to clarify the concerns over the easement strips? David Rowen stated that further research has been undertaken with regard to that issue and he added that the watercourse in question is not an IDB watercourse, it is an ordinary watercourse which leads into an IDB watercourse. He added that because of that it has been considered practical that as part of the design of the scheme, to include some form of a 3-metre maintenance strip. David Rowen stated that with regard to the maintenance of it, it is his understanding that as part of the details submitted with regard to the drainage scheme on the outline permission, that it would be maintained as part of the wider open space and, therefore, maintained by the future management company responsible for the site. Councillor Sutton stated that it is important that when conditions are added to the application it is imperative that the issue surrounding maintenance of the strip is stipulated within any conditions applied.
- Councillor Sutton asked whether the proposed upgrade and improvements to the Peas Hill roundabout are still due to go ahead? David Rowen stated that the improvements were secured as part of the outline planning permission under condition 14 and it still exists and is irrespective of what members conclude when determining the reserved matters proposal before them. Councillor Sutton stated that he is pleased to hear that and he asked what the timeframe is for those works to commence? David Rowen stated that the wording of the condition was prior to the first occupation of any dwelling on the site, the additional approach lane of the Peas Hill roundabout should be provided.
- Councillor Sutton asked for the position with regard to the provision of places at the local schools in the area? David Rowen stated that as part of the original outline planning approval on the site, Cambridgeshire County Council were consulted, and they required certain education provision to be made. They did not require any contribution to be made to the secondary schools at that point of time, which is stated in the current Section 106 Agreement, however, they did require a contribution of £700,000 towards the expansion of the Westwood Early Years facility and also a contribution towards the expansion of Westwood Community Primary School which was in the region of £800,000. David Rowen added that the County Council have made representations in respect of this proposal before members as in their opinion the contributions highlighted in the current Section 106 Agreement should still be secured.
- Councillor Connor asked for confirmation with regard to the start date of the construction of the attenuation pond? David Rowen stated that as part of the original outline permission condition number 10 stated that a timetable for a surface water drainage scheme was required and there is a separate submission for the surface water management scheme, which should include the timetable for implementation and will form part of that condition and he added that in a proposal for 118 dwellings officers would look to get some form of attenuation in place before the final dwellings are built. Councillor Connor stated that he would like it in place far sooner to alleviate any risks of flooding.
- Councillor Sutton stated that he notes that in the officers report there is a plan which shows the surface water area and the main ditch, there is a small structure and he asked for assurances that it is a small hydraulic limiter which only allows 3.8 litres of water a second. David Rowen stated that as part of the discharge of condition application in respect of surface water management scheme officers will be taking advice from the LLFA, with regard to surface water, run off and discharge rates and they will advise officers if, with regard to the run off rates into the wider watercourse, is appropriate. He added that the watercourse is a Middle Level Commissioners watercourse and, therefore, they will need to approve the discharge run into their watercourse separately.
- Councillor Mrs French stated that she has concerns over the possible risk of flooding and she referred to the three episodes of flooding that the Town of March had encountered over recent months. She added that some of the causes of flooding had been as a result of the drainage ditches being filled in without permission and she stated that as part of her work

with the County Council, it is the intention that any ditches or dykes that have been filled in without permission, will be re dug out and the charge will be passed back to the owner. Councillor Mrs French added that with regard to the Peas Hill roundabout works, it is the intention of March Area Transport Strategy to approach Central Government with regard to the Levelling Up Fund to see if any of the transport strategies can be completed sooner. She added that it is an expensive project and the developer will need to contribute towards it. Councillor Mrs French questioned whether the discharge of the surface water will be resolved before any dwellings are built, as she is very concerned over that issue.

- Councillor Sutton stated that he welcomes the development and the homes are much needed. He stated that it is disappointing that some of the Section 106 money is not coming forward, which was agreed in the outline permission, but as policies dictate there is no option but to move forward and he will support the application.

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

(Councillors Mrs French, Purser and Skoulding declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council, but take no part in planning matters)

**P5/21 F/YR20/1232/O
LAND NORTH EAST OF TUDOR LODGE AND SUNSET, STATION ROAD,
WISBECH ST MARY
ERECT A DWELLING (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

Alison Hoffman presented the report to members.

