

PLANNING COMMITTEE



31 JANUARY 2018 - 1:00PM

PRESENT: Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman), Councillor D W Connor, Councillor S R Court, Councillor Mrs M Davis, Councillor Mrs A Hay, Councillor P Murphy, Councillor Mrs F S Newell, Councillor W Sutton, Councillor Mrs V M Bucknor(Substitute), Councillor D Hodgson(Substitute).

APOLOGIES: Councillor Mrs D Laws

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

P48/17 PREVIOUS MINUTES

The minutes of the meeting of 10 January 2018 were confirmed and signed.

P49/17 F/YR17/1213/O LAND NORTH WEST OF COBBLE HOUSE, GULL ROAD, GUYHIRN, CAMBRIDGESHIRE

The Committee had regard to its Inspection of the site (agreed in accordance with the Site Inspection: Policy and Procedures (minute 19/04 refers) during its deliberations.

David Rowen presented the application to Members and informed them that no updates had been received.

Members received a presentation, in accordance with the public participation procedure from Mrs Shana Jackson, the applicants agent. Mrs Jackson explained that the application had been submitted on behalf of a local allotment charity, who rent out their land in Guyhirn and Wisbech St Mary. The main function of the charity is to provide grants to local young persons in order to subsidise their further education. Due to significant works required last year to maintain the drains around their land, the charity was unable to help any young people. If the application is granted, then the sale of the land will enable the charity to purchase more land to rent to generate income and therefore be able to provide young persons with financial assistance again. Mrs Jackson added that contained within the Officer's report it states that this is phase 1 of 2, however the charity was unable to raise the funds required to pay for the whole application site, but it is envisaged that phase 2 will help to sustain the long term function of the charity. Officers have raised concerns that the proposal will result in an incursion into the open country side but Mrs Jackson stated that she feels it is filling the gap between the existing development to the north and south. As the site is surrounded by residential development, Mrs Jackson feels that the site is within a built up area rather than a rural location. Mrs Jackson stated that if granted the Applicant would be happy to accept a condition which requires three quarter high buildings or chalets, in order that no other properties within the area are overshadowed. Mrs Jackson stated that there is ample space within the site to design the dwellings sensitively and provided sufficient buffers in order to reflect the character of the neighbouring development and provide use for agricultural land. Mrs Jackson stated that there have been no objections received from statutory consultees and the proposal will help to boost the supply of housing as required by the NPPF at a time when

Fenland District Council cannot demonstrate the five year supply to meet housing demands.

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

- Councillor Court commented as to why the Parish Council is in favour of the application when the recommendation is for refusal and questioned whether the Parish Council recognises the same planning rules as the District Council. Councillor Court stated that the Parish Council are closer to the community.
- The Chairman stated that the Parish Council have not brought any concerns or issues forward and therefore it is for Officers to go with the evidence and information that is put before them to make their proposal.
- David Rowen stated that Officers have to determine the application as they see appropriate and that recommendation is what has been put forward to the Committee today.
- Councillor Mrs Hay commented that part of the reasoning for this issue is that Parish Councillors are not trained in Planning matters and do not always realise the reasoning behind Officer's recommendations for refusal in that in certain instances things do not fall with either the Local plan or the National Planning.
- Councillor Connor commented that there appears to be little change with this application compared to when it was discussed previously. It is still within flood zone 3 and is in full support of the Officer's recommendation.

Proposed by Councillor Connor, seconded by Councillor Mrs Hay and decided that the application be: **REFUSED as per the Officer's recommendation.**

(All Members of the Planning Committee registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that Mrs Shanna Jackson, the Applicant's Agent was known to them due to the fact that she had previously been employed by Fenland District Council as a Planning Officer).

P50/17 **F/YR17/0223/F**
THE ORCHARDS FRUIT FARM, GULL ROAD, GUYHIRN, WISBECH

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04)) during its deliberations.

David Rowen presented the application to Members and drew their attention to the update received from Cambridgeshire Highways which states that the Applicant is prepared to have the highways works carried out but has requested that this is conditioned as a full survey and construction, which will need to be approved by Highways at Cambridgeshire County Council. A further update had been received with regard to Occupation of the existing and proposed caravans on the site, which states the proposed caravans will hold the same condition as those already in existence.

Members received a presentation in accordance with the public participation procedure from Mrs S Jackson the applicant's agent. Mrs Jackson stated that the proposal will extend and enhance the existing tourism facilities within the District which in turn will help to boost Fenlands economy. The proposal will remain enclosed by the landscaping and therefore no harmful visual impact affecting the street scene or character of the area. The Parish Council have raised concerns that the caravans will be used as permanent accommodation and therefore the applicant is happy to accept the recommended condition which requires a register to be kept of use of the site.

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

- Councillor Mrs Davis asked whether Officers have any evidence to suggest whether the existing caravans are used for permanent occupation. David Rowen stated that he was not aware of any.
- Councillor Sutton commented that he believes that Officers have made the correct recommendation on this application and he fully supports this application.
- The Chairman referred the Committee to the update notes, which referred to the concerns that Mrs Davis had raised with regard to the accommodation being used a place of permanent residence and the Chairman stated that he believes that this has been adequately covered in the condition applied.

