

PLANNING COMMITTEE



WEDNESDAY, 18 AUGUST 2021 - 1.00 PM

PRESENT: Councillor I Benney, Councillor Mrs S Bligh, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor P Murphy, Councillor R Skoulding and Councillor D Topgood, Councillor G Booth (Substitute) and Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor D Connor (Chairman), Councillor C Marks, Councillor M Purser and Councillor W Sutton,

Officers in attendance: Nick Harding (Head of Shared Planning), Nikki Carter (Senior Development Officer), Alison Hoffman (Senior Development Officer), Gavin Taylor (Senior Development Officer), Nick Thrower (Senior Development Officer), Vanessa Blane (Legal Officer) and Elaine Cooper (Member Services)

P36/21 PREVIOUS MINUTES

The minutes of the meetings of 14 July and 30 June 2021 were confirmed and signed as accurate records, subject to correction of the misspelling of "today" in the third bullet point of the members comments and questions section of planning application F/YR21/0233/O in the 30 June minutes.

P37/21 F/YR20/1235/O LAND SOUTH OF, BRIDGE LANE, WIMBLINGTON ERECT UP TO 88 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

As Councillor Mrs Davis was unable to Chair this item due to being predetermined, it was proposed by Councillor Mrs French, seconded by Councillor Miscandlon and agreed that Councillor Skoulding chair the meeting for this application.

Gavin Taylor presented the report to members.

Members received a written representation, from Councillor John Clark, a District Councillor, read out by Member Services.

Councillor Clark stated that he used to work for R H Palmer some 50 years ago so is known to the family, but has no pecuniary or non-pecuniary interest in this application. He informed members that at the start of his career he served an apprenticeship in the village of Wimblington and had cycled, motor cycled and driven past this site regularly, with him never seeing the site flooded or any water issues, which is reflected in the site being in the Environment Agency's lowest category and not within a flood zone. He added that he also sits on the Internal Drainage Board and the reaches and cleaning of those waterways has been addressed with the adjacent development.

Councillor Clark made the point that Conservatives aim to address the shortage of housing and, in his view, this application provides family housing plus 22 affordable homes and he would be disappointed if the affordable homes were not delivered. He stated that the application, having family living in the village with three children, would support the local school and services and provide family housing to enable young people who wish to stay in the village, but would otherwise

not be able to afford to do so.

Councillor Clark asked members to support the application.

Members received a presentation, in accordance with the public participation procedure, from Rhian Freear, an objector.

Ms Freear stated that she is pleased care and attention has been given to flooding issues, but is concerned that some of the other issues have fallen by the wayside. She questioned why comments from the public are asked for when, in this case, the strength of opposition to this development seems to have been ignored.

Ms Freear understands that there is a need for housing in Fenland, but they are already over the required number in Wimblington so she feels there are other sites in Fenland that can satisfy this need. She stated that if she were able to she would ask the Middle Level representative what greenfield drainage means and if this is a greenfield drainage site and she is dismayed to read in the report that Anglian Water and Cambridgeshire County Council are saying there have been no reports of flooding problems since 2008 when a number of residents reports have been made as recently as 24 December 2020.

Ms Freear expressed the view that she cannot see how 88 houses will fit on the land, with her being suspicious that when it comes to a viability study, especially due to the rising costs of materials due to Covid and Brexit, the developer will drop the promise of affordable housing for the site and requested a cast iron guarantee that this would not be the case. She referred to two years ago it was put out for developers and agents to come forward with sites and 12 months ago for more sites to come forward and asked why this development has appeared to jump the queue and is being considered in advance of other sites.

Ms Freear stated that she is astounded by the apparent contradiction between this application and other planning applications, with some reasons for refusal having been “the development proposed would fail to respect the existing character of the residential development present in x location and would result in a cramped oppressive form of development that has a detrimental effect on the character of the area where it is located”. She expressed the opinion that if 88 houses being built on a piece of agricultural land that leads to a quiet and peaceful lane is not an oppressive form of development that will have a detrimental effect on the character of the area then she does not know what is.

Ms Freear referred to Policy LP16 of the Local Plan, which “requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate that they make a positive contribution to the local distinctiveness and character of the area enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscaping character of the surrounding area”. She feels the development of the site would result in significant urbanisation of this section of Bridge Lane and that the development proposals put forward for consideration are stark, overbearing and would have a detrimental impact on the existing character of the area contrary to Policy LP16.

Ms Freear expressed the opinion that the residents of Bridge Lane, particularly those whose houses are closest to this development, would be trapped in between new development, surrounding them from all sides and she feels the residents would all argue strongly that the proposal would be a stark and overbearing development that would adversely impact the street scene and landscape character of the area. In her view, it does appear that the requirements of Policy LP16 are considered for some applications but not this one.

Members asked questions of Ms Freear as follows:

- Councillor Mrs French asked who the flooding in 2020 was reported to? Ms Freear responded that she was not subject to flooding, she is a representative for Bridge Lane and it was to Anglian Water. Councillor Mrs French said she was the County Council's co-ordinator for flooding across the District and Wimblington was not one of them. Ms Freear stated that she only mentioned the County Council as in the report it says no reports had been made to Anglian Water and the County Council. Ms Freear referred to one instance where a 78 year old resident was outside his home at 11pm on Christmas Eve bucketing out his drains as foul drainage was coming up into his house.
- Councillor Benney asked Ms Freear if she was a resident or just a representative. Ms Freear responded that she is a resident of Bridge Lane, but has not had flooding problems. Councillor Benney asked how many dwellings were affected by the flooding in December and how many were nearly flooded? Ms Freear stated that the problem is not with water coming off the proposed site, but it is the capacity of the foul drainage as it was coming through residents' toilets into their houses. She is not sure how many houses were affected, but it was at least four, with residents concerned about the over-stretching of the drainage as since the Nursery Gardens site has been built there has been more problems with drainage.
- Councillor Booth asked if there had been other instances with foul drainage problems? Ms Freear responded that the heavy rainfall on 24 December was the only time there has been a problem with foul drainage. She stated that residents are not saying houses will be under water, but development is affecting people's homes and they do not know the reasons why it is happening, with not enough investigation made on foul drainage.

Members received a presentation, in accordance with the public participation procedure, from Richard Mowatt and Gavin Shepherd, on behalf of the applicant.

Mr Mowatt made the point that at the previous committee in July the application was deferred for drainage issues only and surface and foul water drainage will be dealt with by Gavin Shepherd. He stated that the proposed development will deliver 66 market and 22 new affordable homes, with no affordable homes having been flooded in March or Wimblington in the last 3 years.

Mr Mowatt expressed the opinion that provision of these affordable homes will meet some of the existing housing need, with the scheme having been designed to be policy compliant and sustainable and there are no outstanding technical objections from officers or statutory consultees, including Anglian Water, the IDB and Lead Local Flood Authority. He feels the benefits of this development are far reaching, especially in terms of the 25% of new homes being affordable, which exceeds by 5% the affordable housing requirement identified in the Council's own viability assessment.

Mr Mowatt expressed the view that the applicant's own robust viability assessment evidences Section 106 contributions of £2,843 per dwelling, with this money directed towards early years and secondary education and has been accepted by Cambridgeshire County Council. He stated that, notwithstanding the increase in materials, the applicant has committed to these provisions both verbally and in writing to the Council and is committed to completing the Section 106 within 4 months as per the officer's recommendation.

He asked members to support the officer's recommendation.

Mr Shepherd stated that as flood risk and drainage engineers they have a duty to assess proposed development sites to ensure they are fit for purpose and safe for the end users and do not propose a risk beyond the extent of the development site, which they do by engaging with the relevant authorities. He acknowledged that there are some concerns from local residents, but made the point that these concerns are not supported by technical consultees and are not supported by evidence.

Mr Shepherd stated that in relation to flooding and the high water table, the site is within Flood Zone 1, the lowest category. He added that two previous farmers of the land have stated that the field has never flooded and there have been two reported instances within the vicinity, both of which occurred on Bridge Lane and were suggested to be caused by fluvial run off.

Mr Shepherd did acknowledge that ground water levels were raised as a possible concern, which was reviewed within the Flood Risk Assessment as a possible risk which may need further investigation and appropriate mitigation measures can be put in place if required. He stated that Anglian Water have advised that they do not have any capacity issues within the foul network in the local area and have not advised of any flooding issues.

Mr Shepherd stated that capacity issues have been noted at the waste water treatment works, however, Anglian Water have said they will provide capacity for the development, with the foul water serving the development site to be adopted and maintained by Anglian Water. He made the point that following the IDBs preliminary surface water and sewage effluent assessment, approval in principle has been obtained to discharge of restricted surface water flow into the adjacent land drainage ditch for the use of water retention basin, attenuation and restricted flows into the ditch, which mimics the existing site regime and restricts flows to greenfield run off rates using a flow control device to ensure the restricted flow rate is not exceeded.

