

# PLANNING COMMITTEE



**WEDNESDAY, 1 DECEMBER 2021 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton, Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor Mrs S Bligh, Councillor Mrs K Mayor and Councillor D Topgood,

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

## **P60/21      PREVIOUS MINUTES**

The minutes of the meeting of 27 October were confirmed and signed as an accurate record.

## **P61/21      F/YR21/0597/F 8 THE WATER GARDENS, WISBECH ERECTION OF A PART 2-STOREY, PART SINGLE-STOREY REAR EXTENSION; INSTALLATION OF AIR SOURCE HEAT PUMPS AND PV PANELS TO EXISTING BUILDING AND FORMATION OF A FOOTPATH ACCESS TO SCHOOL FIELD INVOLVING PIPING OF DYKE**

This item was withdrawn from the agenda.

## **P62/21      F/YR21/0644/RM LAND EAST OF 20 STATION STREET, CHATTERIS RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR20/0081/O TO ERECT 2-STOREY 3-BED DWELLING**

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Miscandlon asked officers to clarify how much taller the proposed dwelling is, compared to the existing properties, for officers to conclude that the proposal is overbearing. David Rowen stated that the street scene drawing illustrates the height is consistent with the adjacent properties and the overbearing impact is more one of visual dominance over the properties on Wimpole Street in terms of the mass of building which would be at the bottom of their gardens. He added that with regard to number 20, which is the property closest to the proposal site, the concern is the dominance of the windows which are 2.5 metres away from the new dwelling when looking out of the first-floor windows.
- Councillor Sutton stated that at the outline stage of the planning application, the applicant and the agent were advised that they needed to reduce the indicative layout to ensure it would comply with policy LP16 of the Local Plan. He added that they appear to have taken heed of that advice and now the current application still does not accord with a positive

officer recommendation. David Rowen stated that at the outline stage of the application, issues were highlighted that would need to be addressed and whilst the applicant and agent have made attempts to do that officers are still of the view that there are still issues that should be addressed. Councillor Sutton expressed the view that he finds it confusing in the officer's report that a suggestion has been made that a single-storey dwelling should be on the site and, in his opinion, he cannot see how a single storey dwelling would fit into the street scene.

- Councillor Mrs French questioned how much more should the size and scale of the proposed dwelling be reduced before officers deem it acceptable.
- Nick Harding stated that members need to be aware of the decision notice that accompanied the outline planning application and be mindful that it was an outline application with only access being approved in detail and everything else was a reserved matter and, therefore, officers did not and could not have given detailed pre-application advice effectively on the how exactly the indicative plan should be altered in order to make it acceptable to officers. He added that members need to decide whether the impacts on the adjacent properties are or are not acceptable and whether or not members agree or disagree with the officer's recommendation.

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

- Councillor Benney stated that he is familiar with the property and it is a large site although it looks a small plot because everything around it is big. He expressed the view that the proposal fits on the plot and it already has outline planning permission and it is not a 2-storey building it is a 1 and a half storey building and a bungalow on the site would not be suitable and would look out of character. Councillor Benney stated that, in his opinion, the proposal is a compromise which will fit very well in the street scene and added that a house on the site would look out of place and the proposal will enhance the area and tidy it up.
- Councillor Murphy stated that there appears to be no objections to the proposal from Station Street or Chatteris Town Council and added that from the comments in the officer's report it appears that the proposal seems to be welcomed and it states will cause no undue harm to the heritage asset. He stated that he cannot understand why the proposal is recommended for refusal and it should be approved, and the proposal would not be out of character.
- Nick Harding stated that there is an objection to the proposal from a neighbour and he added that the recommended reason for refusal relates to the impact that the development would have on the amenity of the neighbouring dwellings. Councillor Murphy stated that he had referred to their being no objections from the occupiers of Station Street.
- Councillor Cornwell stated that it is a tightly developed area, in his opinion, and he cannot see that the proposed development will make it any worse. He expressed the view that there is not a lot of overlooking even though the area is tightly developed and, in his view, the proposal will not have an impact on the area.
- Councillor Miscandlon referred to 5.4 of the officer's report where local residents and interested parties were consulted and added that design and appearance are a personal perception as to whether you like or do not like something. He added with regard to loss and outlook, the view is either a building site or a house next door and, in his view, that point has no credibility. Councillor Miscandlon expressed the view that loss of light is not a reason for refusing an application as, in his opinion, nobody has the right to light unless they live in a historic building. He added that with regard to the visual impact, any new building is going to have an impact on the local area as that is what new houses do. Councillor Miscandlon expressed the opinion that the house is not overbearing in its size and he cannot see anything which will have an impact on the local residents. He added that he will be voting against the officer's recommendation to approve the application.
- Councillor Connor stated that you are entitled to light, but you are not entitled to a view.
- Councillor Sutton stated that on Wimpole Street there are several houses who have large trees in the rear of their properties, and he added that he does not see that the loss of light would cause demonstrable harm, agreeing that the application should be approved as the area around the proposal site is already built up.

