

PLANNING COMMITTEE



WEDNESDAY, 9 FEBRUARY 2022 - 1.00 PM

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

APOLOGIES: Councillor I Benney and Councillor Mrs S Bligh,

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

P78/21 **PREVIOUS MINUTES**

The minutes of the meeting of 12 January 2022 were confirmed and signed as an accurate record.

P79/21 **F/YR21/0580/F** **PLOT 2 LAND SOUTH EAST OF 1 CURF TERRACE, DODDINGTON ROAD,** **CHATTERIS** **ERECT 2NO DWELLINGS (3-STOREY, 4-BED) AND CHANGE THE USE OF** **EXISTING GARAGE/PLAYROOM TO ANNEXE FOR USE OF PLOT 2 ONLY** **INCLUDING 1.2 METRE AND 1.8 METRE (APPROX) HIGH FENCING (PART-** **RETROSPECTIVE)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Ian Gowler, the agent. Mr Gowler stated that the application is for a pair of 4 bedroomed dwellings with an annexe to the rear, making the point that the size, scale, and design of the existing houses are identical to a previous application which was approved with the exception of a loft conversion. He explained that the garage to the rear already has approval and is constructed, with the garage at the ground floor level and residential accommodation upstairs which is currently used as a playroom and the garage has been used as accommodation in the past whilst the applicant was constructing the next-door property and the ground floor of that is being used as accommodation for their large family.

Mr Gowler stated that the applicant intends to retain that accommodation for his family while he constructs the 2 semi-detached properties and then eventually live in the left-hand side property. He explained that the neighbouring property at Curf Terrace is owned by the applicants' parents, and they also reside on site.

Mr Gowler explained that the report notes that the proposal would be inconclusive to backland development, however, in his opinion, the property and garage already exist in their own right and other annexes in Chatteris have already been approved with self-contained annexes, highlighting planning application references F/YR16/0942, F/YR18/0667 and F/YR20/1114. He acknowledged that backland development is out of character for that area, but made the point the garage building has already been constructed and parking and turning for both properties have both been achieved without any objection from the Highway Authority.

Members asked Mr Gowler the following questions:

- Councillor Sutton referred to Mr Gowler mentioning three applications which are very similar to the one being considered and asked that in future could he either lobby the Planning Committee by email or provide a presentation to give the members of the committee sufficient time to consider the proposal and undertake further research. Mr Gowler agreed to the point made by Councillor Sutton.

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

- Councillor Miscandlon stated that he notes that Chatteris Town Council have not made any comment on the application and questioned whether any members of Chatteris Town Council have any comment to make.
- Councillor Mrs French stated that she has visited the site, and, in her opinion, it is in a dreadful state. She added that she does not think it would be detrimental to the area and added that it should be approved as it will enhance the area.
- Councillor Murphy questioned why there were no comments from the Town Council. David Rowen stated that at the time of writing the report there had been no comments received from them.
- Councillor Mrs Mayor stated that she has reviewed the application online and it does state that Chatteris Town Council recommend the application is refused due to it being over development, however, when she looked online last week there were no comments from the Town Council.
- Councillor Skoulding stated that he has noticed that the Highways Authority have no objections. He added that the site is located in Flood Zone 1 and the proposal would complete the site and enhance the area.
- Councillor Mrs Davis stated that she has reviewed one of the applications that Mr Gowler had referred to, F/YR20/1114/F, and explained that, in her opinion, it is a very similar layout with the dwelling being in the middle of the plot with the annexe immediately behind it.
- Councillor Connor stated that, in his opinion, the proposal will tidy the site up and he added that it is reassuring to hear the comments made by Councillor Mrs Davis with regard to another application with the annexe at the rear. He expressed the view that he will be supporting the application.
- Councillor Purser stated that he does not think it is over development and the proposal will tidy up the area and for that reason he will support the application.
- Councillor Cornwell stated that, in his view, the space between the house and the garage annexe block is quite significant. He does not see it as over development, will tidy the area up and he has no issue with the application.
- Nick Harding stated that he would like to apologise to the Committee and to Chatteris Town Council as they have commented on the application, and they have recommended that the application should be refused as in their view it is over development.

Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be APPROVED against the officer's recommendation, with delegated authority given to officers to apply conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal would not have a detrimental impact to the surrounding area, and does not constitute over development

(Councillors Connor and Mrs Davis declared that Mr Gowler the agent is known to both of them, but this would have no bearing on their determination of the application)

(Councillor Marks declared an interest in the application, by virtue of the fact that the applicant is known to him, and he took no part in the discussion of the item or voting thereon)

(Councillor Murphy registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council, but takes no part in planning matters)

P80/21

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**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Dwan, the agent. Mr Dwan stated that he is the Planning Director for Allison Homes and made the point that in August the Committee resolved to grant planning permission. He explained that since that time it has become apparent that there are now financial implications due to rising costs of materials and also due to the delivery of the spine road, there is a difference in ground conditions across the site and more onerous foundation design requirements for much of Phase 3 and through Phase 4 to ensure that there is an acceptable stability within the road.

