

PLANNING COMMITTEE



WEDNESDAY, 6 APRIL 2022 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor W Sutton, Councillor D Topgood and Councillor A Miscandlon,

APOLOGIES: Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman) and Councillor R Skoulding,

Officers in attendance: David Rowen (Development Manager), Hannah Payne (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P98/21 PREVIOUS MINUTES

The minutes of the meeting of the 9 March 2022 were confirmed and signed as an accurate record.

P99/21 F/YR21/1346/F BROMSGROVE HOUSE, HONEYSOME ROAD, CHATTERIS CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE AND ERECT A TWO- STOREY SELF-CONTAINED RESIDENTIAL ANNEX INVOLVING THE DEMOLITION OF EXISTING OUTBUILDING

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that there are no objections to the application and the applicant for the proposal runs the Willows Day Nursery in Station Road, Chatteris. He explained that currently residing on site along with the applicant are other members of the extended family and the current living conditions are split between the existing dwelling and the caravan that the applicant has been residing in since 2012.

Mr Hall stated that the annexe will allow the family to stay together on site within the same curtilage and made the point that the existing building has suffered from three break ins resulting in loss of goods. He explained that the annexe has been positioned in the location of the existing brick storage building of 144 square metres which is to be demolished and the proposed annexe plan area is smaller measuring 130 square metres.

Mr Hall explained that the reason that the proposal is one and half storeys high is that, following discussions with the Environment Agency, they have requested that the bedrooms should be placed at first floor level. He added that they have also asked that the ground floor level should be raised above the ground to provide sufficient mitigation.

Mr Hall referred to the officer's site plan and pointed out the dwelling Orchard House comprises two dwellings and explained that the building directly to the north of the site was approved for an annexe in 2019 by the Planning Committee, which is also within Flood Zone 3. He pointed out the

similarities of the annexe and the current proposal and stated that it is his understanding that there was no consultation with the Environment Agency for this application.

Mr Hall referred to the Planning Committee which took place in February when an annexe at Curf Terrace was approved by members against the officer's recommendation, which is similar to the proposal before members today and he asked members to support the application.

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

- Councillor Benney stated that he is familiar with the site, and he knows the area well. He added that the photographs shown depict the open countryside, which is picturesque, however, by turning 180 degrees some of the established local businesses can be seen and, therefore, in his opinion, it cannot be classed as open countryside. Councillor Benney expressed the view that the site would have housed two fen cottages years ago and the adjacent dwelling has an annexe which is similar to the proposal, albeit the proposed dwelling has a smaller footprint. He added it will provide a good family home for the extended family to be able to reside together and he stated that there are only two dwellings plus an office at the bottom of the road and the proposal is on the outskirts of the town centre. Councillor Benney stated that he cannot recall any brownfield sites remaining in Chatteris and, therefore, in order to see the town of Chatteris to grow, development will need to take place on the outskirts of the town. He expressed the view that the proposal is a sensible option for the family to live in and he will be supporting the application.
- Councillor Mrs French referred to the agent stating that the family had been living in the caravan for ten years. She expressed the view that the dwelling adjacent to the proposal looks very nice and to raise a family in a caravan, unless you are a traveller, must be very difficult. Councillor Mrs French expressed the opinion that the building already on site is an eyesore and the proposed dwelling being reduced from 144 square metres to 130 square metres will fit nicely on the site and she will support the application.
- Councillor Sutton stated that the key issue is whether the proposal is an annexe or a standalone dwelling as he has always regarded an annexe as something for someone's parents. He expressed the view that if it is determined that it is an annexe then he could consider supporting the proposal, however, if it is decided that it is a standalone dwelling then he maybe more reluctant to support the proposal.
- Councillor Mrs Mayor stated that she agrees with the comments made by Councillor Sutton and expressed the view that she does not see the proposal as an annexe and the application should have been submitted as a separate dwelling.
- Councillor Benney expressed the view that whether it is an annexe or a separate dwelling it has been submitted as an application for an annexe and currently there are people residing in a caravan in Flood Zone 3. He added that the committee approved an application against the officer's recommendation previously, as members felt it was unsafe for people to be living in a caravan in Flood Zone 3 and with the flood risk mitigation measures in place it will make it safer for the residents to live in. Councillor Benney expressed the view that he cannot see any evidence from the officer's report to state that it is a separate dwelling, it has been presented to him as an annexe and that is what he will base his decision on.
- Councillor Miscandlon stated that the proposal has the appearance and the definition of a separate dwelling and whilst the application is for an annexe in the future that could change, and it could be sold off as a separate premise. He expressed the view that he agrees with the comments of Councillors Mrs Mayor and Sutton, he is not convinced it is an annexe, it is a separate dwelling that can be used as an annexe.
- Councillor Marks explained that in Manea, where he resides, there are many properties which were originally workplace homes and now numerous properties have been changed to annexes. He added that homes for young people are needed as many are struggling to get onto the property ladder and the proposal before the committee is a solution for the applicant's family.
- Councillor Murphy expressed the view that the proposal is not an annexe, it is a building on its own. He added that it is in Flood Zone 3, does not fit the sequential test and is down an