**Proposed by Councillor Miscandlon, seconded by Councillor Skoulding and agreed that the application be APPROVED against the officer's recommendation, with delegated authority given to officers to determine appropriate conditions, in consultation with the Chairman.**

**Members did not support the officer's recommendation of refusal as they feel that it will not have a detrimental effect on the local amenities as outlined in the letters of objection.**

*(Councillor Benney declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council Planning Committee, but was not present when the item was discussed.)*

*(Councillor Murphy declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council Committee, but takes no part in Planning matters)*

**P63/21      F/YR21/0734/O  
LAND REAR OF 222 LYNN ROAD, WISBECH  
ERECT UP TO 9 X DWELLINGS INVOLVING THE DEMOLITION OF EXISTING  
BUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

This item was withdrawn from the agenda.

**P64/21      F/YR21/0833/O  
LAND SOUTH OF 19 BLACKMILL ROAD, CHATTERIS  
ERECT UP TO 6 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS  
COMMITTED IN RESPECT OF ACCESS)**

David Rowen 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 terms of the principle of development, Policy LP1 of the Local Plan confirms that there is an overriding presumption in favour of sustainable development, and it is contended that the proposal is both in a sustainable location and is a sustainable form of development. He highlighted that LP3 of the Local Plan identifies the settlement hierarchy, which confirms that Chatteris is an 'other' market town and consequently the majority of the district's new housing should be directed to this and other market towns.

Mr Slater added that LP3 states that the focus for the majority of the growth is in, and around the four market towns and stated that the market towns do not have development boundaries and development on the edge of the market towns is still consistent with LP3 and LP4. He said that officers have taken a different approach to the proposal than to the site immediately opposite which was granted permission for 50 dwellings in August 2020 and, in his opinion, the site is very similar to the application site in terms of its spatial relationship to the town.

Mr Slater expressed the view that the committee report for the 50 dwellings confirms the fact the site is on the edge of the market town of Chatteris and is considered to be a sustainable location where new growth can be accommodated. He expressed the opinion that in spatial terms the application site is not materially different to the application for the 50 dwellings and, therefore, should be considered as a sustainable location.

Mr Slater added that with regard to loss of agricultural land it is understood that the application site has not been in active agricultural use for in excess of ten years. He stated that in terms of character and appearance as the application is only in outline form, matters of scale and

appearance, design and landscaping, do not form part of the current submission, but feels that an appropriate design with landscaping could provide a visually appropriate form of development in this location that would mitigate impacts when viewing from the south.

Mr Slater stated that in terms of access, the application is supported by a transport assessment which concludes that the site can be adequately accessed from the existing road and byway without causing unacceptable harm to local highway safety or amenity and the applicants disagree with the comments made by the Highway Authority which are detailed in the officer's report. He requested that planning permission be granted as the applicants feel that the application is sustainable and in a sustainable location.

Members asked Mr Slater the following questions:

- Councillor Benney asked Mr Slater to clarify whether his client would be prepared to undertake any improvement works on the access to the site which is 7 metres at its narrowest width? Mr Slater stated that there is some uncertainty about the dimensions and ownership of the area and highways have been unable to assist with details of the ownership. He added that his client would be prepared to undertake works on the highway, which could be conditioned, but had intended to wait until the planning permission had been sought.
- Councillor Mrs French made the point that there are two dykes on site, and asked whether there are plans to pipe either one? Mr Slater stated that he did not know the answer and it would be something that would be looked into at the reserved matters stage.