Mr Shepherd expressed the view that the proposal will also provide a 9 metre easement and a maintenance strip down the entire eastern side of the development for maintenance of the existing ditch. He stated that the site will be served by a new surface water drainage system which will intercept controlled run off from areas of hard standing and where necessary landscaped areas, with permeable paving and a bio-retention area being explored at detailed design stage. He added that the effects of climate change will also be factored into the drainage design in line with current planning policy.

Mr Shepherd expressed the opinion that there are no surface water issues associated with the site, with a detailed design needing to be agreed by all the relevant parties at Reserved Matters stage, which will be tightly controlled by the proposed conditions contained in the officer's report. In his view, the site does not have any flooding, foul sewage and surface water issues as they can be designed in accordance with the Drainage Strategy.

Members asked questions of Mr Mowatt and Mr Shepherd as follows:

- Councillor Cornwell asked who will be responsible for the maintenance of the SUDs and the proposed surface water drainage system that will drain into the SUDs on an on-going basis, each individual owner or a management company? Mr Shepherd responded that it is proposed that Anglian Water will adopt as much of the infrastructure as possible, but drainage at a property level, such as permeable paving, would be the responsibility of that property.
- Councillor Cornwell asked if there are any existing drains on the land that would be the responsibility of any riparian owner? Mr Shepherd advised that he is not aware of any. Councillor Cornwell made the point that this is one of the emerging problems with surface water at the moment due to the lack of maintenance by riparian owners.
- Councillor Miscandlon asked if an up-to-date viability study has been undertaken as the costs of materials are rising? He referred to the current guarantee of 25% of affordable housing but asked if there is the possibility of a viability study coming in which reduces that as affordable housing is needed in the District? Mr Mowatt responded that consistently they have maintained that they will provide affordable housing on the site at 25%, which equates to 22 new affordable homes. He made the point that when the application was submitted it was for 36% affordable dwellings, which was amended to have regard for the sums of money that were directed towards education. He added that the Council's viability assessment suggests £2,000 per property would be acceptable in contributions but the applicant is looking at providing £2,843 per property. Mr Mowatt stated that they are aware

the prices of materials has gone up and had regard for this, and they are still confident that they can deliver the package of commuted sums as set out in the Heads of Terms and over the last month they have continued to look to develop the Section 106 in line with these Heads of Terms. He advised that the Section 106 will be signed as a requirement in the committee report within 4 months, with a commitment to ensure this is undertaken in this timescale and if in the future the site is sold to another developer and they wanted to challenge the viability this would need to come back to this committee and it would be in the committee's gift to say yes or no.

- Councillor Benney referred to viability and made the point that bricks have gone from £600 per pack to £1000 and he fails to see how the proposed contributions can continue to be paid with the costs of materials and building labour. He feels it is all very well promising these contributions now, members hear these promises a lot, but when it comes to the Reserved Matters application he would be surprised if these contributions can be met as the numbers will not stack up, but he hopes that they can. Councillor Benney acknowledged that the only issue being looked at this afternoon is drainage, as members did not object to the rest of the proposal, and asked is the site safe, making reference to the presentation from the objector and residents at the previous meeting that were flooded, as there is a capacity issue in this area for dealing with sewage and this land at Christmas was covered in water as was other land in the area. He made the point that members have a duty of care to their residents to make sure what is being proposed is safe and whilst he recognises that a full drainage scheme will not be submitted at this stage, he does have serious concerns about the drainage capacity for dealing with the sewage. He asked Mr Shepherd if he would be happy to live at the proposed site? Mr Shepherd responded that knowing what he knows about drainage and understanding how it works he would wholeheartedly live in this location knowing that it has been designed properly and in accordance with the guidance. He feels what they are proposing is the best that they can do and it is creating a betterment for the area. Mr Shepherd understands the ill feeling about how drainage works but the surface water would be intercepted and restricted to a very low rate in a controlled way into the IDB drain as at the moment the water can leave that field in an uncontrolled way, and he rests easy knowing this can be achieved. He expressed the view that the foul issue is a separate issue, with Anglian Water looking after the foul system and they have to create extra capacity for additional housing, which they are aware of and have to achieve. He does sympathise that surface water is getting into the foul system and if this is coming off this field then this proposal will stop this from happening because it is being captured and not being allowed to go into Bridge Lane.
- Councillor Murphy asked what was in the report that made Matthew Homes raise the level of the Nursery Gardens site and this proposal also raises the level of the site so does this mean that there is prior knowledge of a flooding problem? Mr Shepherd responded that he has not seen the report from Nursery Gardens site, but is this attributed to ground water that raised the level of this site? Councillor Murphy stated that he is not aware, which is why he is asking the question. Mr Shepherd expressed the view that they are not raising the site from a flood level issue as the site lies in Flood Zone 1 so it is not a fluvial issue, it is not water that is coming out of the water courses and on to the site and it is not rain water as this should be dealt with by the surface water drainage system so he can only assume that it is due to ground water issues and to combat these issues you might raise the property levels. Councillor Murphy asked if this would be happening on this site? Mr Shepherd stated that following further ground investigations, where a grounds investigation specialist would be employed who would probably install some bore holes for ground water monitoring to provide a better idea of what the level is and what the levels of the properties need to be.
- Councillor Benney referred to the submitted plan and asked what the pump in the north-east corner of the site is going to pump water to? He is of the view that the Nursery Gardens development was raised as water would not soak into covered ground, running off onto this site and where does the water from this site run to and if this is just pumping it further down the line is this going to cause more problems to residents in Bridge Lane? Mr Shepherd responded that the pumping station in the north-east corner is for foul water, which might

need to be pumped to an existing sewer to the north-east of the site, which Anglian Water have said has capacity to take that additional flow. He reiterated that the surface water will go to the drainage ditch to the east of the site and the foul water will go to a piped system which will go onto the waste water treatment works.

- Councillor Mrs French asked if there was a guarantee that Anglian Water are going to accept this surface water as it is unusual that Anglian Water want surface water? Mr Shepherd responded that they do not have a guarantee, but with the number of properties being proposed it would be put up for adoption and the design would be to a standard where Anglian Water would be willing to accept that infrastructure. He expressed the view that if you end up with lots of private drains, who looks after the private drains and they want them to be maintained by somebody on a regular basis. Councillor Mrs French expressed the view that it is a shame that there is not actually something in writing from Anglian Water.
- Councillor Mrs Mayor referred to the question from Councillor Mrs French and Anglian Water comments on Page 52 of the officer's report where they state they are unable to provide comments on the suitability of the surface water management. Mr Shepherd responded that this is because the surface water ends up in an IDB ditch so what they are saying is where it ends up they do not take control of how much and at what rate, that is up to the IDB to control how much water they receive into the ditches.

Hilary Ellis of Cambridgeshire County Council, the Local Lead Flood Authority, Hannah Wilson and Rob Morris of Anglian Water and Graham Moore of Middle Level Commissioners were available to answer questions along with officers. Members asked questions as follows:

- Councillor Mrs French stated that she was working with Cambridgeshire County Council on the flooding issues and asked Hilary Ellis if she recalls this site flooding on 24 December? Hilary Ellis responded that the County Council received reports from Bridge Lane, Wimblington, but no specific properties.
- Councillor Cornwell made the point that it seems that historically the problem is more foul water based than surface water based and asked Anglian Water, as the problem has been ongoing, are they convinced that if approved an adequate sewage system could be provided and it could sort out any issues to adjacent properties, especially in the Bridge Lane area? Hannah Wilson confirmed that capacity exists for flows from this development. She made the point that the issues that were experienced in December were surface water related and extreme weather events and Anglian Water's foul network is designed for foul flows, it is not a sealed network, therefore, in extreme events water can get into the foul network and then the foul network surcharges, which can cause issues like residents experienced. Hannah Wilson stated the foul water network as its designed for foul only flows can accommodate the additional flows from this development.
- Councillor Mrs Mayor made the point that in a report on 31 December it was reported that Doddington Waste Water Recycling Centre did not have capacity to treat the flows from this site and it is now being said it does and asked if improvements have been made or improvements are planned, if so can this be guaranteed it will be undertaken to accommodate the flows? Hannah Wilson responded that the report that stated that the plant initially did not have capacity was human error, for which she apologised, and the Case Officer was advised of this. She stated that a new permit has been issued to Doddington Water Recycling Centre in April 2019, it is flow compliant and it does have the capacity to accommodate the additional flows.
- Councillor Mrs Mayor expressed the view that she had heard that foul sewage was being taken from Doddington elsewhere through other villages and asked if this is still happening and if so why is it still happening? Hannah Wilson responded that tanker movements are part of Anglian Water's normal operation, it does not mean that there is no or long-term capacity issues and the Environment Agency can confirm that the centre is compliant.
- Councillor Mrs French stated that last year a physical site inspection was undertaken due to concerns of the drainage board and asked Graham Moore if he was happy the way these reports are written that there are not going to be problems like there were when the site inspection was undertaken? Graham Moore responded that he is reasonably happy, the

applicant has met Middle Level's requests for discharge and for providing a maintenance access strip so at this stage no more can be asked for.