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

Mr Slater stated that in response to the officer's comprehensive report he wished to make only 4 brief points; with regard to policy, Wisbech St Mary is identified in the Local Plan as a growth village under LP3 and as such was expected to accommodate significant growth throughout the plan period. He stated that it is noted that LP3 enables new development within the existing urban area or as small village extensions to it and the policy, therefore, is specifically worded to enable peripheral development to the larger villages which acknowledges the lack of sites within the built form.

Mr Slater stated that it is clear that the majority of the growth in Wisbech St Mary since 2014 has been on the edge of the village and he stated that the Planning Officer has addressed LP3 but has concluded that notwithstanding this, the site is more related to the countryside than the village edge and he disagrees with that conclusion as he believes that the sites former use associated with the coal yard gives weight to the relationship to the village rather than agricultural uses beyond. He stated that with regard to overall sustainability, the purpose of the planning system is to secure sustainable development in both policy and determining planning applications and, in his opinion, the site is consistent with the settlement hierarchy and site criteria including the fact that the site is physically close to the centre of the village with the services and facilities and it is much closer to the village centre than the much of the eastern part of the built form of the village itself.

Mr Slater expressed the view that in sustainability and accessibility terms it is in a sustainable location for development contrary to the wording of reason for refusal 2. He added that with regard to flood risk, as is common with many Fenland villages, Wisbech St. Mary is constrained by flood risk issues, however, the application site is in Flood Zone 1 which is the area of lowest risk and as such is sequentially preferable to all sites in higher risk categories.

Mr Slater expressed the opinion that with regard to impact, it is considered that the impact in terms of appearance and residential amenity would be minimal and that the proposal would not cause material harm to the character of the area. He added that there are no technical objections to the proposal and the third reason for refusal in terms of access is not supported by an objection from highways and there are a number of letters of support.

Mr Slater concluded by stating that it is considered that the proposal is similar to the application at Wingfield that was granted by the Planning Committee at their November meeting, and it is consistent with LP3 and is in a sustainable and accessible location.

Members asked Mr Slater the following questions:

- Councillor Benney asked Mr Slater to clarify where the refuse collection point would be for the dwelling as it is a long driveway? Mr Slater stated that the refuse collection point would have to be adjacent to Station Road, to fall in line with the Council's refuse collection policy. Councillor Benney asked whether the refuse bins will be stored in the vicinity of the proposed dwelling or whether a refuse collection point is being incorporated further along the driveway? Mr Slater stated that the refuse bins will be stored at the property and moved to the end of the driveway for collection.
- Councillor Mrs Bligh asked whether there will be a storage point for the bins to be placed when they are brought to the end of the driveway or whether they will be left on the pavement? She also questioned the driveway, which is very narrow and asked whether a passing place had been considered to enable two cars to pass? Mr Slater stated that as this is an outline application a bin storage point could be incorporated. He added that with regard to the width of the access, it is a very narrow driveway and potentially two cars could pass although it would be very tight. He added that as it is a narrow driveway, there is the opportunity for vehicles to see each other and give way to each other to access and egress. Councillor Mrs Bligh stated that the access does concern her, and she would not like to see any vehicles reversing out onto Station Road.
- Councillor Topgood asked whether the former coal yard is in a direct straight line from the driveway and Mr Slater confirmed that is correct.

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

- Councillor Murphy stated that the refuse from the dwellings will not be collected unless it is placed on the boundary where it meets Station Road due to the poor access.
- Councillor Murphy stated that the access is extremely poor, and he cannot understand why anybody would wish to develop down a track with such poor access and egress.
- Councillor Mrs Bligh stated that she agrees with the comments made by Councillor Murphy and she agrees with the officer's recommendation for refusal. She added that Wisbech St Mary is a growth village, however, it is over the threshold and has seen an increase in development over recent years. Councillor Mrs Bligh stated that the access is poor although the Highway Authority have not sited any issues. She expressed the view that it is back land development and is development into the open countryside and the officer has addressed the reasons in the report with regard to backfill development that has already taken place.
- Councillor Topgood queried what the refuse arrangements are for the dwelling which is already in place down the track.
- Councillor Sutton stated that he undertook a site visit and he would question whether there was enough room for two vehicles to pass as, in his opinion, he finds it doubtful. He added that, in his view, the officer's recommendation for refusal is correct.
- Councillor Purser stated that, in his opinion, the access is so poor any emergency vehicles would struggle to access the dwellings.
- Councillor Topgood asked officers to clarify the refuse arrangements for the dwelling already in place. David Rowen stated that he is unsure of the arrangements, but added that there are wider issues to consider, such as does the proposal conform with the settlement hierarchy that the relevant proposal detail with regard to development on the edge of

villages as well as the more practical issues such as access which conflicts with Council policies.