Mr Dwan stated that due to these issues he has had to reluctantly come back with the viability case which has been independently vetted by officers and agreed with. He stated that an agreed position has been reached on the overall position of affordable housing and an overall quantum of financial contributions from which officers can decide how that would be split. He stated that he would welcome the committee's support to complete the overall development and stated that he is sorry that this situation has arisen, but it is only out of necessity that this route now needs to be followed.

Members asked questions of Mr Dwan as follows:

- Councillor Mrs Davis referred to the comment that Mr Dwan had made concerning the unforeseen issues with the land and asked him whether the land had been surveyed? Mr Dwan stated that the land was surveyed but it became apparent through the build of Phase 3 that there was an issue. He added that the original aspiration was to absorb the costs but in conjunction with the increase in build costs across the board, including materials and labour, it has become too prohibitive.
- Councillor Sutton asked Mr Dwan to clarify that, if the committee do not agree with the proposal before them, would the build actually continue? Mr Dwan explained that there is a risk of the build not being able to continue and added that in order to get the sign off for land purchase, he needs to be able to demonstrate that there is an appropriate return and currently this cannot be proven. He stated that the set of figures which have been utilised for the viability purpose are based on current costs however build costs in the main are outstripping house price rises which means there is a degree of uncertainty which would make it very difficult to carry on.
- Councillor Sutton expressed the view that Allison Homes have owned the land for some time and purchased it at a reasonable price compared to land prices at the current time and he asked Mr Dwan what a like for like house would be valued at now compared to when the build was at phase 1? Mr Dwan explained that it is his understanding that the site was purchased under a delegated option which means the land was bought phase by phase and a price notice needs to be completed when you buy each individual phase and therefore the price would not be based on the land price when it was purchased a number of years ago as it would be based on the owner's current expectation based on anticipated gross development value.
- Councillor Connor stated that it is his understanding that in this case you buy one piece of land and then you have an option on another part of land, paying the market price. Mr Dwan stated that this is correct and then you normally include a reduction in open market value as

reward for taking on the planning risk, which is the standard approach. He confirmed it is a phased purchase and Allison Homes do not own the overall site in its entirety.

- Councillor Mrs French referred to the £1,000,000 contribution to be used for education and asked Mr Dwan whether he is likely to come back at another time and advise that this figure can no longer be afforded? Mr Dwan stated that no that would not be the case and he explained that the timeframe is sensitive as there is a continuity build and if the approval was given then the build would continue. He added that if the build had to stop then there are additional costs to be found in order to re-establish development.
- Councillor Connor asked Mr Dwan how confident he is that the site can be built out with the new proposed viability and the £1,000,000 contribution? Mr Dwan stated that costs have been agreed by the Land Director from a planning obligation perspective and he would not have agreed the proposal if it was not achievable.
- Councillor Marks stated that he accepts that build costs have gone up and asked, due to the oversight with regard to the issues on the spine road, what percentage would he give to the mistake, compared to that of the Covid build costs that have gone up? Mr Dwan stated that he would not be able to answer that as it is out of his area of expertise. He added that it is a cumulative thing and if it was not for the build costs then they would have done their best to absorb the other costs, but it has not been possible from a viability perspective.
- Councillor Cornwell asked for clarity over land ownership if the development stopped now? Mr Dwan stated that it is a phased purchase, and they have the right to buy. Councillor Cornwell stated that if the proposal was not approved by the committee and the building stopped, the pressure would be put onto the landowner as they would not be able to complete the deal. Councillor Cornwell added that, in his view, the Council has more to lose than by carrying on. Mr Dwan stated that there would be a loss of 130 homes from the Councils five-year land supply and Councillor Cornwell stated that is not a guarantee as the Council does not know what would happen with another developer should that be the case. Mr Dwan stated that the costs that have been put forward are without any establishment costs and infrastructure costs and if the land went to the market now those costs would have to be added on top.

Members asked Officers the following questions:

- Councillor Mrs French stated that she has noticed on the Section 106, the £1,000,000 allocated, which is broken down for various schools. She expressed the opinion that this concerns her as over many years developers have had to pay millions of pounds to education and Cambridgeshire County Council have a statutory duty to build schools and, in her view, developers do not have the right to contribute, but she does not think that they should not contribute. Councillor Mrs French stated that she is concerned that over time, the County Council have had the money but not spent it on school placements and she asked if officers can provide her with information on how much money has been allocated to education over the past five years and how much has actually been spent. She added there is the need for a new Special Education Needs facility in the Fenland area which ,was highlighted at a recent County Council meeting she had attended, however, it would appear that there are no plans to build such facilities in the Fenland area and any additional facilities would be built in the south. Councillor Mrs French expressed the view that if Fenland are contributing towards these facilities but not getting them then, in her opinion, she feels that education should not be receiving a contribution at all. David Rowen stated that with regard to education and as part of the original consultation on the application in August, within page 53 of the agenda pack, it details the comments from the County Council and the science behind their request for contributions. He added that with regard to the request that the County Council make in terms of contributions and what they actually get due to viability are two separate things. David Rowen highlighted that in August, when the viability situation was different there was just under £1.5 million pounds for education as part of the agreed Section 106 agreement, although that figure is now reduced to £1 million.
- Councillor Mrs French expressed the view that she has no problem with education receiving

some contribution, however, she would rather see the contribution going towards affordable housing.