- Councillor Miscandlon referred to the drawing of the site, which shows along the southern and eastern edge drainage ditches and running east along Bridge Lane the ditch is also connected to these and asked Graham Moore if it was the intention for Middle Level to improve that drainage as water from this site runs into that dyke and drains down and that will then create, if you are taking more water into it, a flooding problem along Bridge Lane. Graham Moore responded that the watercourse on the eastern boundary is a Board's protected drain and has a 9 metre wide access strip. He stated that the watercourse on the southern side is not protected and the Board does not have any powers to act upon it, apart from Section 23 applications, and he understands it is regularly maintained at the moment, but in the future it would be down to the individual landowner.
- Councillor Benney stated that some of his information has come third hand from the Chairman of the Planning Committee and a Doddington Councillor, and he acknowledges that Anglian Water say there is capacity, but from what he understands from Councillor Connor raw sewage is being taken out of Doddington treatment plant and taken to March to be treated every day. He expressed the view that if this is accurate you would be correct in saying that you have capacity by putting 10 lorries on instead of 5, but this is not solving a problem but moving a problem and he asked if this problem is going to be fixed long-term so there is capacity other than putting raw sewage on our roads and moving it? Councillor Benney asked what the long-term plans are and is there true capacity at the Doddington Treatment Plant or is the problem being moved further down the road? Hannah Wilson responded that there is true capacity at Doddington Water Recycling Centre and the Environment Agency, who Anglian Water work with and are its regulators, do respond to planning applications on major sites where they do have concerns regarding the water recycling centres. She stated that there are no current plans for investment in terms of growth at Doddington Water Recycling Centre as it is flow compliant, but there are plans for installing a storm tank potentially, with the options being explored, which is a regulatory storm tank through the Environment Agency. Hannah Wilson reiterated that Anglian Water is heavily regulated and it is within its permit at the Water Recycling Centre.
- Councillor Booth stated that he was a councillor when the existing Local Plan was published and there is an informative in the Local Plan about consulting with Anglian Water as it was recognised 10 years ago that there were issues with capacity and there were regular tanking of waste water away from the existing facilities. He advised that he is on the Overview and Scrutiny Panel and Anglian Water attended one of its meetings where similar questions were asked regarding increasing the infrastructure and he asked what Anglian Water had planned around improving the infrastructure and he was told categorically that there are no major plans within Anglian Water's existing 5 year plan to improve the capacity. Councillor Booth expressed concern over the fact that in December there was this extreme weather event, which appears to be becoming the norm and it is almost on an annual basis that flooding is occurring within Fenland, whilst 10 years ago it was not being experienced so how can capacity be dealt with when there is an extreme weather event that hits you suddenly and unexpectedly. He queried whether there are going to be 10 tankers available to take waste water away, if not there will be a repeat of what happened in December. Councillor Booth expressed extreme concern around capacity and the infrastructure, whilst Anglian Water might have the appropriate licences, it is about how you deal with that capacity and the improvements to the infrastructure. Hannah Wilson responded that Councillor Booth was right that it was identified that Doddington Water Recycling Centre did have capacity constraints and this why Anglian Water increased the permit, with the Environment Agency looking at how the workings of the water recycling centre and the impact of any increase in the permit on any water environment itself and that permit was increased in 2019 which has allowed them to be flow compliant. She stated that it is important to clarify the difference between funding infrastructure and investment at its water recycling centres as to how they fund infrastructure investment in the sewer network when they invest in their water recycling centre is through their asset management plan and paid

for by customer bills and Ofwat regulate them. In terms of the foul network, the pipes that lead from a development site that lead to the water recycling centres that is funded through their infrastructure charge which is something that all developers have to pay when they connect to their network and they pool that charge and spend it where mitigation is required so Anglian Water do manage that mitigation function on the network and would only request a condition where mitigation has been identified as needed on that network and in this instance it has not. She hoped this answered Councillor Booth's question about the Local Plan and why that policy was written and action has been taken to ensure they are flow compliant.

- Councillor Booth stated this answered some of the question but it is more about whether you could have had more capacity in 2011 at Doddington Treatment Plant when the Local Plan was developed, but it was just that your permits did not allow you to use it to that extent. He referred the extreme weather events, and expressed the view that it has not been identified that the infrastructure needs to be improved, with these events becoming more regular and he is not convinced that some of these events are not going to reoccur, which is going to cause this foul water issue again to neighbouring residents as there will not be increased capacity within the infrastructure as it is not being improved. Hannah Wilson responded that Anglian Water cannot upgrade or upsize its network to accommodate surface water, whether this is through extreme weather events or overland surface water, which is where they rely on the surface water strategy of particular development sites and that it then for the Lead Local Flood Authority to comment on whether that strategy is acceptable, it is not within Anglian Water's remit to look at that. She stated that Anglian Water's foul network is not there to take and accommodate those extreme weather events surface water flows they should be dealt with appropriately on a development site and reiterated that it is the Lead Local Flood Authority who actually respond as a statutory consultee in terms of major planning applications for that process. Rob Morris added that with regard to the surface water ingress into the foul water network any new development sites as part and parcel of their surface water strategy attenuation would be engaged quite closely with Lead Local Flood Authority and IDB, if the IDB is present. He referred to the point by the applicant that there would be some betterment because where you would have a greenfield site you would have the surface water that falls on that land which would freely discharge into the existing ditches or infiltration, but with it being developed it would be rationalised and the pipes would be sized according to the increased capacity of any additional flows and then attenuated with a restricted discharge into the existing ditches so there is a control basis when there would not have been one before and if there are extreme weather conditions that new infrastructure will help to protect the existing environment. Rob Morris stated that where there is a permit at the Water Recycling Centre to discharge into the receiving environment they are limited to a maximum of flow, therefore, they can only limit the amount of flow that they receive and treat. He stated that previous to 2019 there was a permit that did not have a huge amount of capacity and there were concerns around this, which is why they approached the Environment Agency for that additional increase in discharge permit on their flows so they can receive more flows and treat the flows accordingly to discharge into the environment. Rob Morris advised that the increase in permit was almost two thirds to what it was before, with the capital investment being minor and Anglian Water needed to ensure that it is not only the flow that is addressed but the quality so in some cases where there is an increase in flow permit they do need to invest quite heavily to meet that new heightened quality constraint, but this was not needed at Doddington as the existing assets were able to treat that new quality permit. He referred to the tanker movements and acknowledges that it can be assumed or seen that what they are doing is moving capacity to somewhere else, but this is not what is happening on a normal routine basis, they would only do this if there was an asset failure to which they would have to make sure they were continuing their compliance within their permit.
- Councillor Mrs French asked Hilary Ellis as Lead Local Flood Authority is she content with what she has heard? Hilary Ellis responded in the affirmative.