unadopted road. Councillor Murphy stated that the site is remote and there are more appropriate town centre locations for people to reside. He expressed the opinion that officers have made the correct recommendation.

- Councillor Benney referred to an application on Womb Farm which was approved by the committee previously and that the side of the Womb Farm development that comes out onto the bypass is connected via a footpath from the development to the town centre of Chatteris and he questioned whether that application's connectivity is any worse than the proposal before the committee now.
- David Rowen stated that the application has been submitted as an annexe but that does not mean it has to be considered as an annexe and the application should be looked at on what the application proposes as a development and in the officer's report it states that the proposal has all the elements to make it a separate dwelling. He drew members attention to the reasons for refusal as set out in the officer's report which state that the proposal would result in the construction of a self-contained residential unit and separate curtilage, the form and character is not in keeping, the proposal is a stand-alone dwelling and it needs to be considered in terms of the sequential test and flood risk. David Rowen made reference to the point Mr Hall had made with regard to the annexe which had received planning permission to the south at Orchard House and drew members attention to the description of that application which was for the erection of a detached garage with garden office and conversion of a detached garage/store to a one bed annexe with store above to include installation of an external staircase. He added that the Orchard House application is a one bed annexe and is of the scale and accommodation which would be expected as an annexe as opposed to a three bed roomed house which is what the current application proposes. David Rowen added that the Orchard House application was almost totally within the existing curtilage of that property whereas the current application has had a separate curtilage created. He stated that the distinct differences are that the Orchard House seems to be an annexe and the application before members is a self-contained three bedroomed dwelling.
- Councillor Mrs French asked whether the caravan where the family have been living in for many years had planning permission to be on the site. David Rowen stated that he was not aware of a separate planning application for the caravan, but it maybe that it was cited in the existing domestic curtilage and may not need planning permission. He added that as Mr Hall had indicated that it had been occupied as a separate living unit, it maybe something for the enforcement team to look into. Councillor Mrs French stated that after 10 years she did not think that permission would now be required.
- Councillor Sutton asked the Legal Officer for clarity over what is classed as an annexe and what is not. The Legal Officer stated in reality whether something would be considered as an annexe or a separate dwelling house would depend on the particular application and that has been set out by David Rowen and is within the officer's report. The Legal Officer expressed the opinion that from the officer's report and from the plan it does appear to look more like a separate dwelling rather than an annexe.
- Councillor Connor stated that the applicant has been on site for many years and added that the application is for an annexe and that is what members need to make their determination on.

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

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be APPROVED against the officer's recommendation, with it be delegated to officers to apply appropriate conditions including the stipulation that the annexe cannot be sold off separately from the main dwelling.

Members do not support officer's recommendation of refusal of planning permission as

they feel that the health and wellbeing of the residents will be improved, it will enhance the environment, it is not detrimental to the character of the area and does not have any impact on the neighbours.