Members asked officers the following questions:

- Councillor Benney asked officers to clarify the issue concerning the highway and that if planning permission was agreed could a condition be added to resolve the issue of the public byway? David Rowen stated the application is for an outline application with matters committed in respect of access and as part of the application you would expect to see any improvements in access to serve the development committed as part of the application. He added that Mr Slater has already acknowledged that there are no improvements proposed and Councillor Mrs French has highlighted that there are dykes on both sides and no details have been submitted either as part of the application. David Rowen stated that with regard to resolving the rights of way situation, the officer's report sets out the legal complexity around the widths of the byways and the land ownership issues which requires a great deal of work to resolve and there are a number of issues that need to be resolved before the Council would have the confidence to approve what could be delivered on site. He expressed the view that the issues should be resolved before a planning application is submitted so that there is an element of certainty in terms of what is submitted to the Planning Authority.
- Councillor Mrs French stated that she likes the application, but she is not content with the access issues and she would like to see the application deferred.
- Councillor Cornwell stated that the access element of the application seems to be unresolved and, in his opinion, the committee have no option other than to take a certain course of action.
- Councillor Sutton asked officers to highlight on the presentation screen where the fifty dwellings are located? David Rowen referred members to the site location plan and stated that the urban extension that is referred to is an extension of Fairbairn Way and the access road would come off the bend in Fairbairn Way and run into the site. He added that the application site further south site comes across the back of Millfield Close albeit not coming any further south than the east west drain. David Rowen advised members that the outline application for the 50 dwellings was granted permission 18 months ago and to date there has been no reserved matters and no pre application approaches for a detailed layout submitted. He added that members need to consider that if a detailed layout is submitted there is the possibility that the western end of the scheme could be the open space or the attenuation features and there is no guarantee that the dwellings will be sited up to the

western boundary adjacent to the boundary of the current proposal site members are considering.

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

- Councillor Miscandlon expressed the view that the officer's recommendation is correct, and that this application has been submitted incomplete and for that reason it should be refused and possibly resubmitted when all of the relevant and required information is in place.
- Councillor Mrs Davis stated that she agrees with Councillor Miscandlon and she added that it is a byway which is open to all traffic. She added that the byway is used by walkers and horse riders and also used by vehicles to access the properties on Millfield Close and Fairview Gardens. She stated that the application is going to increase the number of vehicular movements already taking place.
- Councillor Cornwell expressed the view that the byway is used and needs protecting. He added that the application is incomplete and the description of the proposal states that it is for matters committed in respect of access which it is clearly not.
- Councillor Benney stated that the application site for the 50 houses does join the land for this proposed application. He agrees that the access needs to be solved, but he would also like to see the application deferred.
- Nick Harding advised members that he would not recommend that the application should be deferred as the application needs to be determined in its current form and whilst members can defer for clarification, not for an amended plan. He added that there are no proposals to improve the access apart from the minor works that David Rowen had referred to in his presentation.
- Councillor Mrs Davis stated that the agent and applicant have had plenty of opportunity to discuss the access prior to submission of the application and, in her view, it does not warrant a deferral.
- David Rowen stated that Mr Slater had asked members during his presentation to determine the application on the basis of what had been submitted and he added that the County Council Definitive Mapping Team have advised that there is very little certainty that an acceptable scheme can be achieved from a legal perspective and for that reason he would agree that a deferment should not be an option.
- Councillor Mrs French stated that she is concerned with regard to the access issues which needs to be addressed.

**Proposed by Councillor Miscandlon seconded by Councillor Cornwell that the application be REFUSED as per the officer's recommendation. This proposal was not supported by a majority vote by members.**

As the proposal to refuse the application as per the officer's recommendation had failed clarification was sought on what options were now available to members and the Legal Officer advised members that the application is in outline form with highways matters to be determined, the proposal made has fallen and therefore a further proposal was required.