- Councillor Cornwell asked Graham Moore to clarify that the eastern ditch is a Board dyke? Graham Moore responded that this was correct, it is a protected watercourse, but the southern dyke is not a protected watercourse so it would need to be maintained by the landowner, which as shown on the plans could be 10-15 separate owners. Councillor Cornwell asked Graham Moore if there are any dykes under riparian ownership, a question he asked the agent but did not get a sufficient answer, and would this be dealt with somewhere within the surface water plan. Graham Moore stated that Middle Level has no power to enforce and it is for each individual developer to provide an access or maintenance strip and then it is a question of who maintains it. Councillor Cornwell asked if this possibly needs to be looked at in the drainage plan? Graham Moore responded in the affirmative.
- Councillor Mrs French expressed concern over what Graham Moore has said as across March a lot of the problems encountered, especially in December last year, were that dykes/drains had not been maintained. She referred to a specific example in that only last week County Council officers discovered one dyke, that belongs to about 10 people, had been filled in and caused flooding and she is working with the County Council to get this dyke reopened as it is causing massive flooding problems.
- Councillor Booth asked Graham Moore if the developer has approached the drainage board about management of the SUDs going forward as he believes that it is something introduced in the Cambridgeshire Flood Policy a couple of years ago as the problems with management companies is they can go bust or do not maintain the assets appropriately, is why it was suggested it should be maintained by the Drainage Board as they have the expertise and capacity to do these things. Graham Moore responded that the future maintenance of SUDs is a concern and the potential liability if not dealt with properly, with also the number of parties that might be involved. He referred to March IDB recently taking strong action against one such instance, requesting various reports and proposals and getting legal documents prepared to protect themselves and the ratepayer and he would perhaps suggest the same on future occasions.
- Councillor Booth asked Hilary Ellis how the committee can be assured that what is being proposed is not going to cause problems, especially in relation to extreme weather events? Hilary Ellis responded that one of the things they have asked for as part of the conditions of planning permission is for the applicant to prepare a maintenance and management plan and this would show what features are proposed, who would take ownership of each individual feature and the maintenance activities proposed per feature, which would come to them to approve. She stated that in terms of extreme weather events, there is a national standard that every development has to meet and that is what they call statistically 1 in a 100 years rainfall event when there is 1% chance of that rainfall happening each year and then there is a 40% allowance added to that rainfall for climate change and extreme weather and in this case the developer has proposed a system that is in line with this standard so the surface water for 1 in a 100 years and allowance for climate change will be managed on the site.
- Councillor Miscandlon referred again to the ditch on the eastern boundary and his understanding is that from previous meetings this ditch is in different ownership from this development sites ownership and asked if he was correct. Graham Moore responded that the Nursery Gardens site is.
- Councillor Skoulding stated he was pleased there were going to be tankers instead of open lorries as this creates a horrible smell within March.
- Councillor Skoulding asked what is the chance of the properties that are being flooded having non-returnable valves so they do not get flooded? Hannah Wilson responded that non-returnable valves are not a solution to the problem and they have to be careful when they are used as they can cause problems for the neighbours downstream. She made the point that if you help one person who has been flooded you can cause someone else to be flooded and need to think about the reasoning behind flooding which is surface water.
- Councillor Skoulding stated that in the 1970's the front of this site used to get flooded and he thought there was a drain at the front of the site and asked if this was correct? Graham

Moore responded that historically there was a problem in the area, which was erased in the 1990's, with the current IDB drain being installed and improved in the early 2000s and he is not aware of problem since then. He was unable to confirm if there is a land drain at the front of this site or not.

- Councillor Mrs French asked, having listened to what Graham Moore has said, if the same approach that Middle Level took with Berryfield's application could be applied to this development? Gavin Taylor stated that he is not familiar with the Berryfield application, but Middle Level Commissioners would be consulted when a detailed drainage strategy was submitted. Councillor Mrs French made the point that Middle Level and the drainage boards are not statutory consultees which they should be.

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

- Councillor Booth stated that he has listened to the points regarding flooding and he still has reservations, especially in light of extreme weather events, which are becoming annual events and guidance is not keeping up, and in relation to surface water management. He expressed the view that the problem with water is it will find the lowest point it can and get into the foul water system, which members have heard examples of. Councillor Booth expressed further concern regarding the size of this development on this site in this village and personally feels it goes against policies LP3 and LP12 with the extent of it. He acknowledged that there had been debate on this issue at the last meeting but he does not feel reading the minutes that a decision was reached one way or another and the issue was fully debated. Councillor Booth expressed the opinion that 88 houses on this site is going against what was envisaged when the Local Plan was developed, this is 11.5% growth in this village in one go with a threshold of 15% for all growth over a 20 year period so he feels that it is not a modest small extension to the village and he also feels that location is encroaching into the open countryside.
- Councillor Miscandlon made the point that this application is Outline for access only and to erect up to 88 dwellings, with certain conditions coming forward when it comes to the Reserved Matters application, but at the moment all members are dealing with is the principle of development on this land. He feels that the authorities have given their opinions on the subject of flooding, which has to be taken at face value as members do not have the technical expertise and if members are not happy with the explanation and assurances at the Reserved Matters stage then there is the opportunity to say no at that time.
- Councillor Mrs French made the point that the application was debated at length at the previous committee meeting and Nick Harding stated that members were only here today to discuss flooding issues and receive expert advice.
- Councillor Cornwell agreed that in the introduction it was very clear from officers what decisions the committee was going to have to make today and it was all around flooding, so members cannot take anything else into account.
- Councillor Mrs Bligh agreed with Councillors Mrs French and Cornwell that, as it was deferred, the only decision members need to make is regarding the flooding, as the committee said it was satisfied with everything else. She feels that having all these representatives saying as far as they are concerned the development is acceptable, members have no choice but to go with officer's recommendation.
- Councillor Benney made the point to the residents that everyone has reservations about the development and they might think the committee is making a bad decision on their behalf, but as councillors they have to listen to the technical experts, who are saying the drainage scheme works, and have to abide by policies.

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

(Councillor Mrs Davis declared that she was pre-determined in relation to this application and took no part in the discussion and voting thereon)

P38/21

F/YR21/1257/F

7 STATION ROAD, MANEA

CHANGE OF USE FROM RESTAURANT AND 2-BED DWELLING TO MIXED USE OF 7-BED UNIT FOR ACCOMMODATION OF UP TO 18 RESIDENTS WITH SHARED COMMUNAL FACILITIES AND 2-BED DWELLING INVOLVING RETENTION OF EXISTING OUTBUILDING FOR STORAGE AND DEMOLITION OF EXISTING SHED (PART RETROSPECTIVE)

Nikki Carter presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent.

Mr Bevens stated that the project began in July 2020 when they entered into pre-application discussions with officers for a 7-bedroomed HMO whilst retaining the existing 2-bedroomed dwelling and during these pre-application discussions, the size of rooms were outlined as well as bathroom provision. He expressed the view that it was noted that the bedroom spaces exceeded the requirements of the licensing regime and a large communal kitchen and lounge area were provided, which would reduce the need for outside space to be utilised and the likelihood of noise and disturbance to neighbouring properties.

Mr Bevens expressed the opinion that giving weight to appeal decisions it is recognised that occupiers of HMOs have a low level of car ownership and the existing use of the building as a restaurant and B&B would generate a high level of vehicles visiting the site which would be required to park on the street. He made the point that officers pointed out that Station Road is relatively wide at this point and there are no restrictions to roadside parking in the immediate vicinity, with the site being in a sustainable location in close proximity to facilities, which can be accessed by walking, cycling and public transport to other settlements.

Mr Bevens stated that the application was submitted in December 2020 and he was advised to refer to it as a large HMO, which has a sui-generis class in the same way as a hostel, and after submission it was suggested it was a hostel, but it is more likely to be used under the description of an HMO and the applicant is happy to apply for the relevant licences. He expressed the view that the occupants are likely to be seasonal workers, not employees of the applicant, who are likely to stay for lengths of time to suit harvest and general agricultural work requirements and, therefore, likely to reside at the address while employed in the local economy and also supporting local shops.

Mr Bevens expressed the opinion that the scheme has been substantially reduced in both the built form and overall numbers in the last 8 months, with numbers reduced but still ensuring the scheme remains viable to implement with the amount of repair and refurbishment required within the existing building. He stated that he has actively engaged with the planning officer and statutory consultees to address concerns, some of which have been raised by neighbours, and recent conversations have taken place with Highways to ensure sufficient on-site parking and turning is provided to allow vehicles to enter and exit the site in forward gear offering a much improved situation to the existing and previous use where vehicles often reversed out, which will mitigate concerns raised about the access.

Mr Bevens stated that bin storage will be provided in line with guidance received in February, with the number of occupants having reduced since then, but there is sufficient space on site for additional bins and the applicant will consider private collection if this is considered preferable. He expressed the view that, contrary to some objections, the Police have only visited the site once, which was in October 2020, which is before this application was submitted and the Police have provided them with written confirmation that this part of Manea does receive calls on a regular basis, but they are not linked to this property. He added that the applicant has upgraded security

to the property with the installation of CCTV.

Mr Bevens made the point that they have confirmation from the previous owners that they had B&B accommodation at the address for up to 9 adults in the main building, which was without the additional rooms that the applicant is seeking to refurbish or renovate as part of the proposal and they also used their 2-bedroomed annexe as B&B accommodation for a further 4 adults, which meant at peak times there were 13 adults at the address. He referred to LP2, which can also be read in a positive way with this application as it states that sufficient and the right mix of houses to meet people's needs in the right locations should be created, and, in his view, this proposal supports the local economy and is in a central location with access to local amenities so it is the right location.

Mr Bevens feels it should not be assumed that there will be crime or anti-social behaviour caused by the proposal being approved in the same way as a scheme for flats in a town or village centre would be. He made the point in relation to LP15, Highways confirm they are happy and raise no objections, with the pre-application discussions mentioning the relatively wide area of Station Road, the site is served by public transport and the train station is within 1 mile of the site, so, in his view, this is a sustainable location. He expressed the view that LP16 can be interpreted to support the proposal, it will reuse and retain an existing building largely unaffected by the proposals externally meaning minimal disruption to the street view and improvements made to noise and insulation standards to required building control requirements.