(Councillors Benney and Murphy registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of Chatteris Town Council, but take no part in planning matters)

**P100/21 F/YR21/1522/O
LAND SOUTH EAST OF NORBROWN, HOSPITAL ROAD, DODDINGTON
ERECT UP TO 2NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from the applicant, Mr Cutteridge. Mr Cutteridge stated that the Parish Council have not given their support to the application as, in their view, the road is in poor condition, but in his opinion, there is not a single pothole along Hospital Road, and it is checked regularly. He explained that there have been objections from residents in Askham Row and having spoken to them, the residents appear to be more concerned that there will be more properties built on the land behind them should the current application be approved, and he has assured them that this will not be the case as that is where he keeps his horses.

Mr Cutteridge explained that prior to submission of the application he had a meeting with the Highway Authority where he walked the road with them and discussed the roadway with them in detail and they agreed that the road was capable of dealing with the amount of traffic currently. He stated that he also spoke to them with regards to another planning application concerning his business, due to the inclusion of a cafeteria and shop, and it was agreed that additional passing places would be included.

Mr Cutteridge explained that the road used to be the main access to Doddington Hospital for over 40 years and had far more traffic during that time. He explained that the entrance to the proposed two dwellings is right beside one of the access points that went into Doddington Hospital and added that the proposal is located 0.4 miles from the clock tower of Doddington and the village spreads for in excess of a mile in most directions.

Mr Cutteridge explained that he has no issues with walking or using a bicycle to get his children to school and the village can be accessed comfortably. He added that there is a streetlight at the end of Hospital Road which lights that area very well in the evening and the visibility from the proposed site enables anybody to be able to see the end of the road for oncoming traffic.

Mr Cutteridge stated that dog walkers use the lane regularly, he has lived there all of his life and he has never known of any accident involving any pedestrian on the road. He stated that there are 11 dwellings on Turf End Road, which is 0.5 miles from the centre of the village, with a narrower road and has a blind bend and is also no street lighting on the road which also has a hedge and one narrow verge and a further four dwellings are being built.

Mr Cutteridge explained that each of the proposed dwellings will have their own sewerage treatment plant as he is aware that Doddington is already having issues dealing with sewerage. He advised the committee that the Council have advised him that some of the properties in Hospital Road have an agricultural tie to them and stated that one of those properties was sold a few years ago to occupiers with no links to agriculture and although this was highlighted to the Council no action was taken, however, the Council have decided to make reference to this fact with this planning application. He added that there is no agricultural tie on the previous two dwellings which

have already received permission.

Mr Cutteridge expressed the view that there will be no significant change to the character of the area as there is already a building on the hospital land which is far bigger than the proposed dwellings. He stated that the Planning Officers have also stated that the occupiers will have to move their waste collection bins 30 yards to the collection point, however, there are other streets such as Thistledown and Oak Tree Close in Doddington where the bins have to be moved as far as that as well.

Mr Cutteridge expressed the opinion that the homes will be affordable family homes and he added that to buy a building plot and build your own dwelling is half the cost of purchasing your own four bedroomed home in Doddington. He explained that he has planted 10,000 new trees and made the point that Doddington is a growth village, and he does not think that the proposal site is too far outside of the village.

Mr Cutteridge confirmed that there is no flood risk on the site and there are no issues with regards to sewerage management.

Members asked Mr Cutteridge the following questions:

- Councillor Miscandlon asked Mr Cutteridge to confirm who would pay for the management of the properties sewerage system. Mr Cutteridge confirmed that each dwelling would have its own sewerage treatment plant installed and the water that comes from that will be clean enough to go into the drain.
- Councillor Sutton stated that he disagrees with the point made concerning the access points into the hospital as he is aware that historically the gatehouse was the entrance to the hospital and not Hospital Road. Mr Cutteridge responded that the gatehouse was the exit as it was a one-way system since he was a small boy and was the exit for the last 48 years.

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

- Councillor Sutton expressed the opinion that he agrees with the officer's recommendation for this application. He added that the committee had previously approved the application that had been submitted for the two dwellings which was against the officer's recommendation which at that time was an in-balance decision as the committee had felt that it was infill, however, this application, in his opinion, is a step too far.

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

Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed that the application be APPROVED against the officer's recommendation.

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal is making good use of the land, meets housing needs, Doddington is a growth village, the site is surrounded by trees and is not protruding into the open countryside, it is making good use of the depth of land and the fact that the dwellings will have their own sewerage treatment plants will not add to the sewerage issues Doddington already has.