Councillor Miscandlon made the point that it is his understanding that the application is for the access only, not for the buildings. Nick Harding confirmed that the Legal Officer has outlined the position clearly that the proposal to refuse the application as per officer's recommendation has not been supported and another proposal is required from members, which could be to approve the development granting to officers the ability to apply appropriate conditions or alternatively the proposal could be refused on access reasons only.

Councillor Mrs French asked for clarification that if members recommended the application for approval could a condition be added in respect of the access. Nick Harding responded that if the application was approved and members wanted to place a condition on the permission to say how the access is going to be improved then his concern is that you should only be putting this condition on if there is a good degree of certainty that the access can be improved and there is

doubt that the access can be improved in the degree envisaged by the Highways Officers and due to the element of uncertainty a condition should not be applied.

Councillor Benney asked that if the application was refused solely on the access issue and then the applicant resubmitted the proposal with details of access, then the only aspect requiring determination would be that of access to that site. Nick Harding stated that could be an option.

**Proposed by Councillor Sutton, seconded by Councillor Benney and agreed that the application be refused on access grounds only.**

Members do not support officers' recommendation of refusal reason 2 as they feel the site is acceptable for development and it is only the access that is of concern.

*(Councillor Benney declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council Planning Committee, but takes no part in planning matters)*

*(Councillor Benney stated that the applicant for this item is known to him in a professional capacity but it would not make any difference to his decision making and voting on the application)*

*(Councillor Murphy stated that due to personal reasons he it would not be appropriate for him to take part in this application and he left the Council Chamber for the duration of the discussion and voting thereon)*

**P65/21      F/YR21/1035/O  
LAND NORTH EAST OF HORSESHOE LODGE, MAIN ROAD, TYDD GOTE  
ERECT 1 DWELLING (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED)**

Nicholas Thrower presented the report to members.

Members received a written representation from Samantha Tilney read out by Member Services.

Ms Tilney stated as the resident who will arguably be impacted the most by the proposed development, she felt she needed once more to register her opposition to this application and is supported in her objection by the residents of 4 of the 5 properties in this locale who have expressed multiple reasons for opposing the development. She made the point that the one neighbour who did not oppose the application has an informal arrangement for access to the plot with the applicant.

Ms Tilney expressed the view of the homes already built here the 3 most recent were conversions of existing agricultural buildings, unlike the building proposed which will be a completely new dwelling in a previously undeveloped position. She feels the rural nature of this area is a very important factor in its desirability and anything which affects this could also affect the value of her property and those of her neighbours.

Ms Tilney stated that a main concern for herself and others is that allowing the construction of this property would set a precedent for further dwellings being built in the future, with the position of the proposed residence on the plot suggesting that additional buildings could be built further down the plot later on with no objection from their nearest neighbour which would be the occupant of the proposed dwelling. She expressed the view that access to the plot remains a major issue and the applicant has mentioned tarmacking the entire lane which would change the character of this area, with the lane currently being conservatively managed by the residents.

Ms Tilney expressed the opinion that any building work would increase traffic and the degradation

of the surface, with the left-hand bend at the bottom of the track also being an issue and extremely difficult for any long wheel-based vehicle including construction vehicles during any building and for maintenance, delivery, and emergency vehicles to negotiate. In her view, a fire engine would not be able to attend the proposed development without damage to the existing track and fauna or damage to the vehicle.

Ms Tilney stated that access from the main road would need to be considered as any increase in vehicular activity would increase the risk incurred in turning from a main road into a single-track lane, from which emerging vehicles cannot be seen easily. She made the point that whilst the A1101 road is limited to 40mph, many passing vehicles do not comply with this as those that live in the area witness.

Ms Tilney believes that any benefit or improvement of the local community would be negligible and the rural feeling and outlook of the present settlement would be changed forever, with the privacy of her garden in particular being potentially reduced. She made the point that the exact nature of the proposed building is not clear from the present plans and to what extent her garden would be overlooked, with the construction of this property not contributing in any significant way to the economy of the local villages or amenities.

Ms Tilney expressed the view that the destruction of long-established flora and fauna would be distressing to see, and although surveys have not shown any rare or endangered species would be affected, there is a wide range of wildlife which enhances the area and which would be dislodged by the development. She feels that anyone in her position would be understandably apprehensive at the prospect of development and the traffic this would cause passing so close to her property, but in this case the possibility that this could be the first of several episodes of disruption if additional permissions were sought in the future makes her opposition even stronger.