- Councillor Mrs Davis referred to an earlier comment David Rowen made where he had stated that if the County Council did not use the £1,000,000 that was allocated, it could be brought back and used for affordable housing, and she asked him how often does that situation occur? David Rowen stated that the provision is that if the monies are not spent within eight years, which is not unheard of but fairly rare, and without further research on the data, he cannot provide an accurate figure to the committee.
- Councillor Cornwell stated that it is pertinent that one funding element is affecting another element. He added that there is a large amount of development currently taking place in Whittlesey and he assumes that each of the major developments is contributing a fair amount of money towards the Section 106 contributions and in turn towards education. Councillor Cornwell asked then when arriving at those figures do officers consider the revenue intake that each of the developments are producing rather than just the capital sums that the schools may or may not require. He added that each development produces its own increased levels of Council Tax and that does not seem to be considered and he asked whether that is the case. David Rowen explained that it is not taken into account due to the fact that the Section 106 Agreement regulations can effectively only allow for capital projects and not revenue projects.
- Councillor Mrs French asked for a report to be circulated to members on the value of contributions allocated across Fenland and how much of those contributions has actually been spent on education over the last five years.
- Councillor Sutton asked whether it is possible for the committee to say to the developer that they do not want the £1,000,000 to go to education and would request that the monies make up the shortfall of the affordable housing. David Rowen stated that if that is what the committee request then it is possible.
- Councillor Marks asked whether there is an equation that is used with regard to affordable housing and children which leads to more education places being needed? David Rowen stated that officers are guided by the formula that the County Council use when making their request to the Planning Officers, however, the detail of that formula is not something that he is familiar with. He added that, in his view, the affordable housing versus the market housing mix is factored into that. Councillor Marks asked whether that information can be obtained? David Rowen responded that there is a quantum of housing and regardless of the number of affordable units there is the scope for an impact on the demands placed on the nearby schools as identified by the County Council in their formula.
- Councillor Mrs Davis stated that the application has already been approved with the figure of £1.5 million already being agreed previously by the committee. She added that the committee cannot now refuse to give any contribution as the commitment of £1.5 million was already given. David Rowen stated that is correct and added that when the application was considered previously in August there was a policy compliant affordable housing contribution of 25% which is now reduced to 17.5%. He explained that whilst education has reduced accordingly, it is within the committee's gift to say that they want 25% onsite affordable housing contribution as set out in the policy and a lower contribution towards education. David Rowen highlighted that if the committee were to decide that education was to receive nothing that it may be deemed unreasonable, given that six months ago there was a contribution secured towards education.
- Councillor Connor stated that it is still within the committee's gift to adjust the contribution towards education.
- Councillor Mrs French stated that if there is the need for a contribution for education then she does not have an issue with it, but she does have concerns when money is contributed and used in the southern part of the County, when Fenland is in desperate need of a special needs education facility.
- Councillors Sutton and Cornwell asked whether Mr Dwan could address the committee again to answer further queries from members. Councillor Connor denied the request

- Councillor Cornwell stated that there are concerns from members over the number of contributions allocated and it is now for the committee to decide to what degree the allocations are adjusted by.
- Councillor Mrs Davis pointed out that Mr Dwan had already advised the committee that he was not financially qualified to answer certain questions.
- Councillor Connor advised members that the application can be deferred if that is their wish in order to obtain further detail.
- David Rowen stated that the recommendation from officers is one that is felt to be a fair recommendation given the change of viability circumstances from what was previously agreed. He added that if members are looking to secure the policy compliant affordable housing contribution of 25% then the £1,000,000 financial contribution would be adjusted downwards accordingly.
- The Legal Officer stated that members should consider the degree of discretion that the committee has when reviewing the allocation of planning obligation resource in order to assess how that applies not only in the specifics but also generally.
- Councillor Marks asked the Legal Officer whether the committee should defer? The Legal Officer stated that there is a recommendation before the committee, and members are in a position to take a decision, although the committee cannot be forced to make a decision.
- Councillor Sutton stated that it is very disappointing to be in the current position with this application. He made the point that when it was approved in August, he commented that it was refreshing to see that the social housing was at 25%, but does not see that the committee has any other choice than to accept in the whole the proposal which has been scrutinised by officers. Councillor Sutton expressed the view that the committee have the gift to say that the £1,000,000 goes to social housing or if it goes elsewhere. He added that with the social housing crisis in Fenland, it would warrant the committee to say that the money goes to social housing or if the Legal Officer advises otherwise then the application should be deferred for further negotiation.

Proposed by Councillor Sutton, seconded by Councillor Mrs French and agreed that the application be APPROVED as per the officer's recommendation, subject to the renegotiation of the allocation of the £1,000,000 financial contribution.