(Councillor Connor declared that Mr Gowler, the agent, and Mr Cutteridge, the applicant, are known him, but this would have no bearing on his determination of the application)

P101/21

F/YR21/1536/O

LAND WEST OF LOWLANDS, COLLETTS BRIDGE LANE, ELM

ERECT 1NO DWELLING AND GARAGE (OUTLINE APPLICATION WITH ALL

MATTERS RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Bryant, an objector to the application. Mr Bryant referred to the presentation screen and explained that that eleven objections to the application are marked in blue with the application site being marked in red. He explained that despite appearances this is not NIMBYism and it is the local community asking the Council to uphold its Local Plan and to execute its statutory duty to have regard to the provisions of the Local Plan and the NPPF along with previous appeal decisions.

Mr Bryant stated that the residents were pleased that Elm Parish Council voted to object to this application quoting LP's 3 and 15, and the NPPF. He expressed the view that with regards to environmental protection over the last year in two brutal phases trees a long-established native hedgerow and all other vegetation were destroyed on the site and all wildlife disappeared.

Mr Bryant explained that a flock of 50-100 sparrows lived in the hedgerow and the inevitable sparrowhawks have gone and that just because this pre-emptive environmental damage by the builder that owns the land makes it look like a building site does not mean it should become one. He expressed the view that the application fails to meet the requirement of LP3, and it should be refused under the Local Plan referring to 2.1.7 where there is a reference to: "flat open landscapes and big skies" showing a view taken from Lowlands opposite the site, adding that the committee have an opportunity today to continue to protect this view that many local residents cherish.

Mr Bryant referred to sustainability and stated that in the 2014 Planning Committee minutes for this site he noted 2 quotes where it stated that "If we pass this and agree that this is sustainable and also, in Councillor Sutton's view there is not another unsustainable area in Fenland" and "Members feel that the proposal is not in a sustainable area". He referred to the next slide on the presentation screen where the table shows a striking difference in the supposedly "similar" journeys from site to amenities and along with the Planning Officer he rejects the applicant's comparison of the application site with the appeal at Eastwood End as these sites fall under different levels in the LP3 hierarchy and, therefore, as the comparison fails it means the acceptability of the site under LP3 falls with it.

Mr Bryant expressed the view that development on this site is unambiguously contrary to the Local Plan and neither Colletts Bridge nor its protection in the plan have changed since 2014, with it remaining a single-track cul-de-sac with no turning or passing places as the Cambridgeshire Highways sign at the lane entrance indicates. He made the point that development on the site fails to meet Local Plan Policies 3, 12, 15, 16 and the NPPF and expressed the view that the principle of development on the site has never been accepted by the committee and it is the case that the officer report and decision notice for the first 2014 application stated that the principle of development was accepted, however, this was based on the officer using a completely incorrect statement of LP3 for Colletts Bridge. He explained that later in 2014 this was overturned by the committee once the correct LP3 definition was used and it was made clear that development on the site is contrary to LP3 which was confirmed by the appeal inspector.

Mr Bryant stated that the applicant's design and access statement refers to that 2014 appeal decision when they comment that development on the site is, in their words "the conflict with LP3" and they then argue, using the debunked Eastwood End case, that "...it would be reasonable to conclude that the application site is within a settlement and can therefore be considered as an infill plot which is acceptable in terms of Policy LP3". He expressed the view that this is false as it ignores point 6 of that Appeal Decision which was crystal clear "...due to the sporadic nature of the development on the west side of the road I do not consider that the appeal site constitutes a single dwelling infill site within an otherwise built up frontage." and he confidently asserts that the principle of development on this site should not be acceptable to the committee and the application

should be refused for breach of LP3, 12, 15, 16 and the NPPF.

Mr Bryant reminded members of the best thing said about Colletts Bridge from 2014 'Let Colletts Bridge be as Colletts Bridge is' and asked the committee to reject the proposal and support the local community in their support of the Council's Local Plan.