- Councillor Benney expressed the opinion that he recalls that the existing site was serviced by a private refuse collection company. David Rowen stated that he believes Councillor Benney may have been referring to a different site further along Station Road where there were 4 dwellings and added that in terms of viability, it may be easier to procure a refuse collection for 4 dwellings as opposed to a single dwelling. Councillor Benney asked whether it would be possible to arrange a private refuse collection for the dwelling? David Rowen stated that if members were minded to grant planning permission it may be possible to add a condition to the approval for a private refuse collection strategy to be submitted and agreed so it maybe constituted, however, it is only to serve one dwelling and the access may not be deemed suitable to accommodate a reasonable sized vehicle on a regular basis.

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

(Councillor Mrs Bligh declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they she is the Parish Clerk of Wisbech of St Mary Parish Council and also the Ward Councillor for Wisbech St Mary, but takes no part in planning matters)

**P6/21 F/YR21/0229/F
LAND NORTH OF, 39 MARCH ROAD, RINGS END
ERECT A 2-STOREY 3-BED DWELLING INVOLVING DEMOLITION OF
OUTBUILDING**

Alison Hoffman presented the report to members.

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

Mrs Jackson stated that the application seeks full planning permission for the construction of a 2-storey 3-bed dwelling, involving the demolition of the existing outbuilding, at land north of 39 March Road, Rings End. She added that members will be familiar with this site as an application for a new dwelling on the land was considered by the Planning Committee last September and at that time it was resolved to refuse the application as it was considered that the design of the development was not appropriate to the adjoining terrace or to the street scene with particular reference to the prominent location of the site and due to there being insufficient garden space.

Mrs Jackson made the point that the message taken from the Committee debate was that members considered that the site was capable of accommodating a dwelling and advised the agent to liaise directly with officers to come up with a solution. She added that having taken note of the advice, she has worked very closely with officers prior to the submission to devise a scheme which is acceptable in visual design terms and added that this is acknowledged in the committee report.

Mrs Jackson stated that there are now concerns that the private amenity space serving both the existing dwelling at number 39 and the proposed dwelling falls below the standard set out in the Local Plan and the space is further compromised by the railway arches which will also overshadow the new dwelling. She expressed the view that the submitted drawings demonstrate that there is a reasonable and practical amount of private garden space around each property to facilitate the outside domestic needs of a dwelling house and the private fenced off garden area for each plot falls slightly below the one third requirement as set out in Policy LP16, however, if the front garden areas were to be taken into account, the garden area for each plot would exceed the policy requirements.

Mrs Jackson expressed the view that, as with all planning proposals, there is a balancing act to be had between the issues concerned and the benefits of providing a new dwelling which meets the design aspirations of the Council on an unsightly and vacant site, which, in her view, far outweighs the slight under provision of rear private garden space. She stated that the scheme is of particular benefit given that the site is in a prominent location and the concern with the potential for overshadowing from the railway arches is disproportionate to the asserted harm given that the arches are located due east of the proposal.

Mrs Jackson added that only the morning sun within the garden area will be affected and there is sufficient space around the dwelling that it will not be over dominated by the arches and the new dwelling is located no closer to the arches than the existing dwelling to the north of the arches at number 37C March Road. She added that the principle of the proposal is acceptable and there are no objections to the scheme from technical consultees including the Local Highway Authority, Highways England, the Environment Agency, and Environmental Health.

Mrs Jackson made the point that she has taken on board the advice given by the Planning Committee and has worked closely with officers to achieve a scheme which is the best solution for the site and is agreeable in design terms. She stated that the fenced off garden areas for both existing and proposed properties are slightly under the Local Plan requirements, however, the outdoor space afforded to each dwelling does comply with policy.

Mrs Jackson expressed the opinion that the benefits gained in terms of developing the prominent but unsightly parcel of land far outweigh the slight policy conflict and she asked members to appreciate the benefits of the scheme and grant planning permission accordingly.