(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and took no part in the discussion or voting thereon)

(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)

(Nick Harding, Head of Planning, stated that he was involved with Section 106 negotiations for this application and was approached in a private capacity by the applicant with regard to sites outside of the Fenland area, and left the meeting for the duration of the item)

**P81/21 F/YR21/1157/F
14 CHURCH LANE, CHATTERIS
CHANGE OF USE OF EXISTING MUSEUM/OFFICES (CLASS F1(C)) & E(G)(I) TO
GROUND FLOOR OFFICES (E(G)(I) AND 2 X DWELLINGS (2-BED FLATS) AT
FIRST FLOOR LEVEL, INVOLVING THE ERECTION OF A FIRST-FLOOR
EXTENSION**

David Rowen presented the report to members.

Councillor Mrs French, read out a written representation from Councillor Benney in support of the application. Councillor Benney stated that as a Chatteris Town Councillor I have been the chair of

the Chatteris Growing Fenland Project since its inception, its aims are simple, to purchase the old Barclays Bank building with a view to move Chatteris Museum from its current site in Church Lane to the ground floor of the Barclays Bank building, which will give the museum more space for displaying the many local artefacts that due to lack of current space are not displayed to their fullest. He explained that the Town Council will retain the upper floor of the Barclays building and let this as office space to generate an income to the council.

Councillor Benney stated that the current site of Chatteris Museum at 14 Church Lane will be developed into additional, much needed space for the Town Council and additional community space for local groups, and the proposed application will allow for the upper floor to be converted into two flats that will, with the office space in the Barclays building, deliver an income to the Council that can be re-invested in additional community projects, which would not be delivered without this income. He expressed the view that the other community space at the King Edward Centre is presently oversubscribed and this will allow groups like CAB to have free use of these community rooms.

Councillor Benney referred to the reasons for refusal:

- LP6 (loss of cultural asset) - the Town Council would be willing to enter into a Legal Agreement that if it does not purchase the Barclays building and move the museum, it would not implement this application, ensuring no loss of cultural asset;
- LP16d - every town in Fenland has flats of this nature within town centre locations and being town centre does not require off-street parking, with a bus stop being located well within walking distance of the application site;
- LP2 LP16 – in his opinion, this kind of development is found throughout Fenland and the setting will enhance the desirability of the flats, providing much needed local homes;
- LP2 LP15 - the harm (if any) caused by this proposal will be more than offset by the benefit in the form of community space for local groups and the long-term investment the council can make from the rental income of Chatteris Growing Fenland Project.

Councillor Benney hoped members can support this application today and help deliver this much needed boost to the town of Chatteris.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that one of the key points to the application is the existing museum, explaining that a Listed Building consent application has already been granted for relocation of the museum to Park Street, Chatteris and building regulation documents have been submitted along with tender documentation which are being prepared. He added that he has attended meetings at Park Street with the manager of the museum to discuss the layouts and added that Chatteris Town Council would be happy to enter into a legal agreement to ensure that the museum in Chatteris is not lost at its current location until all works and the new museum in Park Street is complete.

Mr Hall added that the site is not in a Conservation Area, and he is pleased that the Conservation Officer does not object to the proposal and has agreed that it will not have a negative effect on the adjacent Listed Building. He expressed the view that the site is located in an area of predominantly residential usage and the proposal for the first floor flat and the change of use of the museum at first floor is in keeping with the immediate area.

Mr Hall advised that he has demonstrated indicative positions of the bin and cycle stores and would be happy to agree these locations with officers as there is access off Church Walk and Church Lane available. He explained that the windows on the western elevation are for a bathroom and limited land area which would both be frosted glass.

Mr Hall stated that the proposal does allow for a community facility which can be used as a meeting space and the remainder of it will be used by Chatteris Town Council offices on the ground floor. He stated that there have been no objections to the scheme, the site is in a

predominantly residential area and with the museum relocating to Park Street it allows the building to be a mixed use of residential at first floor and allows Chatteris Town Council to occupy the ground floor along with a community facility.

Councillor Murphy stated he would like to address the committee as a Member of Chatteris Town Council and also as a member of the Public. He stated that the application has arisen as a result of having received monies from the Cambridgeshire and Peterborough Combined Authority to purchase the old Barclays Bank building in order to move the museum from the Town Council Offices to allow it more room in a town centre position.

Councillor Murphy expressed the view that the museum is pleased about the relocation and are already packing up to relocate and have applied to several organisations for financial support. He explained that the top floor will be let out for office use and will bring a financial income for financial outgoings and repairs.

Councillor Murphy stated the release of the monies from the Cambridgeshire and Peterborough Combined Authority is imminent and therefore time is of the essence. He explained that the Town Council Offices will be altered in order to give the cramped chamber a storage area and a larger working space for officers to work, with the building being extended to include two flats which will be able to be rented out and the income used for future enhancements for Chatteris.