Ms Tilney referred to at least one committee member having visited the site and feels they could corroborate the narrowness of the access into the plot and the proximity to the boundary of her house any large vehicle would need when passing. She feels it was underhand of the applicant to approach members of the golf course to support his application and a quick look at the locations of those who have submitted supporting documents shows that many who have expressed an opinion will be in no way affected by this development except that they hope that there will be more "quality housing in Fenland"., but she cannot help but wonder if they would want this quality housing built on their own doorstep?

Ms Tilney reiterated that she strongly objects to this application and hope that the effect it will have upon this community will be taken into consideration when a decision is made.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent.

Mr Edwards stated that the site is within Flood Zones 2 and 3 and it is no different to many other developments within the district, with the submitted Flood Risk Assessment demonstrating that the scheme can be made technically safe from flooding and comes with the support of the Environment Agency (EA). He advised that the Flood Risk Assessment, which has been approved by the EA, confirms there are no other suitable sites within the village of Tydd Gote and this was further confirmed earlier that day as he had carried out a Right Move search which shows no plots of land for sale in Tydd Gote.

Mr Edwards stated that he would be happy to accept the improved construction of the dwelling, as previously conditioned on similar sites, to achieve the exception test and he added that he would argue that the site is within Tydd Gote and consistent with other developments approved in the district, and particularly similar to the plots that were approved at Mouth Lane, Guyhirn. He stated that the site is located in a cluster of dwellings off the existing access road which serves the site,

and he would argue that the proposal would finish off this part of Tydd Gote and close off any future development of the site and would not create a precedent for further development in this area.

Mr Edwards explained that the proposed dwelling is indicative at present, but as the plot is of an executive size, it could accommodate a good-sized family dwelling which will add to Fenland's diverse housing stock. He added that should there be a preference for an agricultural styled dwelling he would be more than happy to accept this.

Mr Edwards expressed the view that the plot has a fantastic outlook at the end of the cluster of dwellings, which would be very sought after and the site is served via an existing access on to Main Road. Whilst the site is agricultural at present, in his view, it is of a size that is no longer commercially viable to farm and with the built form around it lends itself to a residential site, with there already being a built form on the land and should it be used for livestock the traffic generation to the site would be increased.

Mr Edwards explained that the existing structure on the land has the potential for conversion under a Class Q application, and he would be happy to accept a condition to remove the permitted development rights, which would stop it being converted and limit encroachment. He stated that it has been said on many occasions at Planning Committee that parcels of land like this are massively valuable to housing supply in the District and are at a prime, plots like these will be developed by self-builders or smaller developers that are being priced out of the larger sections of land due to the cost of the infrastructure and land price, small builders and self-builders employ local tradesman and agents and buy locally from local merchants, which in turn contributes to other businesses in the district.

Mr Edwards expressed the view that support for this type of development can be seen in the 18 letters of support from local properties and local developers who many have shown an interest in purchasing the site to build out what is proposed. He stated that the proposal makes the best use of the land and will finish off this part of the village and the lane as a whole and asked the committee to support the proposal and approve the application with the conditions deemed appropriate.

Members asked officers the following questions:

- Councillor Mrs French stated that she has noted from the report that there are letters of support and objection, including letters of support which are from individuals who reside in excess of 50 miles away, which she does not agree with. David Rowen stated that the representations that are counted in terms of the scheme of delegation which is what triggers what applications come before the Planning Committee are based on representations received from the ward and the adjacent ward. He added that the representations that are listed in the planning application report all have to be included regardless of the location the representation comes from.

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

- Councillor Cornwell expressed the view that it is important to note the comments of the Parish Council who state that they find the proposal to be an unwarranted incursion into the open countryside contrary to LP3. He added that he will always give great weight to the views of the considerations of the Parish Council. Councillor Cornwell stated that it is open countryside, with that part being split from Tydd Gote by the North Level Main Drain, and expressed the view that if there was flooding issue with the plot then the rest of East Anglia would be in a disastrous position. He expressed the view that officers have made the correct recommendation.
- Councillor Mrs French expressed the view that officers have made the correct recommendation for the application.