Members asked Mrs Jackson the following questions:

- Councillor Benney asked Mrs Jackson to clarify the point that she had made that if the size of the front garden is included, the proposal is policy compliant. Mrs Jackson confirmed that is correct. Councillor Benney asked officers if they can add anything further? David Rowen stated that the relevant policy of the Fenland Local Plan is LP16 Part H where it states to provide sufficient private amenity space, suitable to the type and amount of development proposed, for dwellings other than flats, as a guide, depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space. David Rowen added that the issue is private amenity space, and if there is amenity space at the front that is not private it does not comply with the Policy LP16. Councillor Benney stated that it does comply with the policy if you include the front garden. Mrs Jackson stated that if the front garden was private it would meet the threshold and the although the policy states private amenity space it does state that it is a guide.

Members asked officers the following questions:

- Councillor Mrs Bligh asked officers to confirm where the letters of objection were from? Alison Hoffman confirmed that letters of objection were received from residents in the immediate vicinity of the site.
- Councillor Sutton expressed the opinion that the site is one which is undevelopable and there is an Inspectors decision which is material and needs to be taken into consideration. He referred members to the presentation scheme and added that, in his opinion, the proposal does not fit in with the three dwellings and, in his view, the only way to develop on the site is for a dwelling to be adjacent to the three and mimic the existing dwellings. He added that it is a box and could look so much better. Councillor Sutton agrees with the officers with regard to the amenity space, in his view it is not visually acceptable, and the design is way out of keeping with that row of dwellings.
- Councillor Sutton asked officers to explain how they feel the proposal fits with the three existing dwellings? Alison Hoffman stated that the earlier scheme had all the design

characteristics taken from the existing terrace and from that the evaluation took place in seeking to replicate those design features it created a pastiche that did not add to the character of the area. She added that the existing terrace was considered to be an attractive feature in the street scene and sometimes it is nicer to see a plainer element that does not compete and gives that existing feature the precedent. Alison Hoffman added that the key elements were discussed with architects for a simple design and, in her opinion, it is a site that can accommodate a plainer design and materials could enhance its plain design.

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

- Councillor Mrs Bligh stated that she agrees with the comments made in the officer's report by Elm Parish Council and she feels that the officer's recommendation is correct.
- Councillor Mrs French stated the Inspector did say that there is the possibility of having something built on the site. She added that the site is in a dreadful state and Highways England are currently investing £10.5 million pound at the Guyhirn roundabout including road improvements. Councillor Mrs French expressed the view that it would be nice to see the concrete garage replaced and, in her view, the proposal will enhance the area.
- Councillor Benney stated that the Inspectors report has stated that there is the opportunity for something to be built on the site. He added the proposal is being recommended for refusal on Policy LP16 and stated that if the garden amenity space is included that reason for refusal is overcome. Councillor Benney stated that with regard to LP2, Facilitating the Health and Wellbeing of Fenland Residents, there maybe residents who would welcome the opportunity to live in a dwelling regardless of its design and location. He made the point with the Inspectors report stating that the location is suitable for infill development he will be happy to support the application.
- Councillor Sutton stated that he is not aware of any policy that considers what something looks like. He added that, in his opinion, the design could look so much better and he will support the officer's recommendation.
- Councillor Murphy stated that, in his opinion, there could be a development on the site but this proposal is not the correct one for the site.
- Councillor Mrs French asked whether the application could be deferred for a better design to be submitted by the Agent. David Rowen stated that it is a course of action open to members if they wish to defer it. He added that it has happened before in a couple of instances where the advice from officers is not to defer an application and to determine the application as it gives the applicant the opportunity to appeal the decision and also firms up the committees view point of what is and what is not acceptable.
- Councillor Murphy stated that if the application is deferred, it would then become a new application and would have to be brought before the committee again.
- David Rowen reiterated the point that the unkept state of the site is not a material planning consideration. He added that if weight is given to the condition of a site then it may encourage applicants to disincentivise their site to gain planning permission. David Rowen stated that with reference to the appeal decision and the comments made by the Inspector concerning the site being an infill site, it is his interpretation that those comments were made in terms of whether the site in terms of policy complies with LP3, where Rings End is a small village within a settlement hierarchy where only infill plots will be considered. He added that in his view the Inspector was saying that the broad principle of developing the site complies with LP3, rather than saying it is a building plot where something should be built.