Councillor Murphy stated that this proposal has been agreed by the Cambridgeshire and Peterborough Combined Authority as they feel it is a good project for their contribution.

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

- Councillor Miscandlon stated that he was involved with a similar project at Whittlesey Town Council, and he congratulated Chatteris Town Council for their forethought.
- Councillor Connor stated that he agrees with Councillor Miscandlon and stated that the building at Whittlesey is an exceptional building and a credit to Whittlesey Town Council.
- Councillor Mrs French stated that she agrees with the comments made by Councillor Miscandlon. She expressed the opinion that she does not feel that the proposal is over development, and she will support the application.
- Councillor Cornwell expressed the view that, in theory, the proposal is a good idea, and he supports Chatteris Town Council for their forward thinking. He expressed the view that he does agree with officers with regard to the proposed two flats as, in his view, it will be very tight and there is no amenity space for the flats, with it probably being a better proposal for just one flat.
- Councillor Mrs French stated that she does understand the comments made by Councillor Cornwell but added there are other flats in town centre locations which have no parking or amenity space.

Proposed by Councillor Mrs French, seconded by Councillor Miscandlon and agreed that the application be APPROVED against the officer's recommendation with delegated authority given to officers to determine appropriate conditions and subject to the completion of the legal agreement.

Members do not support refusal of planning permission as they do not feel that the proposal can be considered as over development or result in an unacceptable amenity impact.

(Councillor Murphy took no part in the discussion and voting on this application as he had made a presentation as part of the public participation procedure and was, therefore, pre-determined, and left the meeting for the remainder of this item)

ERECT 1 X DWELLING (2-STOREY 4-BED) AND A DETACHED GARAGE, INVOLVING THE REMOVAL OF EXISTING CARAVAN AND DEMOLITION OF EXISTING OUTBUILDING

David Rowen presented the report to members and drew their attention to the update report which had been circulated.

Members received a presentation in accordance with the Public Participation Procedure from Matthew Hall, the Agent. Mr Hall stated that that he found the officers report initially to be positive, making the point that there are no issues with regard to flood risk, ecology, amenity, over shadowing and overlooking. He expressed the opinion that the application provides a higher quality and safer living environment against potential flooding.

Mr Hall stated that that the Highways Officer is not objecting to the proposal and he has submitted additional information with regard to the visibility splays to confirm that the visibility in both directions is no worse than the current situation. He highlighted to the committee that there is a brick outbuilding which is due to be demolished, which is directly next to the parking area and there is no visibility splay which would be to the east.

Mr Hall explained that the applicant has lived in the caravan for 17 years and it has a certificate of lawful use, with the proposal being to remove the caravan which is a vast improvement in terms of flood risk and quality of living for the applicant and family. He expressed the view that with the new dwelling the health and wellbeing will be vastly improved as it will be insulated, will conform with building regulations and there will be mitigation measures in place that have been approved by the Environment Agency to deal with any potential flooding.

Mr Hall referred members to a Planning Committee in June 2020 where a similar application was approved in Guyhirn, where a mobile home which was on the site which was removed and a substantial dwelling and garage of over 350% larger than the mobile home was built, with this application being closer to the River Nene and also in Flood Zone 3. He stated that there have been no objections to the proposal before the committee today and all consultees support it and, in his opinion, the officer's concerns with regard to the scale and design are outweighed by the positives of the application in terms of the street scene improvement, health and wellbeing and improvements against potential flood risk.

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

- Councillor Sutton stated that he can understand why officers have made their recommendation as they have to adhere to policy. He added that there are a number of benefits to replacing the mobile home to a better insulated dwelling and expressed the view that the officers have stated that the proposal is out of character with the area, but he does not agree with that. He added that there are many varied dwellings in Euximoor Drove and some are over 100 years old, and some are far newer and are adjacent to the older ones. Councillor Sutton expressed the view, with regard to the point made concerning visibility splays, that there are very few vehicles in Euximoor Drove which cross the bridge and where the application site is there are only 5 dwellings which are going to pass the site entrance. He added that it is a single-track road, and he is very familiar with it and, in his opinion, the visibility would be no different to what is currently there now and although he can understand the concerns of the Highways Officer he does not agree with those concerns. Councillor Sutton expressed the opinion that he will be going against the officer's recommendation as, in his view, the value of the dwelling to the family and the costs of their new heating will come down drastically.
- Councillor Mrs Davis stated that she will also be going against the officer's recommendation. She referred to the minutes of the last Planning Committee meeting where she had stated on the Goldenview application that the committee must be careful that they do not set a precedent and now the committee have an application before them which

is similar and for that reason, she cannot see any reason why this application should not be approved.