Members asked Mr Bryant the following questions:

- Councillor Mrs French asked when the hedgerow that he had referred to had been removed and Mr Bryant confirmed that its removal took place last year.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that this application is before the committee as an outline application where no matters have been committed and he would be happy to accept any condition which limits the proposed dwelling type. He explained that the site is within Flood Zone 1 so both single and two storey dwellings could be accommodated on the site, with members being aware that so many sites come before them in Flood Zones 2 and 3.

Mr Edwards made reference to the officers report where it states that the site is positioned between residential dwellings known as La Chaumiere to the south and the Hazels to the north, which are both two storey detached dwellings. He expressed the opinion that the site is in a cluster of dwellings on Colletts Bridge Lane and the development of this site would fill the gap and provide a good sized family dwelling which has ideal links to neighbouring villages and towns being in close proximity to the A1101.

Mr Edwards expressed the view that the site mirrors others that have been approved recently in the district and he does not believe it will set a precedent as each application should be treated on its own merits. He made the point that the proposal comes with a number of letters of support along with the support of Environmental Health, Highways and the Environment Agency, with the proposal making the best use of the land and finishing off this part of the village and the lane as a whole.

Mr Edwards expressed the opinion that the proposed site has ample size to accommodate both surface water and foul water drainage from a treatment plant and will be subject to a soakage test carried out in accordance with BRE365, with consideration also being given to the use of rainwater harvesting and all soakaways will be positioned so as not to have any detrimental effect on neighbouring properties and building regulation compliant. He made the point that it has been said on many occasions at this committee that parcels of land like this are massively valuable to housing supply in the District and are at a prime, plots like this will be developed by self-builders or smaller developers that are being priced out of the larger sections of land due to the cost of the infrastructure and land price, small builders and self-builders employ local tradesman and agents and buy locally from local merchants, which in turn contribute to other businesses in the district.

Mr Edwards concluded by stating that the site is within Flood Zone 1, is infilling development between 2 dwellings, will utilise a section of land that has no use for farming and will provide a plot for a family to build a home on. He asked the committee to support the proposal and approve the application with the conditions you deem appropriate.

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

- Councillor Sutton stated that he knows the road very well and despite there being no objections from the Highway Authority it is single narrow track, and, in his opinion, it is not the right place for development to take place. He expressed the view that officers have made the correct recommendation which the Parish Council have also agreed with, along with two decisions made by the Planning Committee using the current Local Plan and four decisions in the previous two Local Plans, of which one application went to appeal and was dismissed. Councillor Sutton stated that there needs to be acceptance that there are some

areas which are not suitable for development, and this lane is one of those areas in his opinion. He made the point that whilst he appreciates that it is nice to see attractive dwellings in the area, it should not be at the expense of making the road more dangerous by infilling where it should not be infilled. Councillor Sutton made reference to previous applications at the site, where Councillors Miscandlon, Connor, Murphy, and Councillor Mrs Mayor along with himself were all members of the Planning Committee and a unanimous decision was made to refuse the applications and he stated that he would hope that the current committee will support him as the Ward Councillor and the Parish Council by agreeing the officer's recommendation to refuse the application.

- Councillor Miscandlon stated that he remembers the visit to site very well due to the narrowness of the lane and he agrees with point made, that the location is inappropriate for development in the way that has been proposed as it is a dangerous road, and he will support the officer's recommendation.
- Councillor Mrs French expressed the view that it is very sad that the hedgerow has been taken out for financial gain. She stated that she fully supports the officer's recommendation.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor and agreed that the application be REFUSED as per the officer's recommendation.

**P102/21 F/YR22/0012/F
AGRICULTURAL BUILDING EAST OF 723, WHITTLESEY ROAD, MARCH
ERECT 1 X DWELLING (2-STOREY 5-BED) INVOLVING THE DEMOLITION OF
EXISTING AGRICULTURAL BUILDING**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that this application come before the committee with the support of March Town Council and all other standard consultees, and although the site is within Flood Zone 3 it is no different to the whole of the village and many other developments within the district, with the submitted Flood Risk Assessment demonstrating that the scheme can be made technically safe from flooding and has the support of the Environment Agency. He added that technically the site has an address that is in March where under LP3 the majority of development is to be found in the market towns, and, in his view, although technically it is in March everyone would associate it with Turves which is a small village capable of development.