Proposed by Councillor Sutton, seconded by Councillor Mrs Bligh to refuse the application as per the officer's recommendation. This proposal was not supported on a vote by the majority of members.

Proposed by Councillor Mrs French, seconded by Councillor Topgood and decided that the application be APPROVED against the officer's recommendation.

Members did not support the refusal of planning permission as they felt that the application meets the requirements of Policies LP2, LP3 and LP16 and will improve the appearance of the area.

P7/21

F/YR20/0885/F

**LAND SOUTH EAST OF SEAFIELD BARNES, GULL LANE, LEVERINGTON.
ERECT A 2-STOREY 4-BED DWELLING WITH GARAGE AND 1.4 METRE HIGH
(APPROX) POST AND RAIL FENCE AND GATES**

Alison Hoffman presented the report to members.

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

Mrs Jackson stated that the application is for the erection of a 2-storey 4-bed dwelling with garage, on land south east of Seafield Barns, Gull Lane, Leverington and members will be familiar with the site and the surroundings as it has already been accepted by both the Planning Inspector on the adjoining site and by officers that the location is one which is adjacent to the settlement. She added that in accordance with Policy LP3, the principle of the proposal is acceptable and throughout the application process she has worked closely with officers to ensure that the proposal is of a scale, design and character which is appropriate in its context.

Mrs Jackson stated that the committee report in front of members confirms that there are no concerns in this regard and that matters relating to residential amenity and highways are also acceptable. She stated that the only issue with the proposal is that concerns have been raised in respect of flood risk and added that the site lies in Flood Zones 1 and 3 and as such there is a requirement that the flood risk sequential and exception tests are passed.

Mrs Jackson stated that it has been confirmed in the committee report that the submission adequately addresses the exception test and that it is technically safe but the scheme fails on flood risk grounds as there is another site within the village which benefits from planning permission which could accommodate the proposal. She added that this other site, at Crowsons garage, is, therefore, deemed to be sequentially preferable, however, the owner of Crowsons garage is a client of Swann Edwards Architecture and he has confirmed that he has no intention of selling the site or developing out his planning permission and he has recently acquired an environmental permit to carry out his business on site and rents out part of the building.

Mrs Jackson stated that this demonstrates his investment is directed to his business and not on making the site available for housing, noting also that his permission is due to expire in November this year, with no efforts having been made to implement it, and it is, therefore, reasonable to conclude that the site is not available for residential development and could not reasonably accommodate the proposal before the committee. She explained that with this in mind it is submitted that the Sequential Test is passed and that the scheme is acceptable in flood risk terms and there are no technical issues with the development and it has been accepted by officers on the whole that the proposal is acceptable.

Mrs Jackson stated that the only concern is a dispute over whether an alternative site is available to accommodate the development and she added that having spoken to the other landowner and confirming that his site is not and will not be for sale, she would hope that the committee are able to agree that the proposal passes the Sequential Test and can, therefore, be granted planning permission.

Members asked Shanna Jackson the following questions:

- Councillor Benney made reference to the site being in Flood Zones 1 and 3 and he

questioned as to whether the actual site is going to be located in Flood Zone 1 and the amenity area in Flood Zone 3 and whether any mitigation measures have been put in place to make the area safe from flooding? Mrs Jackson stated that she is unsure as to where the flood zone lies and added that the Flood Risk Assessment has taken into account the actual risk of flooding and the recommendations will be incorporated into the build to ensure it is technically safe and there will be bedroom accommodation on the first floor, so there is a place of refuge.

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

- Councillor Sutton expressed the opinion that the officer has made the correct recommendation and he added that he congratulates the architects and builders, as the buildings look very well presented. He added that for the committee to remain consistent in their decision making, they have little option other than to go against the officer's recommendation. Councillor Sutton stated that there needs to be mitigation measures put in place to ensure the proposal is safe from Flood Zone 3.
- Councillor Mrs French stated that she is very impressed to see the site built to date. She added that the three dwellings in place at the bottom look to be excellent high-quality dwellings. Councillor Mrs French stated that the garage owner does not wish to sell their business and the landowner owns the piece of land beside it and this proposal will complement and complete a very nice development and she will support the application and go against the officer's recommendation.
- Councillor Benney stated that he agrees with Councillor Mrs French and Councillor Sutton and stated that the build quality of the development is excellent. He added that the landowner wants to develop his land and it is irrelevant whether the garage owner wishes to sell his business. The proposal will bring forward a very high-quality build here and the proposal should be approved.

Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed that the application be APPROVED against officer's recommendation. Reasonable conditions to be added to the application and for them to be agreed in conjunction with the Chairman, Proposer, and Secunder.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposal is for a high-quality build which should be brought forward regardless of the sequential test and whether Crowsons Garage comes forward or not for development. Councillor Benney stated that under Policy LP14 (b), it refers to high levels of fuel poverty in some parts of the district and he added that he feels that is irrelevant as it is land usage that is being looked at. David Rowen clarified that under policy LP14(b), it refers to flood risk and drainage.

**P8/21 F/YR15/0877/F, F/YR16/0316/F, F/YR16/0316/F
PHASES 2, 2A AND 3 OF THE BASSENHALLY FARM.
MODIFICATION OF PLANNING OBLIGATIONS ATTACHED TO PLANNING
PERMISSIONS F/YR15/0877/F, F/YR16/0316/F, F/YR16/0316/F TO ENABLE
ADJUSTMENTS TO TRIGGERS AND CONTRIBUTION AMOUNTS RELATING TO
PRE-SCHOOL EDUCATION, PRIMARY EDUCATION AND SECONDARY
EDUCATION**

Alison Hoffman presented the report to members.

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

- Councillor Sutton stated that he is surprised that a viability assessment has not been brought forward and added that if the applicant can make these payments on this site, why are there viability assessments on other sites and made the point that perhaps further scrutiny needs to take place.

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

**P9/21 F/YR21/0032/F
LAND NORTH OF 34, WHITMORE STREET, WHITTLESEY
ERECT 4 X 3-BED 2-STOREY DWELLINGS**

This item was withdrawn from the agenda.

**P10/21 F/YR21/0015/F
LAND SOUTH OF 20, PRIMROSE HILL, DODDINGTON.
ERECT A DWELLING (SINGLE STOREY, 3-BED)**

Nick Thrower presented the report to members.

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

Mr Gowler referred members to the presentation screen and explained that the application is for an exception dwelling under NPPF Paragraph 79 home, Part e). He added that the design of the dwelling is unique within the Fen landscape and whilst the report mentions that this dwelling is not in an isolated location as ruled in the 'Braintree judgement', in his view, the court transcript is not particularly clear in clarifying what is or isn't classed as isolated.

Mr Gowler expressed the opinion that the 'Braintree Case' site as shown on the slide was for a site that was immediately outside the development boundary for a small village and, therefore, this was not deemed as an isolated case by either other dwellings, facilities and services within built up area. He stated that the court judgement indicated isolated could in circumstances mean isolated from services such as shops and facilities and this site is isolated in this respect and apart from the few dwellings along part of Primrose Hill, which has minimal properties around it, unlike the Braintree case which was based on the immediate edge of a village.

Mr Gowler stated that under the report it mentions that the site is in the open countryside under LP3 and, therefore, does not fulfil the requirements of LP3 for a new dwelling and this would also then seem to indicate that the dwelling is in an isolated location. He stated that the reason why it is unique and innovative is because the design is high thermal mass with large overhanging roof which all maximise solar gains and storage of heat in the winter or cooling in the summer, with the site being particularly suitable due to the open land in front to allow Winter, Spring and Autumn solar gains and along with the young trees that as they mature will give further shading to help prevent solar overheating in the summer but without leaves allow the low sun to give solargains in the winter.

Mr Gowler stated that from sustainable point of view the high insulation standards, car charging, heat pumps and battery storage with solar panels will be included. He stated that the innovative design and layout are to include sustainable elements and will include a green roof, with the surface water being partially absorbed by the green roof, the excess will be to a shallow soakaway and the foul drainage will be into a treatment plant with filterdrain, the nitrates from this will also be beneficial to the trees on the rest of the field.