- Councillor Skoulding stated that he totally agrees with the comments made by Councillor Sutton.
- Councillor Cornwell stated that he appreciates that officers have to adhere to policy and the Local Plan, which, in his opinion, has a gap in it when considering rural areas. He expressed the opinion that the proposal site is in a small hamlet and stated that it is an old Fenland settlement. Councillor Cornwell expressed the view that there are a lot of positives with the application which outweigh the negatives and whilst he appreciates the views of the officers, he will support the application.
- Councillor Topgood stated that he will support the application and that when reviewing the consultations there are 12 supporting comments and 8 of those are neighbouring properties. Councillor Topgood expressed the opinion that the dwelling will be better for the family's health and wellbeing.
- Councillor Mrs French stated that she agrees with Councillor Mrs Davis that a precedent has been set and she will be going against the officer's recommendation. She stated that the health and wellbeing and heating efficiencies are positive points for the application. Councillor Mrs French expressed the view that she anticipates that there may well be further applications in this area, with the proposal being in the middle of nowhere. She added that she does not see any issue with regards to the visibility splays.
- Councillor Murphy stated that he agrees with the comments made by members and added that as a precedent has been set then the application cannot be considered on its own merits. He expressed the view that there does not appear to be any objections to the proposal, and he will be supporting the application.
- Councillor Miscandlon stated that he understands the officers are reticent to recommend the application for approval. He added that with regard to the visibility splay concerns, if an optical mirror is installed on the opposite side of the road that may help. He stated that he will be supporting the application.

Proposed by Councillor Sutton, seconded by Councillor Skoulding and agreed that the application be APPROVED against officer's recommendation with delegated authority being given to officers to apply appropriate conditions.

Members did not support the refusal of planning permission as they feel that the benefits of the proposal outweigh policy consideration, the proposal would not be out of character with the area as a whole and that the position with the visibility splays is no different to the current situation, with there being no accident data to prove anything different.

**P83/21 F/YR21/1218/F
LAND NORTH WEST OF SUNNYSIDE, COX'S LANE, WISBECH
ERECT 4 X 2-STOREY 5-BED DWELLINGS WITH DOUBLE GARAGES**

David Rowen presented the report to members and drew their attention to the update report which had been circulated. He added that the report also omitted to state that the application site falls within the West Wisbech Broad location for growth within the Local Plan and stated that as members are aware this is an indicative allocation and will need the preparation of a Broad Concept Plan across the identified area. David Rowen stated that the application needs to be determined on its own merits in relation to the characteristics and impact of the site and the locality and, therefore, the West Wisbech Broad Location for growth does not have an impact on the consideration of the application or on the recommendation before members.

Members received a presentation, in accordance with the public participation procedure from Tim Slater, the agent. Mr Slater stated that the planning arguments in respect to land in and around this location are well rehearsed with a number of new developments and dwellings approved along Barton Road and Cox's Lane in the last 5 years and within the scope of the current Local Plan. He

expressed the view that members will be aware that clearly the site lies within the West Wisbech - Urban Extension 'broad area of search' designated in Local Plan policies LP7 and LP8.

Mr Slater added that the status of the site is somewhat unclear as the towns in the settlements in the Fenland Local Plan do not have a defined boundaries and as such the delineation of urban and rural policies is a matter of judgement. He referred to the Local Plan insert map, which is on page 40, showing the site and its surrounds shaded grey to indicate that they are part of the urban area of Wisbech.

Mr Slater expressed the view that the broad area of search enables, and indeed encourages, development to come forward in this area and the Stow Lane appeal decision indicates that smaller pockets of development can come forward in these areas, provided that they do not prejudice the wider development envisaged in LP8 and clearly this small row of homes will not undermine this wider aim. He made the point that within 50m of the site there have been 6 new homes approved since 2018 under the current Local Plan and the various alterations to the National Planning Policy Framework (NPPF) have not really changed the position in relation to this site and it is, therefore, considered that there is a strong precedent for new dwellings in this locality having regard to the Council's interpretation of the Local Plan policies.

Mr Slater expressed the view that regarding impact on character it is contended that the development is not materially harmful to the character of the area having regard to the allocation of the wider area as an area for significant planned growth in the adopted Local Plan, with the site being an infill frontage plot and has relatively recent development to both the north and south of it on Cox's Lane. He expressed the opinion that the recent approval of the residential permission in the area in conjunction with the approval for the care home off Barton Road and the application by the County for a special school off Barton Road to the west of the site will continue to consolidate a significant urban/built form in this area.

Mr Slater stated that with regards to Highways, the geometry of the junction of Cox's Lane with Barton Road is an existing issue, and the addition of 4 dwellings is a relatively small increase in the daily traffic using Cox's Lane such that this is not considered to make a material increase. He added that the NPPF states that permission should only be refused if there is an unacceptable impact on highway safety and it is considered that the issues raised and impacts of this proposal are very similar to those in surrounding sites.

Mr Slater expressed the view that the site itself has good visibility onto Cox's Lane and the geometry of the road dictates that road speed past the site and onto the junction with Barton Road will be significantly lower than the speed limit suggests. He concluded by stating that, overall, it is contended that the site is in a sustainable location on the edge of Wisbech, is close to higher order services and facilities in the town, it is clear that the character surrounding the site has materially changed during the plan period such that the site is now surrounded on 3 sides by established residential development and furthermore, the scale and pattern of the development is in character with the prevailing built form in the area and the recent approvals in the immediate vicinity of the site.