Proposed by Councillor Sutton, seconded by Councillor Murphy and decided that the application be:

Approved as per the Officer's recommendation.

**P51/17 F/YR17/1103/O
LAND EAST OF HOLLYCROFT HOUSE 180, FRONT ROAD, MURROW,
CAMBRIDGESHIRE**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04)) refers during its deliberations.

David Rowen presented the application to Members and referred them to the update sheet that had been circulated.

Members received a presentation in accordance with the Public Participation procedure, from Mrs G Morgan who spoke as an objector to the proposed development.

Mrs Morgan commented with regard to the ground water flooding risk and referred to her homebuyers report dated 27 May 2016, which shows that Hollycroft Farm is in the centre of a moderate risk of ground water flooding. Mrs Morgan referred the Committee to the National Policy Planning Framework (NPPF) and quoted from the document. Mrs Morgan commented that she only found out about the planning proposals by a single poster affixed to a lamp post whereas previously residents would be sent letters or an advertisement would be placed in the local press but this does not appear to be the case anymore and regardless of the outcome of today's meeting Mrs Morgan asked that the Planning Committee could look to future proof local communities from over development and keep the residents better informed. Mrs Morgan stated that local residents have invested into their homes and local communities and wants to live in Murrow and be part of a thriving community for many years. Mrs Morgan understands that houses need to be built and understands that Fenland has fallen short of the five year land supply, however she would ask that development takes place where the infrastructure is already in place, which Murrow does not have. Mrs Morgan is aware that local residents are moving from Murrow as there is no communal spirit anymore and they do not like the fact that there is so much development. Mrs Morgan stated that she would like people to be put first before profit.

Members made comments asked questions and received responses as follows:

- Councillor Sutton commented that sometimes planning applications have to be passed as the decision can be dictated by planning law . However when Members of the Planning Committee make a judgement on an application which is to go against Officer's recommendation and then an appeal decision changes the outcome that is very frustrating for the Committee.

Members received a further presentation in accordance with the Public Participation procedure from Mr H Chapman, the applicant's agent. Mr Chapman referred to the National Planning Policy framework, paragraph 49, concerning the 5 year land supply and the policies within the local plan which Mr Chapman stated are out of date. Mr Chapman referred to 10.5 of the Officer's report who do not consider LP3 to be out of date as it does not control the supply of housing and Mr Chapman strongly disagrees with this. Mr Chapman also mentioned the mis - interpretation of a briefing note which was circulated by the Head of Planning to Parish Councils which states that LP3 can be considered. Mr Chapman stated that this application is sustainable development and can be delivered and is consistent with the NPPF as a whole. Mr Chapman commented that Members are aware that one of the main parts of the NPPF is the delivery of new housing and this is reinforced in the absence of the land supply and the proposed site is achievable. The site is within walking distance of services and facilities in the village and falls within land within flood zone 1. The Parish Council have no objection to this development.

Mr Nick Harding referred to the briefing note that Mr Chapman had alluded to in his presentation. He advised that the briefing note had been circulated in response to a request from Wimblington Parish Council. The note was made as simple as possible as was aware that it would be read by lay people and also that it needed to cover a wide range of circumstance across the various Parish and Town Council areas. Within the note it was explained that the housing numbers aspects of the local plan have to be put to one side. It also said that the sustainability of development as per the NPPF remained a relevant consideration. It was explained to committee that the nature of some policies in the local plan relate to housing number but at the same time relate to the sustainability of new development. Mr Harding stated that his advice to the Town and Parish Councils had concluded by saying that he recommended that they should comment on an application as they would normally rather than potentially miss out on making a comment because they thought it may not be a matter that could be taken into account because of the 5 year land supply situation.

- Councillor Sutton commented that he is in agreement with the document that Mr Harding circulated and there are various parts to LP3 and it is obvious that agents will choose the part that helps them in the best way and disregard the other parts.
- Councillor Connor agrees with Councillor Sutton and yes whilst Fenland has not got a 5 year land supply it does not mean there is an open door.

Proposed by Councillor Murphy and seconded by Councillor Mrs Hay and decided that the application be:

Refused as recommended.

P52/17 LAND EAST OF HOMEWOOD, SEADYKE BANK, MURROW, CAMBRIDGESHIRE

The Committee ha regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedue (minute P19/04 refers)) during its deliberations.

David Rowen presented the application to Members and drew their attention to the update sheet that had been circulated. He advised Members that the application site is within flood zones 2 and 3 and reiterated to Members that Murrow is not considered to be a sustainable settlement and the scale and proposed characteristics of the site in the proposal is considered to urbanise the area to the detriment of the surrounding area. Mr Rowen also advised Members that an inadequate sequential and exception test had been submitted in relation to flood risk and the development is considered to be unsustainable development contrary to both the NPPF and the Fenland Local Plan.

Mrs G Morgan had registered to speak on this application, however when invited to do so she advised the Chairman that she now wished to stand down as she had nothing further to add on this application.