Mr Gowler explained that the proposed costs are likely to be more expensive due to its design and are likely to be 30%-40% more than a normal dwelling, however, due to all of the proposed sustainable measures being introduced, payback of that will be in the region of 20 to 30 years costs and it is hoped that the dwelling would continue to be energy efficient for many decades after that.

Members asked officers the following questions:

- Councillor Mrs Davis asked for confirmation that if the proposal had been submitted as an ordinary application as opposed to a Paragraph 79 application, would it have still been considered as being in an elsewhere location and, therefore, in the open countryside? Nick Thrower stated that yes it would, and officers would have concluded it was an elsewhere location beyond the built-up part of the settlement and that is the justification on the reason for refusal.

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

- Councillor Benney expressed the opinion the proposal fits the exact description of a Section 79 application of the National Planning Policy Framework that the Agent has provided. He expressed the view that the design is an innovative way of bringing homes forward and he welcomes the proposal, which includes experimental technology. He added that if the Agent is willing to take a leap of faith, he should be supported. Councillor Benney stated that location of the proposal is ideal, and he will support the application and looks forward to the dwelling being delivered. He added that the design is innovative, the technology is still in an experimental form, but the nature of the proposal meets the requirements of the National Planning Policy Framework, which over rules the Local Plan.
- Councillor Mrs French stated that she agrees with Councillor Benney. She added that she would like to see the Building Design Awards re introduced which used to showcase exceptional designs. This is the type of proposal that she welcomes, it is something totally different and, in her opinion, the location is perfectly suited, and she will support the application.
- Councillor Murphy stated that he will support the proposal and he wishes the agent well.
- Councillor Mrs Davis stated that the design is to be commended and it is about as innovative as it can be for Fenland. She stated that officers have confirmed it is an elsewhere location and could also be classed as isolated with this proposal. Councillor Mrs Davis stated that she will be supporting the application.
- Councillor Connor stated that he applauds the application and stated that is one of the best proposals he has ever seen.
- Councillor Sutton expressed the view that he does not think that the proposal is exceptional, although he agrees it is different. He added that officers have had to act in accordance with the policies in place and he stated that if the proposal was just for a standard dwelling it would be determined as being in an elsewhere location, however, in his opinion as this is a Section 79 proposal, the policies somewhat contradict each other. He expressed the view that officers have made the correct recommendation as that is what the policies dictate, and, in his opinion, he would have preferred to see something to be more viewed to the public realm. Councillor Sutton stated that he will support the application due to the contradictory issue of the elsewhere location.
- Councillor Mrs Davis stated that she takes exception to the view of Councillor Sutton that he does not think that the proposal is of an exceptional design as it is very rare to see an application come forward of this type and design.
- Councillor Topgood stated that he agrees with Councillor Mrs Davis and added it is an exceptional design and the engineering techniques used are fantastic. He added that he will support the application.

Proposed by Councillor Skoulding, seconded by Councillor Benney and agreed that the application be APPROVED against the officer's recommendation. It was agreed that the appropriate conditions imposed on the permission be decided in consultation with officers, the Chairman, Proposer, and Secunder.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the application accords with a Paragraph 79 of the National Planning Policy Framework and it is going to be built in the right location.

(Councillors Connor and Mrs Davis declared an interest, by virtue of the fact that the Agent for this application is known to them as he is a Doddington Parish Councillor and Councillors Connor and Mrs Davis attend Doddington Parish Council in their positions as elected members of Fenland District Council)

P11/21 **F/YR21/0159/PIP**
LAND NORTH OF EAST VIEW, RINGERS LANE, LEVERINGTON
RESIDENTIAL DEVELOPMENT OF UP TO 4 DWELLINGS (APPLICATION FOR
PERMISSION IN PRINCIPLE)

Nick Thrower presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Lydia Pravin, the Agent.

Ms Pravin stated that there she has noted that there are no comments from residents or interested parties and Cambridgeshire County Council Highways Authority accept the principle of a 4-dwelling development in this location. She explained that the site adjoins the built-up part of the settlement of Leverington on the west side of Ringers Lane with housing to the north, south and east and added that it is important to note the housing to the north which forms part of the continuous developed footprint of the settlement stretches along Gorefield Road and due to the development of the houses along Popes Lane which forms a cul-de-sac arrangement this juts out to the north-west with some housing facing directly towards the open countryside.