Mr Edwards explained that the site is in a cluster of dwellings with a continuous frontage of a mixture of dwelling types and it also mirrors a number of recently approved dwellings within the district and surrounding area, with a recent approval for 6 dwellings further along Whittlesey Road which comprises of 4 frontage dwellings and 2 further executive dwellings to the rear, with one of these executive dwellings only being approved under planning reference F/YR21/0832/F on 8 October 2021, this was for a revised design and the approval highlights that tandem forms of development have recently been approved in Turves. He stated that the dwelling has been designed so as not to have a detrimental impact on neighbouring properties and will utilise the existing access on to the site, which will be upgraded as required by Highways.

Mr Edwards made the point that the only window of significance that will have any impact on neighbouring dwellings is to bedroom 4 and is over 30m distance to the rear elevation of 717 Whittlesey Road. He explained that it should also be noted that the site has an existing agricultural building on it which previously had an approval for its conversion to a residential dwelling, which is believed could be converted under a Part Q application and further emphasises that a built form already exists on the site so there is already a tandem form of development on the site.

Mr Edwards expressed the view that the proposed dwelling will enhance the site, is not detrimental as the current building has no restrictions on the time it is used, and this proposal will create a use consistent with neighbouring residential dwellings. He stated that he has had a full ecology survey and report carried out on the site, which Natural England confirm that the proposed development will not have a significant adverse impact.

Mr Edwards expressed the opinion that the proposed building can be built on the site before the existing building needs to be removed so any further surveys can be carried out at the required time. He stated he would recommend any approval comes with a condition to provide biodiversity enhancements both on the building and within the site and also a landscaping condition so this can provide a habitat that encourages biodiversity.

Mr Edwards expressed the view that the proposal makes the best use of the land and will finish off this part of the village and remove any conflict between the existing residents and any future non-residential use on the site. He expressed the opinion that the proposed site has ample size to accommodate both surface water and foul water from the treatment plant and will be subject to a soakage test carried out in accordance with BRE365, consideration is also to be given to the use of rainwater harvesting and all soakaways will be positioned so as not to have any detrimental effect on neighbouring properties and building regulation compliant.

Mr Edwards asked members to approve the application with the conditions they deem appropriate, which will remove any future conflict with neighbouring residential dwellings, it has been designed so as not to have a detrimental impact on neighbouring dwellings and will provide an executive family residence for the applicant on a site that already has a building on it.

Members asked Mr Edwards the following questions:

- Councillor Sutton stated that in the site plan history it states that approval was granted on a Class Q in 2015 and was refused in 2019, which was due to a change in national guidance, and he questioned why the 2015 approval was not made use of? Mr Edwards stated that the applicant purchased the site with the approval in place and allowed it to expire, with the applicant then applying for permission himself but due to the site and size of the existing nissen hut onsite, although it can achieve a two storey development, it would have meant construction and the change in policy under Part Q meant construction could not be provided to form the first floor. Mr Edwards stated that moving forward it could come in as another Part Q but as a single storey residence. Councillor Sutton stated so there is and will be a building there regardless and Mr Edwards confirmed that to be correct.

Members asked officers the following questions:

- Councillor Murphy stated that, at 5.5 in the officer's report, it refers to local residents and interested parties, but it appears that there are five letters of objection and none of approval and he asked whether that is correct? David Rowen confirmed that there are five representations of objection and none of support.
- Councillor Sutton asked that if the Class Q had been in time was there not a fallback position which could be a material consideration? David Rowen stated that it would be a material consideration if there was a fallback position, however, there is not one.
- Councillor Miscandlon stated that the newbuilds that Mr Edwards referred to are roadside construction not backland which is what this proposal is.

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

- Councillor Sutton stated that the application is quite complex, given that it did have Class Q and then for technical reasons the second application did not get approved. He expressed the view that there is going to be residential development on the site under

Class Q for a single storey dwelling. David Rowen stated that members are not in a position to predetermine any Class Q application that is submitted in the future and whether or not it would be acceptable or qualify in terms of a Class Q application and members must, therefore, determine the application on its own merits which is a derelict agricultural building with no planning approval on it. Councillor Sutton stated that, in his view, if the application came in as a Class Q single storey proposal and passed all the relevant technical requirements it would then be used residentially and as there is already a building on site which is going to deteriorate over time, he would rather see a dwelling on the site rather than an old building.