**Proposed by Councillor Mrs French, seconded by Councillor Cornwell and decided that the**



**application be REFUSED as per the officer's recommendation.**

**P66/21**

**F/YR21/1164/F**

**17 THORNHAM WAY, EASTREA**

**ERECT A 2.0M (APPROX) HIGH BOUNDARY FENCE TO EXISTING DWELLING INVOLVING THE DEMOLITION OF EXISTING BOUNDARY WALL**

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Cornwell asked officers to clarify why the advice is to set the fence back from the actual boundary as the rest of the area is open, with officers appearing to be happy from a planning perspective to erect a tall fence but set back from the boundary, and if there is going to be a change why can't the applicant make full use of their plot? David Rowen stated that the concerns officers have is that by coming out the new fence line is almost to the back edge of the footway, visually encroaches into open frontage and the open character, whereas the proposal now brings the fence out where the wall currently is, but not by a significant degree and not encroaching into the general openness.
- Councillor Cornwell expressed the view that officers are happy with a complete change of street scene, but do not want the whole plot enclosed and he questioned why only a partial change is being proposed instead of a complete change. David Rowen stated that the officer's recommendation sets out that this is a compromise by allowing the householder to erect a new fence and to demolish the boundary wall, safeguarding the general open character and not making an unduly significant or harmful incursion into the street scene. Councillor Cornwell stated that it is not a boundary wall, it is an enclosing wall, and the fence appears to be creating a boundary. David Rowen stated that the existing wall is described as a boundary wall, which is technically incorrect, and it also allows a slight expansion of the garden by 1 metre at the maximum. He added that there is a reposition of the screen to the rear garden of the property coming out by 1 metre at the most at one end which officers are happy with.
- Councillor Sutton stated that the previous application was refused partly on the grounds of visibility both for the road, coming into the drive, and for the pavement visibility splay. He added that the applicant was advised on that issue and they went ahead with the application as it was, which was turned down and now the applicant has come back and taken heed of officer's advice. David Rowen stated that within the officer's report it states the reason why the previous application was refused which as well as character there was also encroachment into the visibility splays. He added that there are comments in the report from the Highway Authority raising no issues with regard to that.

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

- Councillor Mrs French stated that the application is for a fence and she cannot understand why the objections relate to noise, light pollution, and traffic.
- Councillor Sutton stated that although the application is small in real terms, this particular application highlights the value of site visits. He added that other properties near to the application site also have the similar type of fence and he will support the officer's recommendation.
- Councillor Skoulding stated that a fence is far safer than a brick wall and he will support the officer's recommendation.

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

*(Councillor Miscandlon registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is Chairman of Whittlesey Town Council's Planning Committee, and took no part in the discussions or voting thereon)*

*(Councillor Connor declared that the applicant is known to him and left the Council Chamber for the duration of the discussion and voting thereon. Councillor Mrs Davis chaired this item)*

**P67/21**

**F/YR21/1154/PIP**

**LAND NORTH OF TELEPHONE EXCHANGE, MAIN ROAD, TYDD GOTE**  
**PERMISSION IN PRINCIPLE (1NO DWELLING MAX)**

Nicholas Thrower 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 the site provides a conundrum in terms of the purpose of policy and how it could and should be interpreted as it is accepted that the site is identified within Tydd Gote, which is in LP3 as another village, which limits new housing to single dwellings as infill, but questioned the planning balance of what difference does infill make to sustainability? He stated that LP3 is predicated on achieving sustainable growth and the first line of the policy states this and also confirms that development should make the best use of predeveloped land.

Mr Slater added that Policy LP14, which relates to flood risk, emphasises the need to direct new development to areas of lower flood risk and the site is accepted by the officer in the report as being within the development footprint of the village, which he agrees with, and it is, therefore, in his view, deemed within the scope of LP3 as a sustainable location for limited new development. He stated that as to whether it is infill or otherwise does not impact on the sustainability of the settlement, however, clearly infill is largely a visual consideration.