Ms Pravin stated that the rest of the housing within Popes Lane has rear gardens facing out to the open countryside with hedgerow on the rear boundaries with the dwellings then continuing down along Gorefield Road and to the south of the site the dwelling of East View has hedgerow and fencing on the boundary and there are also dwellings directly opposite the site on the eastern side of Ringers Lane and the dwellings of Knights Close extend further south-east. She explained that the village comprises of a linear pattern of development punctured by infill development in a cul-de-sac style arrangement; the site is well located adjacent to the existing developed footprint of the village and will continue the linear pattern.

Ms Pravin stated that the houses in this location will be in keeping with the core shape and form of the settlement and form an infill development. She explained that the hedgerow could be planted within the site on the western boundary and enable the development to make a positive contribution to the character of the area which consists of housing with hedgerow boundaries.

Ms Pravin stated that Paragraph 8 of the National Planning Policy Framework 2019 confirms a presumption in favour of sustainable development and she added that the proposal will ensure a development that meets the three interdependent dimensions to sustainable development with an economic role, a social role, and an environmental role. In terms of the economic role the construction of the proposed development will generate employment and post completion the spending of the additional households will increase the spending power of the local economy which will also help support the services and facilities within the village, such as the village pubs.

Ms Pravin explained that in terms of the social role, the proposal will strengthen the village community and help assist the housing needs of the district through providing a windfall development which is invaluable in terms of providing diversity and flexibility to the supply of new properties across the district. She explained that in relation to the environmental role, the proposal will secure well related housing which is appropriate to the pattern and character of the village with hedgerow added on the western boundary within the site and enables the development to make a positive contribution to the character of the area which gives rise to an appropriate location and land use.

Ms Pravin expressed the view that the site is inherently sustainable and coupled with the numerous benefits of the development requested that members grant permission in principle for development of the site.

Members asked officers the following questions:

- Councillor Murphy asked whether a Permission in Principle (PIP) application is like an Outline Planning Permission? Nick Thrower stated that a PIP application establishes the principle of the proposed use and then a subsequent application would need to be submitted, entitled a technical detail consent which deals with layout and design of the proposed dwelling. Councillor Murphy questioned how the committee can decide without knowing any detail? David Rowen added that a PIP is a legitimate application route introduced by the Government in the last three years. He stated that no detail with application is submitted, which is similar to an old style outline application where all that is seen is a red line around a piece of land, and it is for members to decide whether they are happy or unhappy to see a piece of land developed in broad principle terms. He added that the officer's opinion is that they do not feel it is appropriate site for housing to go on from a character point of view.
- Councillor Murphy stated that if the application comes back to the committee with the further design and detail and the committee do not agree with the proposal what would happen in that scenario as outline permission has already been granted. David Rowen stated that essentially the committee are granting the principle, but if the committee are not happy with the technical detail, appearance, or layout then the application can be refused on those grounds.
- Councillor Sutton stated that is he correct in his understanding that under an Outline Permission you can commit aspects, such as access, but under a Permission in Principle (PIP) you cannot. David Rowen confirmed that is correct, certain details can be committed on an Outline Permission and the level of detail submitted in the proposal before members is the only information required to be submitted and it is only being looked at in very broad land use terms.
- Councillor Mrs French stated that in the officer's conclusion and statement for reasons for refusal, it states that the proposal would mean that there was a loss of significant views across the open countryside. She asked officers to confirm when did the subject of views become a material consideration. David Rowen stated that officers are trying to emphasise that the views involved in the proposal across the agricultural land, form a distinct part of the character of the settlement of Gorefield and to lose them would be of a detriment to the character.
- Councillor Sutton stated that nobody owns a personal view, but the view is going to change in the public realm is his understanding.

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

- Councillor Benney stated that it is the second PIP that has come before the committee. He added that the proposal may change the view and character of the village, but it will always change the view for somebody. He expressed the view that he does not see anything wrong with the proposal and added that there are new build properties in the vicinity. Councillor Benney stated that it is not building in the open countryside as it is in the built form of Ringers Lane.
- Councillor Sutton expressed the view that it is very similar to different applications that have been brought before the committee and for that reason to remain consistent, he will be going against the officer's recommendation.

Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that the application be APPROVED as per 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 as they feel under Policies LP12 and LP16 it will add to the character and appearance of the area rather than detract.

4.18 pm

Chairman