- Councillor Benney stated that he has no strong view on the application either way, however, he has listened to the point that Councillor Sutton has made in that there could be a dwelling on the site. He added that a good home cannot be made out of an old nissen hut, and, in his view, it needs demolishing and the proposal before members will be a vast improvement on the current situation and although it does not follow the building line of the street, it has had permission on it before.
- Councillor Sutton expressed the view that although there are letters of objection, he would rather see a nice quality home rather than an old nissen hut and added that he could support the application.
- Councillor Purser stated that the outlook will improve significantly for the neighbouring properties.
- Councillor Benney stated that with regards to overlooking, Mr Edwards had advised that there is 30 metres between this proposal and the neighbouring property and 20 metres to the boundary for overlooking and therefore that is irrelevant. He expressed the view that something will be developed on the land and it will not be left in its current state and he will support the application.
- Councillor Connor stated that he called the application in for determination, and he agrees with Councillor Sutton that an application may well come back to the committee. He expressed the opinion that a nice large dwelling on the site would be far better than the current situation. He stated that all of Turves is in Flood Zone 3 and made reference to the houses built on the entrance into Turves which he stated are exceptional. Councillor Connor added that on balance he will support the application.
- Councillor Mrs French stated that something will be built on the site and it would be a vast improvement to the old nissen hut.
- Councillor Miscandlon stated that, in his opinion, if the application had come before Whittlesey Town Council, he would have recommended the application for refusal as it is backland development.
- Councillor Benney stated that the application has the support of March Town Council and, in his view, it is a good proposal and the type of house that is nice to see built in Fenland.
- David Rowen stated that the views of Town Councils and Parish Councils are not material considerations when determining an application. He added that the Council has 6.69 years housing land supply and there has been a 95% score on the housing delivery test and, therefore, there is no need to deliver housing that would not comply with the policy of the Local Plan. David Rowen explained that there is no fall-back position on the site and there is no guarantee that anything would get planning permission in the future and the application needs to be determined on its current form and not possibly what would happen in the future.
- The Legal Officer stated that the committee need to consider whether the application is contrary to policy and there are flooding issues to be considered, albeit the comments in the officer's report from the Environment Agency have stated that it is a matter for the Internal Drainage Board, who have not made any comment. She added that biodiversity should also be addressed and in terms of the permitted development point, the 2015 application was for the change of use for the existing building and not for the construction

of a different building.

- Councillor Mrs French made the point that the Internal Drainage Board, Middle Level, are not a statutory consultee.
- Councillor Benney stated that he is aware that the site is in Flood Zone 3, however, any building in Turves will be in Flood Zone 3 and there will be mitigation put in place to alleviate the flood risk at the property and he does not see any reason not to pass the application.
- Councillor Murphy asked David Rowen to clarify whether the application is classed as backland development? David Rowen drew members attention to the second recommended reason for refusal where it states 'The development proposed would, by virtue of its design and appearance, combined with its backland location appear as a unattractive and discordant feature'.

Proposed by Councillor Mrs Mayor, seconded by Councillor Miscandlon that the application be REFUSED as per officer's recommendation. This was not supported on a majority vote by members.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal makes good use of the land, although it is a small scale it is for a high-quality development, it is in or adjacent to the existing development footprint of the village and does not adversely have an impact on the surrounding countryside.

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

(Councillors Mrs French and Purser registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning matters)

**P103/21 F/YR22/0051/VOC
LAND EAST OF BANK VIEW, GULL ROAD, GUYHIRN
REMOVAL OF CONDITION 3 (MATERIALS) AND VARIATION OF CONDITION 2
(OCCUPANCY RESTRICTION) AND 8 (LIST OF APPROVED DRAWINGS),
RELATING TO PLANNING PERMISSION F/YR21/0425/F (ERECT A DWELLING (2-
STOREY 4-BED) AND DETACHED GARAGE, INVOLVING THE DEMOLITION OF
THE EXISTING GLASSHOUSES) TO ALLOW CHANGES TO ELEVATIONAL
DETAILS, TO RE-POSITION GARAGE AND CLARIFY EXTENT OF 'BUSINESS
OPERATION' ON SITE**

David Rowen presented the report to members.