Members received a presentation, in accordance with the public participation procedure, from Mrs S Jackson, the Applicants agent. Mrs Jackson stated that the application is for outline planning permission for up to 7 dwellings as currently there is only access that has been permitted at this stage. Mrs Jackson stated that she has read the Officer's report and has noted the concerns that had been raised. One of the points that had been raised was over the amount of proposed dwellings and therefore the amount can be reduced if Members wish, however the site is capable of accommodating seven dwellings. Mrs Jackson stated that within the Officer's report it states that there would be a reliance of private transport to represent unsustainable development and referred Members to an appeal decision within South Holland's jurisdiction where the Inspector had concluded that the dependency on private transport would not outweigh the benefits gained from providing a new dwelling. Mrs Jackson commented on a further concern that had been raised regarding the impact on the countryside, the layout of the site could be redesigned so that the dwellings had a more dense arrangement to the west and a more sporadic arrangement eastwards within the site. Mrs Jackson stated that the proposal encroaches no further into the countryside than the curtilage of the existing development to the south. Mrs Jackson stated that although the concerns over the flood risk have been noted, there is no land in Murrow available which can allow for the supply of housing and there are no further opportunities along Back Road due to the poor state of the highway and the other development land in flood zone 1 has been refused planning permission. There have been no objections from statutory authorities in respect of the application and the development will boost the housing supply and by the provision of a footpath to link the site to the existing footpath network. Mrs Jackson stated the concerns raised concerning the numbers and the visual impact can be reviewed at the detailed submission stage.

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

- Councillor Murphy commented that he believes that Officer's have made the right decision and it is total over development for the area and wrong for the area.
- Councillor Sutton stated that it is important that each application is judged on its own merits and whilst the last application was in flood zone 1, this is in flood zone 2 and three and we must consider each application individually.

Proposed by Councillor Murphy and seconded by Councillor Mrs Hay and decided that this application be:

Refused as recommended

P53/17 **LAND SOUTH OF 218 - 222, MAIN ROAD, CHURCH END, PARSON DROVE**
F/YR17/1116/F
ERECTION OF 5 X 2-STOREY 3-BED DWELLINGS WITH GARAGES INVOLVING
DEMOLITION EXISTING SHEDS

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04) refers)) during its deliberations.

David Rowen presented the application to Members and drew their attention to the update sheet provided. The application to be considered is a full application and Mr Rowen drew Members attention to the existing buildings on the site plan. The proposal is to erect 5 dwellings and Mr Rowen drew Members attention to the existing six dwellings on the site plan. Members were reminded that this application had been considered in October 2017 and those six dwellings had been granted prior to the current local plan. Due to the lack of the five year land supply, there is a tilted balance in favour of residential schemes however Church End is not considered to be a sustainable location due to its lack of services and facilities and would be contrary to the NPPF and also contrary to LP3.

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

- Councillor Connor asked for clarification from Officer's as to how the application before the Committee differs from the application seen in October. David Rowen clarified that the previous application was for four dwellings and the application being considered today is for 5 dwellings.
- Councillor Sutton commented that had the proposal been in flood zone 1 then he may have considered it, however as it is in flood zone 2 and 3 and the NPPF clearly directs to flood zone 1 where appropriate and he thinks that Officer's determination is correct.
- Councillor Connor stated that he agrees and Members need to remain consistent and agrees with Officer's.

Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Hay and decided that the application be:

Refused as recommended.

P54/17 **F/YR17/1115/F**
LAND NORTH OF THORNBURY HOUSE, HIGH ROAD, GUYHIRN,
CAMBRIDGESHIRE

The Chairman advised the Committee that this item would no longer be considered at today's meeting at the request of the agent.

P55/17

F/YR17/0033/F

**PLOTS 1-4 LAND WEST OF 450 MARCH ROAD, TURVES, CAMBRIDGESHIRE
ERECTION OF 4 X 2-STOREY 4 BED DWELLINGS WITH INTEGRAL GARAGES,
INVOLVING THE FORMATION OF A NEW VEHICULAR ACCESS**

David Rowen presented to Members that in April 2017, two applications were considered by the Committee. At this time Members resolved to grant planning permission to those 2 applications subject to a section 106 agreement to secure affordable housing and also some highway improvements.

Following the Planning Inspector's decision in the recent appeal against the refusal of outline planning permission for up to six dwellings on land south west of Syringa House, Upwell Road, Christchurch, it is considered that the council can no longer reasonable require an affordable housing contribution and therefore it is proposed to remove the affordable housing requirement from the S106 and progress only with the requirement for highway improvement which will be secured through a revised section 106 agreement.

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

- Councillor Sutton commented that he finds it frustrating as locally a decision was made and we held the policy of 5 dwellings and then against National Government recommendation the decision was made to up it to 10. As a local authority we appreciated there is a huge housing need and we wanted to help those not as fortunate as others where they can live in their own properties and he feels that although Committee Members may not agree with it, they have no option other to approve it.
- Councillor Mrs Davis agrees with Councillor Sutton.

Proposed by Councillor Mrs Davis, seconded by Councillor Connor and decided that the application be:

Approved as recommended.

14.01pm

Chairman