Mr Bevens stated that the officer noted in pre-application discussions that the amenity space was not a direct issue by virtue of the large kitchen and lounge and this would reduce the need for outside space. He made the point that the application proposes 7-bedrooms and 7 bathrooms, with an additional 3 WCs and, in his view, the positives outweigh the negatives and he hoped members would support the application.

Member asked questions of Mr Bevens as follows:

- Councillor Benney asked if the building was occupied or empty at present? Mr Bevens responded that there are people in the property.
- Councillor Benney asked if there have been any disturbances that he is aware of or been made aware of since the previous instance? Mr Bevens advised that he has asked the applicant and he has referred back to the only instance being in October 2020, subsequently CCTV has been installed which is monitored and there have not been any other instances that he is aware of.

Members asked questions of officers as follows:

- Councillor Mrs French expressed concern that the Housing Options Team are not involved with this and asked if there have been any updates from the Gangmasters and Labour Abuse Authority? Nikki Carter confirmed that no comments had been received.
- Councillor Mrs Bligh stated that when she went on the site visit the area outside this property was coned off and it has been said there were no parking restrictions and asked if this is something that is regular? Councillor Mrs French responded that Anglian Water were putting cones out to undertake some repairs.

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

- Councillor Miscandlon referred to the CAD drawing, which makes the proposal look so clinically clean and straightforward, but, in his view, the reality is different as it is a hotchpot, cramped and over intensification. He feels the officers have got the recommendation right.
- Councillor Murphy expressed the view that it might not fall within the HMO legislation, but for all intents and purposes it is. He feels, with this number of residents, there is going to be a significant detrimental impact to the centre of a very quiet and peaceful village, it should be located in a more rural setting than in the centre of a village. Councillor Murphy expressed the opinion that the site is incapable of presenting sufficient space to

accommodate the number of bins required and there will be overflow to be stored and who will pay for that, which will create an unacceptable sight of overflow into the street scene causing a health and wellbeing problem. He made the point that the Parish Council object to the proposal and there are an outstanding number of 84 local residents objecting, which he feels tells the true story. Councillor Murphy referred to Fenland's Local Plan Vision Statement which says to make our market towns and villages more attractive places to live, in his view not this development, Policy LP2 sets out points on health and wellbeing on right locations and avoiding adverse impacts, in his view not this development, Policy LP15 sets out designing schemes to provide car and cycle parking for the amount of development proposed also with sufficient turning space, in his view not this development, and Policy LP16 sets out to deliver and protect environments that do not impact on the amenities of neighbours such as noise, light pollution, loss of privacy and loss of light, in his view not this development. He feels that this application is inappropriate, ill thought out, badly conceived and does not do anything for Manea whatsoever and the officer's recommendation is completely right

- Councillor Cornwell agreed with the all-embracing comments of Councillor Murphy and given the number of objections to this application shows how inappropriate it really is.

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

**P39/21 F/YR20/1157/F
TP24, WEST PARK STREET, CHATTERIS
CONVERSION OF EXISTING BUILDINGS TO FORM 7 X DWELLINGS,
COMPRISING OF: 1 X 3-BED 2-STOREY HOUSE AND 6 X FLATS (4 X 1-BED & 2
X 2-BED) AND ERECT AN APPROX 2.1M HIGH BRICK WALL AND 1.2M HIGH
FRONT BOUNDARY WALL AND RAILINGS**

Gavin Taylor presented the report to members.

Members received a written representation from Jamie Eames, an objector, read out by Member Services.

Mr Eames stated that this representation comes in addition to his earlier comments posted on the public record regarding the application and whilst he would have wished to address the committee in person he could not get the time off work. He informed members that he is a GIS professional, with over 13 years experience, he has a master's degree in GIS with the focus being on Transport and Planning, his current professional role is in transport planning in the environmental services industry and he is a registered Chartered Geographer.

Mr Eames expressed concern around the parking and the safety of the highway with this application, with parking being a significant local issue. He expressed the opinion that there is evidence of cars parked on both sides of South Park Street, such that it is difficult for large emergency vehicles to access the road and a situation so desperate that during his survey he was able to gather evidence of multiple instances of illegal parking. He added that emerging from South Park Street onto West Park Street is already often an extremely risky undertaking and you can never be sure if there is a vehicle coming from the right owing to the level of parking routine to the area.

Mr Eames expressed the opinion that the original parking survey is flawed in three main areas:

1. 18:30 is not sufficiently late that most people will be home from work, with a large number of residents working in Cambridge or Peterborough, having at least an hour's drive home assuming they do not have to go shopping, collect children or attend a sports club and many people would not arrive home until at least 18:30 and in many cases later assuming a 17:30 finish time. A 17:30 survey time is more representative and given more time he would

- have liked to conduct sampling on multiple nights at different times.
2. The survey notes three public car parks between 5-10 minutes walk from the proposed development, but 10 minutes is not a reasonable walk to get to or from your own car. Imagine the scenario of a person completing their weeks shopping and unable to park near their home, parks in the car park 10 minutes from home, they cannot empty the car in a single load and it takes 3 trips to unload the car; two round trips and one one-way, which would mean a total of 50 minutes just to unload shopping. Imagine another scenario of a pregnant person being at home when her waters break and has to walk with her partner for 10 minutes while in labour just to get to the car to go to hospital.
 3. These car parks only allow for 24 hours of parking, a time limited car park is not necessarily useful to someone who does not use their car every day.

Mr Eames expressed the view that the application does not comply with the Parking Allocation Policy set out in Appendix A of the Fenland Local Plan, with this application having nil provision when the policy sets out at least 10 are required. He notes that special exemptions for being close to the town centre can be applied, but feels this exemption might make sense in a major city or large town with exceptionally good provision of public transport and a vibrant jobs market, but neither is true of Chatteris, with the town having no train station, an inadequate bus service and the majority of residents not working there so, in his view, the exemption does not stand up to public scrutiny.

Mr Eames drew members attention to the continued resistance of Cambridgeshire Fire and Rescue Service as this development would endanger the lives of local residents in the eventuality of a fire should sufficient access not be possible. He urged members to reject the application, but if the application is approved, he urged that the approval notice be suspended until further avenues for reconsideration are considered.

Members asked questions of officers as follows:

- Councillor Miscandlon referred to the front view of the property making the point that the front area looks wide enough to park vehicles and asked if this was to be used for residents to park? Gavin Taylor responded that whilst the area can accommodate vehicles, it is quite narrow so it would involve several manoeuvres to leave in forward gear, which is why it has been negotiated to be a pedestrian access only to be installed prior to first occupation.
- Councillor Booth stated he has read the comments of the Fire and Rescue Service and asked for clarification that these will get picked up as part of the Building Regulations application? Gavin Taylor responded that there has been extensive consultation with the Fire and Rescue Service and as the proposal is for flats their issues will be addressed through the Building Regulations procedure.
- Councillor Mrs French asked if the access is in the ownership of the applicant? Gavin Taylor advised that he understands the applicant has agreement with the adjoining landowner to align and improve the access. Councillor Mrs French stated that she visited this site on Monday and was approached by a person who said he owned the access and would not be allowing the applicant use of it.
- Councillor Cornwell asked if the only access to the house is through a small footpath to the side? Gavin Taylor confirmed that it was, with the footpath being just under a metre wide and leads to the entrance door to the house.
- Councillor Mrs French stated that the adjoining neighbour parks his car over this access. Gavin Taylor stated that during visits to the site by officers the accessway was available for them to utilise.
- Councillor Benney advised that he visited the site on Monday and the accessway is completely fenced off across the footpath, which the neighbouring resident states that they own and, in his view, there is no access to the side. Nick Harding made the point that grant of planning permission does not give the right of access over land not in the applicant's ownership and this would have to be obtained by the applicant. Councillor Benney expressed concern that members are being told one thing, but on the ground it is something

different. Gavin Taylor advised that he was on site about two weeks ago and he was led from the front down the side accessway, with the application form also naming the neighbouring landowner.

- Councillor Booth asked if a condition could be put on the proposal regarding construction vehicles not parking in the road, although he is not sure how this could be undertaken as they may be problems getting materials to the back of the site and it could cause issues in the area. Gavin Taylor responded that depositing items on the highways is a contravention of the Highways Act, with the front of the site being able to be used until it needs to be closed off prior to first occupation. He made the point that it is the responsibility of the owner to abide by any rules and regulations.

