

**APPLICATION NO: F/YR16/0194/F**

**SITE LOCATION: Land South East Of Mole End, Gull Road, Guyhirn, Cambridgeshire**

**UPDATES**

The Agent has written to the Council with regard to the following:

1. A recent appeal decision allowed for the erection of two dwellings at land south of 72 Fieldside and north of Lake Drove, Coates (F/YR17/0085/O), and another appeal outside of this district at Tydd St Mary (appeal ref: APP/A2525/W/16/3159330), stating that more weight should be attached to the principle of delivering housing where a five-year supply of deliverable housing sites cannot be demonstrated, and less weight should be attached to the location of the development in relation to the existing settlement, in effect confirming that policies LP3 and LP12 (a) should be afforded limited weight. Due to the similarities with this application, the appeals constitute a material consideration.

Officer's comment: The two Inspector's comments are noted. But Officers do not consider that they influence the determination of this application and recommendation. As set out in the report, where a five-year supply of deliverable housing sites cannot be demonstrated the 'tilted balance' of paragraph 14 of the NPPF should be applied. In this instance Officers consider that the adverse impacts of permitting this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Appropriate weight has also been given to policies LP3 and LP12. The benefits gained in terms of providing housing where there is a lack of five-year housing supply do not in this instance outweigh this harm.

2. The agent would also like to put on record that:
  - Discussions with the case officer have been ongoing for 2 years when it was understood the decision would be made under delegated powers. For it to be considered by Members is extremely demoralising for all parties. A delegated approval should be reinstated;
  - When the site was partially within flood zone 2 the process of the legal agreement was started. This was delayed because of a mortgage on the land and in the meantime the site was then taken out of flood zone 2 and put in flood zone 1, which further enhances the application site. A further delay was caused by a request for highways amendments and tree and ecology surveys, all of which have come back with no

issues.

- The site is not located within the open countryside and clearly relates to the built form of the village of Guyhirn and is directly opposite recent development that was approved under the Local Plan. The site is already garden land associated with a C3 use and is screened from the public highway so cannot be considered to be an important vista nor open countryside.
- As outlined above the recent appeal at Fieldside confirms that LP3 and LP12 should be considered out of date and we strongly believe that the proposal will not result in significant and demonstrable harm and will make a contribution to the housing supply numbers on Flood Zone 1 land in a village comprising of mainly Flood Zone 3 land.

Officer's comment: The application was submitted in March 2016. At that time the site fell within Flood Zones 2 and 3. The applicant undertook the sequential test and exception test which was to provide a commuted sum to the Parish Council. This required the completion of a Unilateral Undertaking. The preparation of this legal agreement was on going for approximately 18 months. Towards the end of 2017 the majority of the site was removed from Flood Zones 2 and 3 on the Environment Agency's Map. Since the submission of the application in 2016 the local planning authority has attempted to take a consistent approach to development in Guyhirn, in line with previous decisions, especially on the eastern side of Gull Road which is considered to relate more to the open countryside than the settlement.

**Resolution: Refuse as per Section 11 of Agenda item 8 on page 78.**