Members asked Mr Slater the following questions:

- Councillor Sutton asked Mr Slater to identify the six new dwellings that he had referred to which had been approved since 2014 under the Local Plan? Mr Slater stated that there is one immediately to the north of the site, four on Barton Road and one conversion of a barn opposite.

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

- Councillor Sutton stated that he does not agree with the view that the proposal is in an elsewhere location as, in his opinion, it is adjacent to the built form, and it is infill as there are dwellings either side. He added that the road is narrow, and the Highways Officer has

raised concerns about the visibility splay being 43 metres, but Councillor Sutton is of the view that a splay can be achieved much longer than that although he is unsure what the splay is for the national speed limit. He added that the road is narrow and not used very much and, in his view, in terms of highway safety he does not see the splays as a big issue, but he does have concerns over the lack of a passing place, and he would have liked to have seen a passing place included on the plans between the dwellings to alleviate some of his concerns. Councillor Sutton expressed the view that he would like to see the application deferred in order to ask the applicant to submit revised plans to include a passing place. He added that it would be a shame for the application to be refused as the proposal is for four lovely houses and there is a demand for the type of housing proposed. Councillor Sutton that there is no large accident data to determine that the location is dangerous, and whilst the Highways Officer has raised concerns over the junction and he agrees that it is a tight junction, but, in his view, it is no tighter than other junctions that exist and he cannot find any accident data to substantiate that the junction is dangerous.

- Councillor Cornwell stated that, in his view, Cox's Lane is very narrow and the junction onto Barton Road is diabolical. He expressed the opinion that over the years Magazine Lane, a nearby road, has been designed deliberately, to reduce the width of the road at the bottom end to keep traffic off Cox's Lane. Councillor Cornwell added that over the years development has been allowed, with this proposal filling in between other dwellings and he would also welcome the idea of a passing place.
- Councillor Mrs French stated that she can recall a small development of homes which were approved in 2010 and at that time the condition of the road surface in Cox's Lane was raised. She expressed the view that the application is infill development as a result of applications being approved historically. Councillor Mrs French added that she would not like to see the application deferred just for the consideration of a passing bay and she will consider going against the officer's recommendation and approving the application.
- Councillor Miscandlon stated that the proposed dwellings are likely to be family homes and are likely to include children. He added that there are no safety measures in place like a footpath for children to walk up the lane and, in his view, it is dangerous, and a passing space would alleviate his concerns, but it does not form part of the application before the committee. Councillor Miscandlon expressed the view that officers have made the correct recommendation and the application should be refused and the applicant should bring a further proposal forward with measures included to mitigate the safety concerns of the lane.
- Councillor Connor stated that he has visited the site and agrees with some of the points raised by Councillor Sutton. He added that when he visited the site there was no traffic in the lane which he agrees is very narrow. Councillor Connor expressed the opinion that he does not see any issues with regard to the junction as long as you are careful.
- David Rowen stated that the main points raised by members during their debate appears to be on highway safety and he referred them to 5.2 of the officer report, where the Highway Officers comments are detailed and set out the numerous issues that he has in his professional opinion with the application and the suitability of Cox's Lane to serve the development. David Rowen expressed the view that by visiting the site and concluding that there were no cars should be disregarded as the Highways Officer has stated that an additional four houses can generate additional traffic and will, therefore, have an impact. He expressed the opinion that the Highways Officer objection is one of the most detailed responses he has seen against an application and referred to the last Planning Committee, where members refused an application where the Highways Officer was in favour of the proposal.
- Councillor Mrs French asked officers whether the application could be deferred to give the applicant the opportunity to look at the highway issues that have been raised. David Rowen stated that the passing place does not form part of the current application and there is no indication or guarantee that that could be delivered, and the Highway Authority have not provided any indication that the provision of a passing bay would alleviate any of their concerns. Councillor Mrs French expressed the opinion that it would be better to refuse the application and then the applicant could resubmit their proposal with consideration given to

the highway issues. David Rowen explained that it is the application before members that needs to be determined.

- Councillor Sutton stated that he cannot consider the application in its current form, but he would consider it if a passing bay was included as it would make it much safer.

Proposed by Councillor Sutton, seconded by Councillor Skoulding and agreed that the application be DEFERRED to enable the applicant to consider the provision of a passing bay, which was not supported at the vote by the majority of members.

Nick Harding stated that there is a proposal of deferment from Councillor Sutton in order to see whether the provision of a passing bay could be made, however, it was not listed a concern raised by the Highways Authority. Councillor Sutton stated that he appreciates the point raised.

David Rowen drew members attention to the final paragraph of the comments raised by the Highway Authority where it states, 'that it might be possible to mitigate some of the problems identified by providing a footway and formal crossing point on Barton Road but as submitted he objects to the planning application'. David Rowen stated that the Highways Officer makes no reference to a passing place alleviating any of the concerns.