Mr Slater advised the committee that the site is in Flood Zone 1 and located on previously developed land and both factors are significant plus points having regard to both the development plan and National Planning Policy Framework. He stated that with regards to appearance and character and given the nature of the application for permission in principle, no detail of the final design has been submitted as part of the application and it is contended that a design for the building could be submitted that would be appropriate for the location and not be harmful to character or appearance of the immediate area and for that reason he expressed the opinion that he disagrees with the conclusion in the second reason for refusal.

Mr Slater expressed the view that an attractive property on this site would provide a visual gateway to the village enhancing the entrance from the south and there are no technical or neighbour objections and, therefore, the only substantive policy issue with the proposal lies in relation to LP3 and infill and whilst it is not infill as defined in the plan, it is noted that there is a building to the south and a row of homes to the west and as such the site is visually not isolated. He expressed the opinion that in terms of the planning balance, it is contended that the brownfield nature of the site, the fact that it is in Flood Zone 1 and that it is clearly visually related to the village form is sufficient to outweigh LP3's reference to infill as that does not materially affect the sustainability of the site or the village.

Mr Slater added that matters of design will be subject to a further application and consideration by the Council, which will address the second reason for refusal.

Members asked Mr Slater the following questions:

- Councillor Cornwell stated that the plot appears to be located on the existing car park of the restaurant and he asked for confirmation that the application means that the second exit for the car park will be closed as it will form part of the plot as opposed to the existing exit which will have a bearing on vision out onto the A1101. Mr Slater stated that the southern access for the car park would be shut to the car park and the use of the car park would be

transferred to the north.

Members asked officers the following questions.

- Councillor Cornwell stated that within the officer's report it states that the site is not part of the character of the village, however, the site is part of the existing car park of a very long-established public house and is the only part of the village on that stretch of road and, therefore, in his view, it is part of Tydd Gote village. David Rowen referred members to 10.1 of the officer's report where it states that the application is considered to be located in or adjacent to the existing developed footprint of the settlement of Tydd Gote, as per the definition within Policy LP12. He added that 10.9 of the report refers to the detachment of the proposal from any other built form, which is in essence the gap between the public house and the application site submitted, and the officer view is that the application site is in the open transition and the open countryside as you head out of the village. Councillor Cornwell stated that part of the village is in Lincolnshire and, in his view, it is part of the village as it part of an existing public house car park.
- Nick Harding stated that officers are not saying that it does not form part of the village they are saying that the character of that parcel of land is quite different due to the fact that it does not have any above ground physical development on it. Councillor Cornwell expressed the view that the car park is part of the pub and, therefore, in his opinion, it is part of the village.
- David Rowen stated there are two issues for members to consider, firstly the principle of development is a determination of whether the proposal is within the village or outside the village and whether it is considered in LP3 and LP12 terms in the village or in an elsewhere location and the conclusion has been reached that it is within the village and should be determined under Policy LP3 as within the village and not elsewhere. He added that the second issue is the nature of the character of the site which is clearly an open site and the officers have concluded that the open character of the area and the transition between the built form to the north albeit in Lincolnshire, and the open countryside to the south, where there is that transition between the built form and the countryside.
- Councillor Cornwell stated that, regardless to the points made by officers, it is next door to an existing building.
- Councillor Connor expressed the opinion that he agrees with the comments made by Councillor Cornwell.
- Councillor Miscandlon referred to 10.14 of the officer's report in relation to an informal access which has been created and he is aware of the informal access point and the proposal will mean that this access will be removed causing issues for patrons of the existing business on site and for visitors to the Main Drain, however, the Highway Authority have indicated that they have no issues with the proposal.

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

- Councillor Sutton made reference to 10.3 of the officer's report where it states that the Planning Portal defines infill development as 'The development of a relatively small gap between buildings' and it makes reference to an appeal in Gorefield where the Planning Inspector stated that infill development which is normally associated with the completion of an otherwise substantial built-up frontage of several dwellings or, at the very least, consolidation of a largely built-up area. Councillor Sutton added that it fails to say that the Inspector had also stated that it is not a question of how small or large a gap measures per se. He added that officers normally look at infill as a single dwelling whereas, in his opinion, it clearly indicates that it is not the case and it could be more than one dwelling. He added that he can see the merits of a dwelling there as there are two dwellings on the opposite site of the road and taking the village as a whole it is not that far out of keeping.
- Councillor Cornwell stated that the proposal site is part of the village and the plot is situated in the car park of a very old established business within the village and next door to a telephone exchange. He expressed the view that statements within the officer report are not quite clear and, in his opinion, the interpretation is quite simple that it is part of the village

and it has never been able to have more development as it is right on the county boundary. Councillor Cornwell stated that there cannot be any more development other than that which is related to the area covered by the car park and if the proposal is in the car park of an existing business then, in his view, it must form part of the village.