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

- Councillor Cornwell expressed the view that this proposal is over-development of the site. He feels that the flats bring the opportunity to protect the chapel building and the street scene, but he cannot understand the rationale for the house to the rear or the strange access arrangements.
- Councillor Benney expressed serious concerns about fire risk, especially due to the issues with the access. He feels it is over-development, not in a Town Centre or commercial area of the Town. Councillor Benney made the point that if the proposal does not lie in a Town Centre location, it should provide parking, with the parking in this area being horrendous.
- Councillor Mrs Bligh made the point that there are some beautiful buildings in Chatteris and whilst she would like to see this building redeveloped it cannot be done in a way that would cause parking issues or multiple movements of vehicles as it would cause chaos. She feels the proposal should be refused.
- Councillor Mrs French expressed her concern about parking issues and referred to the Highways response regarding parking displacement, with civil parking enforcement needing to be looked at seriously as public car parks should not be relied on to provide parking for private developments. She expressed the view that refuse collection is going to be right at the front of this building and the use of obscure windows in rooms that are not bathrooms is nonsense. Councillor Mrs French stated that it is a beautiful building that needs to be retained and developed, but not in this manner.
- Councillor Miscandlon made the point that if the proposal is approved with the front entrance to be bricked up for pedestrian access, it could still be opened up for residents parking destroying the view of a very nice building.
- Councillor Benney asked what kind of development is being created by the use of opaque glass, the proposal is for proper flats which have no visual impact and, in his view, the proposal is not providing good quality designed housing for people.
- Councillor Murphy agreed with the comments of other members and the comments he made in relation to application F/YR21/1257/F he could have reiterated on this application. He made the point that he has lived in Chatteris all his life and there is no car park in this location.
- Councillor Booth agreed with the comments of Councillor Cornwell and whilst it is reuse of a building there are still parking issues as residents will not park in a public car park 10 minutes away but as near as they can, which just displaces the problem. He feels more thought needs to be given to the rear of the land and whether this is over intensification and the applicant should go away and bring back a more suitable plan. Councillor Booth asked for officer's comments on the fire risk and parking issues.
- Councillor Mrs Bligh agreed with the comments of Councillor Murphy and what he said on the previous application. She cannot see any difference between the two applications and members should be consistent, with this application, in her view, not complying with Policy LP12.
- Gavin Taylor stated that the Fire Service have looked at the plans and identified that access is an issue, but that the application proposes a sprinkler system. He made the point that because the proposal is for flats, the Fire Service would automatically feed into the consultation and finer details would be picked up as part of the Building Regulations

process. Gavin Taylor acknowledged that this application does not comply with the parking policy, with the policy worded as central area to the town and this location is just outside, but officers felt the benefits of the scheme outweigh the parking issues and any amenity harm.

- Councillor Miscandlon asked if the Fire Service request for a fire sprinkler had been brought forward? Gavin Taylor stated that this is a matter for the Fire Service and Building Regulations.

Proposed by Councillor Benney, seconded by Councillor Skoulding and agreed that the application be REFUSED against officer's recommendation.

Members do not support officer's recommendation of approval of planning permission as they feel the proposal does not bring high quality health and well-being benefits to residents with obscure glazed windows which do not provide a view and provide a poor standard of homes, and it is over intensification of the site with provision of the housing to the rear.

It was suggested that parking also be used as a reason for refusal, but on the advice of the Head of Shared Planning this reason was withdrawn.

**P40/21 F/YR21/0267/F
FARM BUILDING BANK FARM, WHITTLESEY ROAD, BENWICK
CHANGE OF USE OF AGRICULTURAL BUILDING TO 5 X 2-STOREY
DWELLINGS WITH DETACHED SHED AND BIN STORES COMPRISING OF 2 X 3-
BED AND 3 X 2-BED AND FORMATION OF A NEW ACCESS ROAD**

Gavin Taylor presented the report to members.

Members asked questions of officers as follows:

- Councillor Booth asked if his understanding is correct that if the applicant only wanted 2 units in this barn he would not even need to get planning permission? Gavin Taylor responded that they could apply for Prior Approval Consent as they did previously for two dwellings, but have to be mindful that the site has been assessed previously for residential use for 5 dwellings as set out now and there were no significant concerns in terms of harm at that point albeit the assessment criteria is somewhat different for Prior Approval. He reiterated that the applicant could technically submit a Prior Approval Consent for two dwellings and subject to demonstrating its acceptability it may benefit from permitted development.
- Councillor Miscandlon stated that this application lies within his ward and he has watched the buildings deteriorate. He made the point that only the front barn is being developed, when there is another barn behind it and asked why this second barn was not also being developed or has this not been considered? Gavin Taylor responded that he did enquire about the future of this barn and he was told it was for low level storage at present.
- Councillor Booth expressed the view that the number of units being proposed presents a cramped and not high quality design due to the way the units are laid out and asked officers views on the quality of the design? Gavin Taylor responded that a conversion of an agricultural barn under Permitted Development Rights is for limited external works so essentially the building still looks like a barn, with the applicant proposing limited external works. He made the point that barn conversions do vary in terms of what the barn is, with each application assessed on its own merits, and this application does not raise any significant concerns or amenity issues and a range of house types are required in the District.

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

(Councillor Mrs Mayor had left the meeting prior to this application and any remaining applications being considered)

P41/21 **F/YR20/0861/F**
PHASE 4 LAND AT BASSENHALLY FARM, DRYBREAD ROAD, WHITTLESEY
ERECT 130 X DWELLINGS (8 X 3-STOREY 4-BED, 18 X 3-STOREY 3-BED, 26 X
2-STOREY 4-BED, 59 X 2-STOREY 3-BED, 19 X 2-STOREY 2-BED) WITH
ASSOCIATED GARAGES, PARKING AND LANDSCAPING

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Dwan, on behalf of the applicant.

Mr Dwan advised members that he is the new Planning Director for Larkfleet Homes and he is delighted to present the fourth and final phase of the Bassenhally Farm development. He made the point that Outline permission was granted in 2010 and, therefore, the principle of development has been established, with the layout and design in line with the other parts of the development and this proposal forming an integral part of the Whittlesey Green development.

Mr Dwan stated that as part of the proposal particular regard has been made to maintain access to the sports field, which will be utilised and improve the access of Drybread Road. He expressed the view that the general framework of development including drainage, and open space provision is in accordance with the approved outline scheme and original master plan, with extensive open space being provided on the site in line with the wider open space delivery overall.

Mr Dwan stated that Larkfleet have worked closely with officers throughout the application responding successfully to the comments received resulting in the scheme members have for consideration. He feels the responses from statutory consultees have been positive, with no objections made and with just a minor number of additional conditions proposed to clarify certain details of design matters.

Mr Dwan noted the comments of the Town Council regarding the internal road layout and their desire for the restriction to stop vehicles travelling through the site onto Drybread Road, but Larkfleet has been professionally advised that the approach is entirely appropriate from a technical delivery perspective and offers the most appropriate scheme from a permeability perspective, with this position being supported by the County Council who offer no objection. He further notes the comments of Whittlesey Athletic Football Club within the report with respect to their relocated gates and they would be willing to see how they can assist them.

Mr Dwan expressed the opinion that given the aforementioned considered approach that has been followed they would welcome support in approving the application to allow them to complete the Whittlesey Green development.

Members asked questions of Mr Dwan as follows:

- Councillor Booth asked, in relation to Whittlesey Town Council's comments, did Larkfleet discuss the design put forward with them and are they willing to reconsider the layout? Mr Dwan stated that he has only been in post for a month and it was his predecessor that would have had the detailed discussion. Councillor Miscandlon stated, as Chairman of Planning at Whittlesey Town Council, Larkfleet did attend and gave them a presentation which resulted in the new access for the football ground and various other layouts, which in hindsight the agent presenting to them accepted did not work and they did redesign the top end of the site, but they did not concede to them about the restriction of traffic from A605 to stop Drybread Road becoming a "rat run".

- Councillor Booth asked if Larkfleet would be willing to revisit and re-discuss? Mr Dwan responded that the site is looked at technically and what works best for future residents, with there being no highways concerns raised. He expressed the view that he would not like to see obstacles put in the way of residents to get through the estate if they live there and it is believed the road layout is the best design solution in this instance.

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

- Councillor Booth stated that he was concerned that Whittlesey Town Council's comments could not be incorporated, but hearing the explanation of the developer he is satisfied that it is a suitable development, there is no technical reasons to object to it.

Proposed by Councillor Booth, seconded by Councillor Mrs French and agreed that the application be APPROVED as per 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)

P42/21

F/YR21/1123/F

WOADMANS ARMS, 343 HIGH ROAD, NEWTON-IN-THE-ISLE

ERECT 4 X DWELLINGS (2-STOREY 3-BED) AND THE FORMATION OF 3 X NEW ACCESSSES INVOLVING THE DEMOLITION OF EXISTING PUBLIC HOUSE

Nick Thrower presented the report to members.