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

**P84/21 F/YR21/1356/F
32 BIRCH AVENUE, CHATTERIS
INSTALLATION OF 2 X 8.0 METRE (APPROX) MASTS WITH 5NO AERIALS FOR
AMATEUR RADIO (RETROSPECTIVE)**

David Rowen presented the report to members.

Members asked officers the following questions:

- Councillor Skoulding asked whether the aerials are secured and concreted in so they cannot fall over? David Rowen stated that he was not aware whether the aerials are solidly attached into the ground and from the photographs he has seen they appear to be attached to the fence.
- Councillor Miscandlon stated that it is his understanding that the aerials should be fixed to the ground in some way or another as they are over a certain height and would need to be fixed in some way or another to the ground to negate any issues caused in the event of a lightning strike.
- Councillor Sutton stated that they are not concreted in, and the applicant has stated that on the application form that should permission be granted they will then be secured by concrete, however, at this time they are secured to the fence.

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

- Councillor Murphy expressed the opinion that officers have made the correct recommendation with the application. He added that the aerials are only secured to the fence and there are two aerials at an angle and hanging over the path. Councillor Murphy stated that one is fixed to the chimney breast and is very high and, in his opinion, they are very unsightly. He expressed the opinion that the aerials are very out of keeping with the area and as they are on a corner plot, two roads see them which, in his view, is unacceptable.
- Councillor Sutton stated that he is aware of a historical application where the householder used the masts as a form of communication due to a disability and that application was agreed. He stated that, in his view, he does not think that the aerials are causing harm, and they are no different to an aerial on a chimney. Councillor Sutton stated that the personal circumstances of the applicant are not known, and they have stated that it is not a

permanent structure. He questioned whether they could be approved subject to the stipulation of a two-year permission and then reviewed.

- Councillor Cornwell stated that he did not see them at first when he undertook a site visit. He expressed the view that the aerials are not terribly significant, and he does not have a problem with them. Councillor Cornwell stated that with regard to the safety aspect that should be the responsibility of the owner of the aerials to ensure that they are secure and safe.
- Councillor Skoulding stated that he has no problems with regard to the aerials as long as they are concreted into the ground and are safe.
- Councillor Mrs Davis stated that the application appears to be before the committee due to the fact that the neighbouring property objects to them being there. She added that there are no other objections and she added that the mast does not appear to be any different to a pole with a sky dish attached to it. Councillor Mrs Davis asked whether, if approved, a condition could be added to state that the aerials are concreted in.
- Councillor Connor stated that he called the application in as he thought it would be of interest to the committee. He added that he does see too much wrong with the application and added that there is an electricity substation next door to it. Councillor Connor referred to 9.5 of the officer's report where it states that the concerns which have been raised are with regards to safety, rather than anything else and if the aerial were concreted in then that would, in his opinion, alleviate the concerns that have been highlighted.
- Councillor Mrs French expressed the view that the aerials could be a lifeline for somebody to assist with their health and well-being but would like to see them concreted in and installed properly. She noted that Chatteris Town Council support the application and she agrees that the application should be approved.
- Councillor Sutton stated that the neighbour complained when the aerial was on the back of the property, however, the aerials have now been fixed onto the side of the property. He added that if permission was granted the applicant has stated that the aerials will be concreted in.
- Councillor Miscandlon stated that within the application there is no indication stated on how the aerials will be secured. He added that he agrees that they need to be fixed in a safe manner and expressed the view that until that information is provided, he will not be supporting the application. Councillor Miscandlon stated that he is aware that there are regulations with regard to masts and stated that he would be extremely concerned that an eight-metre pole had fallen because it had not been secured properly.
- Councillor Mrs Davis asked officers whether if approved there could a condition added to include the details of how the pole could be secured. Nick Harding stated that, in his opinion, that would involve straying into methods of construction which falls outside of the remit of planning, so that would not be possible.
- The Legal Officer stated that he has considered this and, in his opinion, a condition could be included given that the aerials are in place already and the application is a retrospective application. The committee could state that they have not had the opportunity to look at the method of installation and, therefore, a condition could be imposed to state that the aerials will be removed unless a scheme for their safe installation is submitted and approved by the Council in a specified amount of time.
- Councillor Cornwell recalled that, when this type of application was considered before, there was a requirement in the licence that the applicant has to have, and the installation of the aerials linked to the licence and historically it was dealt with in that way.

Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be APPROVED against the officer's recommendation, subject to an appropriate condition being added in consultation with the Planning and Legal Officer.

(Councillor Murphy registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of Chatteris Town Council, but takes no part in planning matters)

P85/21 **F/YR21/1358/O**
LAND WEST OF 43 LINDSELLS WALK, CHATTERIS
ERECT 1 X DWELLING (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED

This item was withdrawn from the agenda.

P86/21 **ENF/133/20/UW**
47 ST PETERS ROAD MARCH (CONFIDENTIAL)

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

It was proposed by Councillor Purser, seconded by Councillor Mrs French and AGREED that prosecution of the owners and occupiers of the land be authorised, under Section 179 of the Town and Country Planning Act 1990 (as amended).

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972).

4.06 pm

Chairman