- Councillor Mrs Davis stated that it is part of the village but if there is an open space and a property is placed on the open space then the character and landscape are being changed which is what the officers are saying. She added that officers have to follow policies and the policy states that if you have an open space and you are putting a property on it then the character and appearance is altered.
- Councillor Sutton stated that the proposal is going to change the character, but whether it is going to cause demonstrable harm to the open space needs to be decided by members.
- Councillor Benney referred to a previous application in Gorefield for four homes which was similar to the proposal before members today. He added that he does not see the application as being out in the open countryside and, in his opinion, the car park is brownfield site. He expressed the view that the proposal is policy compliant only to have one infill house and he would expect more dwellings to follow on the site. Councillor Benney stated that when he visited the site there was litter strewn on the car park and, in his view, the area is being used for antisocial behaviour. He expressed the view that it is an infill development as there is a telephone exchange on one side and a public house on the other side and it is within the built form of the area. He added that whatever you build changes the character of the area and once a dwelling has settled down and has landscaping, they look fine, with the proposal bringing a much-needed home for somebody, which he will support.
- Councillor Connor stated that he agrees with the comments of Councillors Cornwell and Benney. He added that comments are often made with regard to taking notice of Parish and Town Council views and in this case the Parish Council do not object to this proposal and, therefore, their view needs to be taken into consideration.
- Councillor Miscandlon stated that this proposal is only for planning in principle and, in his opinion, he does not have an issue with the bottom part of the car park being used for a dwelling, however, he is concerned with regard to the design of the dwelling when it comes back before the committee at the next stage of the application.
- Councillor Sutton stated that, whilst he appreciates the views of members with regard to taking notice of the thoughts and views of the Parish and Town Councils, in his opinion members must only take notice where their objection or support is a material planning consideration.
- David Rowen stated that the first recommended reason for refusal is that the proposal is located within the settlement of Tydd Gote, and consequently the application has been assessed against Policy LP3 of the Local Plan which identified Tydd Gote as an 'Other Village' where residential development will be limited to single dwelling infill sites within an otherwise built-up frontage. He added that the proposal is not considered as an otherwise built-up frontage as it is one part of a gap formed by the car park between the Public House and the telephone exchange and if the proposal is approved there will still be a gap of 120 metres between the development and the nearest building to the north. David Rowen made reference to the point raised by Councillor Sutton with regard to the appeal decision on the Gorefield application and stated that infill is defined by the planning portal and the definition is set out at 10.3 of the officer's report where it states that infill development is the development of a relatively small gap between buildings. He added that the Gorefield appeal is the one appeal that has elaborated on that point and was for an application for two dwellings in effectively a gap between the last dwelling of the village and a pumping station and the Inspector had concluded that infilling is normally associated with the completion of an otherwise substantial built-up frontage of several dwellings or at the very least consolidation of a largely built-up area. The Inspector stated that given the fact that the building immediately adjacent to the north east boundary of the appeal site is a water pumping station he did not consider that the proposed development would constitute infill residential development and in that context the gap was being filled entirely by residential development. David Rowen stated that the basis for the reason for refusal with regard to the

proposal before members is that the policy in the Local Plan allows for residential infill with single dwellings in other villages such as Tydd Gote and the development proposed is contrary to LP3 of the Local Plan with the secondary element that the loss of the gap is detrimental to the character of the area in the officer's view.

**Proposed by Councillor Cornwell, seconded by Councillor Benney and decided that the application should be APPROVED against the officer's recommendation.**

**Members do not support the officer's recommendation of refusal of planning permission as they consider that the proposal does meet the requirements of LP12 and would make a positive contribution to the settlement.**

3.22 pm

Chairman