Members received a written representation from Blair Simpson, an objector, read out by Member Services.

Ms Simpson stated that her representation was on behalf of the residents of Westfield Road who strongly object to the plans as there is currently a covenant on the land and the current occupant of the Woadmans Arms has spoken to several residents regarding this telling them that he would be using Westfield Road as an access point, although this was clarified at the last meeting that this is not the case. She asked that before permission is granted that terms are put in place so that at no point can access be made into Westfield Road via any of these properties.

Ms Simpson stated that the residents of number 10 and 11 would like to know who will be responsible for the fences on the side of their properties as well as the fence that sits between Westfield Road and the Woadmans Arms, which was erected by the current occupier. She referred to the previous meeting, where the application was deferred as the highway report had not been received and it was also mentioned by the committee that adding 4 dwellings to the site would be overpopulated, which is something the residents feels strongly about and queried why it had been returned to committee without any new plans.

Ms Simpson asked that if planning permission is granted residents would like working and delivery hours to be clearly stated as well as reasonable timescales for the building work to be completed by. She expressed the view that Newton-in-the-Isle is a beautiful, quiet village and although it would be a shame to lose the pub, residents do believe adding properties to this piece of land would be great, but it needs to be the right properties and the right amount, not just something that someone can make a quick bit of cash from.

Members asked questions of officers as follows:

- Councillor Mrs French asked for clarity on whether a condition will be put on the proposal so that Westfield Road cannot be used as an access? Nick Thrower responded that a condition is not proposed on the recommendation in front of members. He read out the wording of the covenant, which provides only agricultural purpose access from this land

onto Westfield Road, with the site adjoined by the highway boundary and a verge, and does not give anyone a right of access, therefore, it is not felt there needs to be a condition imposed.

- Councillor Mrs French stated that it would be terrible for residents if access was allowed and there is also a very old Silver Beech tree that needs to be taken into account. She asked what would happen if residents of the application site started using it as an access? Nick Thrower stated that they would need the consent of the Local Highway Authority as they would be crossing highway land.
- Councillor Booth made the point that the covenant could be changed in law and an application could be made to the Highway Authority to install a dropped kerb. Nick Thrower responded that this could in the same way any access for any development site could be changed in the future. Councillor Booth questioned that protection is quite limited as the access arrangements could be changed. Nick Harding responded that an additional condition could be placed on the application to say the fence needs to remain in perpetuity, but an application could be made to vary that condition.
- Councillor Miscandlon expressed the opinion that the agent should have made the effort to get the covenant rescinded so there is certainty on who is going to own and maintain the road to nowhere. Nick Harding stated that the matter of the covenant is not a material planning consideration and officers cannot dictate how a parcel of land is divided between particular properties.
- Councillor Mrs Bligh expressed the view that no access should be allowed through Westfield Road, she wants to be certain this does not happen and any powers should be used via a condition to ensure it does not happen.
- Councillor Booth expressed concern about the marketing exercise as the timing of the marketing was undertaken at the start of the pandemic which would have serious implication on whether anyone would have wanted to take on a pub. He feels the marketing is not robust, it is the only community facility in Newton-in-the-Isle and it needs to be protected. Councillor Mrs Davis reminded members that the application was deferred from a previous meeting for highways and over-development reasons only, therefore, marketing reasons cannot be considered. Councillor Booth acknowledged this, but he was not at the last meeting and he is being asked to make a decision on matters before him and it is a consideration which he does not think was picked up at the last meeting. In his view, the marketing was undertaken at the wrong time, with the officer's report making no mention of the fact it was undertaken during the pandemic and the effect this would have on the marketing exercise.
- Councillor Mrs French agreed that the application had been deferred for specific reasons. She does feel that the pub was last opened in 2017 which is more than adequate time.

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

- Councillor Mrs French expressed concern with the application, with there being a horrendous bend going out of the village, which, in her view, is an accident waiting to happen but acknowledged that highways do not support this view. She feels that committee has no choice but to approve the application, although she is not happy with it.
- Councillor Booth agreed with Councillor Mrs French, with Highways taking a different view which does not take into account human nature.

Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be APPROVED as per the officer's recommendation, with the additional conditions of the fence to be retained in perpetuity and submission of a construction management plan.

(Councillor Cornwell abstained from voting on this application)

**P43/21 F/YR21/0455/F
1 EASTWOOD END, WIMBLINGTON**

ERECT 3 X DWELLINGS (2 X 3-STOREY 5 BED AND 1 X SINGLE-STOREY 2-BED) INVOLVING THE DEMOLITION OF EXISTING DWELLING

Nick Thrower presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rhian Freear, a supporter.

Ms Freear expressed the opinion that this is a replacement of an existing dwelling, this and the fact that permission has been granted for one property goes against the rules of the elsewhere location reason for refusing permission. She made the point that following a fourth appeal, Eastwood End is not seen as a settlement in its own right and its status was a matter of judgement, with the Inspector concluding that Eastwood End was an outlying part of the larger settlement of Wimblington.

Ms Freear expressed the view that a recently granted scheme for 3 dwellings directly opposite reinforced this finding and, therefore, refusal cannot be based on LP3 saying that it is an elsewhere location. She noted that the report states that character harm has already been caused by preparatory works, but she fails to see how this can be deemed to be character harm when other developments which, in her view, will cause significant change to urban areas have been allowed, and compared to other developments she does not believe this could be classed as stark and overbearing development.

Members asked questions of Ms Freear as follows:

- Councillor Booth asked if she classes this area as part of the envelope of the village? Ms Freear responded that, having lived in Wimblington for five years, she would always have classed Eastwood End as part of Wimblington.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent.

Mr Walford stated that the applications site sits opposite a site with planning consent for 3 large dwellings and included within that consent was an extensive footway linking Eastwood End to Wimblington village centre. He acknowledged that officers have been consistent in their conclusion that the area fails to meet LP3 as it is outside the village and in an elsewhere location, however, the committee decision for the 3 dwellings opposite plus other appeal decisions in the local area have arrived at a different conclusion that the site is an outlying part of the larger settlement of Wimblington, with the new approved footpath reinforcing this and providing a link to the village.

Mr Walford expressed the opinion that the scheme has been designed as a continuation of the newly approved scheme opposite with a significant enhancement to this portion of Eastwood End and will significantly improve Highway safety on a very tight and blind bend. He made the point that both the Highways Authority and the case officer have confirmed that the proposed scheme does not present adverse highway impacts and that the requested visibility splays can be achieved on the road for that specific speed limit and furthermore the case officer has confirmed due to the nature of the road at that point it is likely that the actual speed are going to be much lower and, therefore, the visibility splay would be much less than that shown.

Mr Walford stated that at present there is one habitable dwelling on site, with the entire application site being domesticated garden and this proposal seeks to demolish this bungalow and rebuild 3 new dwellings which will be in keeping with the development opposite giving a net gain of 2 dwellings on site. He added that the proposal remains linear to the character and, therefore, is in character with the development along Eastwood End.

Mr Walford expressed the view that the case officer has also confirmed that the dwellings are

acceptable from a residential amenity point of view and overlooking aspect, and has acknowledged that the scheme would make a modest contribution to the housing provision within the District and has the potential to support local employment during construction and the wider benefits of the village facilities. He asked that members support the application.

Members asked questions of officers as follows:

- Councillor Cornwell asked what is the real difference between this application and approval opposite? Nick Thrower responded that the site opposite was also recommended for refusal by officers and the recommendation was overturned by Planning Committee on the basis the proposal provided a pedestrian link between Eastwood End and Wimblington and, therefore, was considered to carry benefits with it that outweighed the harm caused in terms of the location.
- Councillor Cornwell questioned why this application is before committee when the committee had already taken that decision and this application is no different? Nick Thrower stated that this proposal does not come with the benefit of providing a pedestrian link which was approved under the previous scheme, this is purely a proposal for 3 houses in an elsewhere location whereas the previously approved application was for 3 houses in an elsewhere location with the benefit of providing a pedestrian link between Eastwood End in general and Wimblington. Councillor Cornwell made the point that, if the site opposite is providing the footpath link as a condition, would the residents of this proposal not also use this footpath link? Nick Thrower agreed that the future occupiers of this site would be able to use this pedestrian link, but this would not change the fact that the application is considered to be in an elsewhere location, where development is limited to that restrictive set of criteria appropriate to a countryside location. Nick Harding stated that officers were recommending refusal of scheme across the road, committee approved it so when it comes to this application officers are recommending refusal for the same reasons as the one opposite. He added that from committee's point of view, members are able to go against officer's recommendation, but need to identify the reasons why they want to do that as officers are still of the view that it is contrary to policy around development in this area of Eastwood End.
- Councillor Booth recognised that Councillor Connor asked for this proposal to come before committee as he assumes that he has concern that the one opposite had been approved and officers are recommending refusal on this one, so he assumes Councillor Connor supports this application being a councillor for that area. He queried the definition of elsewhere locations, if residents see this as part of the village and local councillors feel it is part of the village surely this position should be taken on board because there are not any defined boundaries that tell members where the village boundaries are, it is very subjective what is an elsewhere location. Councillor Booth stated that if you look at LP3, Eastwood End is not even mentioned as an elsewhere location, but he recognised that nowhere is mentioned as an elsewhere location but some of the smaller hamlets are mentioned and the fact that at appeal the Planning Inspector also considers it part of Wimblington. Nick Thrower responded that Councillor Booth was correct that LP3 identifies the settlements within the District, but it does not then define anywhere else that is not considered to be a settlement. He made the point that LP12 does, however, provide commentary on what is considered to be the built extent of the settlement and Eastwood End does clearly lie beyond what would be considered to be the built extent of Wimblington that is why officers have been consistent in recommending refusal on applications within Eastwood End and concluding that the applications are beyond the extent of the settlement. Nick Thrower expressed the view that the most recent Inspector's decision does make some commentary on that, however, it neglects to consider Policy LP12 and it also references the site opposite and neglects to consider the reason for granting that consent in terms of providing the pedestrian link to Wimblington, with that reasoning set out in paragraphs 9.1-9.4 of the officer's report.

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

- Councillor Mrs French stated that on reading the report she thought the site lay in the open countryside, but on visiting the site she was surprised to see what was opposite and her understanding is that further up the road there was another application won on appeal which was definitely in the open countryside on agricultural land. She feels that a precedent has been set by approving the development opposite and this application should be approved as well.
- Councillor Murphy agreed that a precedent has already been set in this area, it is not an issue regarding the footpath as residents from this development can just walk across the road to use the footpath and feels that common sense should be taken into account.
- Councillor Mrs Bligh agreed with the need for consistency and asked how it would look if committee has approved the application across the road and then do not approve this application. She acknowledged that the site lies on a bend, but it is no worse that has just been approved at Newton-in-the-Isle and she feels that common sense has to prevail and the application should be approved.
- Councillor Benney queried the area being deemed as open countryside as you have the inside part of Eastwood End being built on and the other side with 3 houses being built on as well and he cannot understand how this can be refused. In his view, there is a big bungalow in existence which is the footprint and probably the size of two of the houses that are going to be built so the building has been established on this site.
- Councillor Booth stated that committee needs to be consistent and feels this is classic example of what is the village and where it extends to, with another development changing the characteristic of the area. He cannot see how it can be refused as if it is it would go to appeal and, in his view, an appeal would be lost.
- Nick Harding stated that if a proposal were to be brought forward that goes against officer's recommendation he reminded members that they need to be looking at the two reasons for refusal and identifying why they consider that these reasons are not applicable to this development.

Proposed by Councillor Benney, seconded by Councillor Murphy and agreed that the application be APPROVED against officer's recommendation, subject to reasonable conditions being delegated to officers to formulate in association with the Chairman, proposer and seconder.

Members do not support officers recommendation of refusal of planning permission as the feel that the proposal is not contrary to Policy LP3 as the principle of development already exists on the site, both the ward councillor and members of the community consider that Eastwood End is part of Wimblington, the proposal is making good use of the land and members are being consistent with previous decisions and planning appeals in this area, and they also feel it is not contrary to Policy LP16 as there are no heritage assets to protect, it will add to the local distinctiveness of the area, and the proposal would not detract but enhance the area as the bungalow on site is not an attractive building and the other development that has occurred in Eastwood End has improved the character of the area.

(Councillor Topgood had left the meeting prior to this application and any remaining applications being considered)

(Councillor Mrs Davis registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she attends Wimblington Parish Council Planning Committee meetings, but takes no part in the discussions)

P44/21

F/YR21/0508/O

LAND NORTH EAST OF 80, COATES ROAD, EASTREA

ERECT UP TO 5 X DWELLINGS AND THE FORMATION OF NEW ACCESSES

(OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Nick Thrower presented the report to members.

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

Mr Edwards stated, under LP3 of the Local Plan, Eastrea is a small village which means development will normally be considered on its merits and normally be of a very limited nature and limited in scale to residential infilling or to a small business opportunity. He emphasised the word “normally”, as, in his view, similar plots were approved in Wype Road by the committee and several others in the same classification of village, which has extended the village boundaries.

Mr Edwards expressed the opinion that, if this application is approved, there will be a gap of 300 metres before the development of Minuet Paddocks in Coates and made the point that there is a current application extending Coates towards their application site, which has not been determined, which would be approximately 85 metres whereas their site is only 78 metres, with this application having been in the system since last year and has been extended only recently. He would argue the to be determined development would close the gap more than this application as it is still being considered with no approval in place and he feels that their current proposal has come forward now, and the land at Coates should be defined as agricultural and increase the gap.

Mr Edwards expressed the view that the line of development of this proposal is to the extent of the road frontage owned by the applicant, with the land to the rear remaining in agricultural use serviced through the adjacent field not in their ownership, but both fields have been farmed together for a number of years. He expressed the opinion that the Council would be in control of this gap and can resist any further applications should they feel necessary.

Mr Edwards made the point that if both applications were approved the gap between Coates and Eastrea would be at least 2 fields and approximately 220 metres, which is vastly more than exists on the opposite side of the road and will maintain the separation of the two villages. He expressed the view that, it has mentioned on many occasions at this committee, road frontage plots are massively valuable to housing supply in the District and are at a prime, with plots like these being developed by self-builders and small developers that are being priced out of the larger sections of land due to the costs of infrastructure, and small builders and developers employ local tradesmen and agents and buy local from local merchants, which in turn contributes to other businesses in the District.

Mr Edwards stated that the site is within Flood Zone 1 and the Highway Authority have no objection to the proposal, with any points they have raised being dealt with as part of the Reserved Matters application. He expressed the view that landscaping can also be dealt with at the Reserved Matters stage, but should members feel that the installation of a native hedge to the eastern boundary would create a natural break they would more than happy to install this.

Mr Edwards asked members to support this application with the conditions felt appropriate.

Members asked questions of officers as follows:

- Councillor Booth asked if there has been any further formal recommendation from Whittlesey Town Council? It was confirmed that no further correspondence had been received. Councillor Booth requested clarification on the comments from Whittlesey Town Council, querying whether it was effectively from two individual councillors? Councillor Miscandlon responded that the reason it names Councillor Whitwell and himself is that Councillor Whitwell is the ward councillor who makes the decision on the proposal, then it comes to him as Chairman of the Planning Committee for approval and it is forwarded through from the Chairman of Whittlesey Town Council as the response from Whittlesey Town Council.
- Councillor Cornwell expressed the view that the issue seems to be how much of a gap does

one accept between two settlements for them to remain two settlements and asked if there was any advice available on how to interpret this? Nick Harding responded that the two key issues in relation to this application are is it or is it not an infill site and there is a definition within the Local Plan which defines what an infill site is and this proposal clearly does not meet this test because it is not a parcel of land sandwiched between two sets of buildings, there is massive gap on one side. He stated that the agent made reference to an application which is pending a decision further down the road, but committee resolved to approve that application contrary to officer's recommendation and this application is in the process of having the Section 106 signed so this application will come forward for a planning consent. Nick Harding advised that there is no hard and fast rule as to how big the gap has to be, it is a subjective decision for officers and committee to make, and in officers view given the very open nature of that geographic location it is quite obvious where the existing extent of built development ends and starts again.

- Councillor Cornwell asked if there was any difference in the classification of the villages of Coates and Eastrea within the Local Plan? Nick Harding stated that Coates is a limited growth village and Eastrea is small village.
- Councillor Booth stated that in relation to the villages having two classifications, Policy LP12 states that coalescence between two villages still applies even though they have different classifications so asked if that is the main policy that needs to be considered. Nick Thrower responded in the affirmative and Policy LP12 applies to all of the villages as opposed to the market towns and would apply to small villages and limited growth villages.

Members made comments, asked questions and responded as follows:

- Councillor Mrs French expressed the view that if this application is approved it would likely join the villages up and there would be nothing to stop another applicant putting an application in on the remaining land to join the villages.
- Councillor Booth stated that living in a village where there are two settlements with a defined gap he knows the importance of this. He recognises that Whittlesey is developing its own Neighbourhood Plan and is seeking to protect this as well.

Proposed by Councillor Mrs French, seconded by Councillor Booth and agreed that the application be REFUSED 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 discussion or voting thereon)

5.26 pm

Chairman