Members received a written representation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent, read out by Member Services. Mr Lunn-Towler stated that it is important to make the committee aware that they recently applied to Fenland District Council for a variation of condition application, reference F/YR21/1490/VOC, which was approved and the aforementioned application was seeking the same details as this application, with one material difference. He made the point that the one material difference between the application presented to committee today, and the recently approved VOC application is that this application is seeking to move the garage to a different position, forward of the principal dwelling and consequently altering

the elevations of the garage to suit and this is the only difference.

Mr Lunn-Towler expressed the view that elements of this application regarding changes to the dwelling appearance and the various lines on the site plan have been approved by Fenland District Council already and, therefore, he asked members to focus their attention on the material part of this application, which is seeking to move the garage location. He stated that the applicant has discussed the garage position with the neighbour impacted, and whilst he has not formalised this in writing, the neighbour verbally suggested that the garage would be better in the new proposed position, as this means that cars will not be driving near the neighbour's property.

Mr Lunn-Towler expressed the opinion that this will reduce noise impact to both parties and the proposed position of the garage provides an enhancement to the site for the applicants, as to allow a clear direction of domestic parking, as well as providing more garden space to the dwelling. He respectfully requested, given the reasons presented today, that the committee support this application.

Members asked officers the following questions:

- Councillor Mrs Mayor asked officers to confirm how many Variation of Condition applications are people allowed to submit? David Rowen confirmed that it is unlimited although if the scheme becomes significantly different to the one that was originally approved then there would be the requirement for a new application to be submitted. Councillor Mrs Mayor stated that this is the second variation of condition that has been before the committee, and it is her belief that the second variation appears to be changing the garage back to where the garage was originally, and she asked for clarity over this. David Rowen confirmed that Councillor Mrs Mayor was correct in her understanding. Councillor Mrs Mayor expressed the view that a great deal of officer's time appears to be wasted dealing with applications like this that are coming backwards and forwards. Councillor Connor stated that he called the application in as he failed to comprehend that the application was exactly the same as the first application.
- Councillor Benney stated that when he attended the site, the planning notification notice affixed to the gate at the site location, does not appear to correspond with the plan in the report and he asked officers to provide clarity over the plan. David Rowen explained that there is an existing dwelling on the site which sits at the back of the current application site which was formally connected to the nursery business and does not form part of the current application.

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

- Councillor Sutton stated that he also read the original application and stated that officers have spent a great deal of time with the agent and applicant to get the application to an acceptable position and then for the applicant to decide to revert to the original application is very frustrating. He added that the time those officers have invested on this application has been lengthy and time consuming and he will fully support the officer's recommendation.
- Councillor Miscandlon stated that at 10.10 of the officer's report the Parish Council have recommended refusal of the scheme and have stated that any conditions placed on the original application should remain and he added that he totally concurs with the comments made by Councillor Sutton. He feels that officers go above and beyond what they should do to assist applicants and agents and he commended their work ethic.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor and agreed that the application should be REFUSED as per the officer's recommendation.

P104/21

F/YR22/0169/O

LAND SOUTH EAST OF 127, WYPE ROAD, EASTREA

ERECT UP TO 2 X DWELLINGS (SINGLE-STOREY) AND THE FORMATION OF AN ACCESS AND A 1.2M WIDE FOOTWAY TO FRONTAGE (OUTLINE

APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS, LAYOUT AND SCALE)

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Lee Bevens, the agent. Mr Bevens referred to the officer's reasons for refusal in the executive summary and stated that at 1.2, the previous scheme for 2 bungalows adjacent to this scheme approved back in 2019 was not residential infilling either, but members agreed that a further 2 dwellings along this section of road followed the general pattern of development along Wype Road which is ribbon or frontage development. He stated that he disagrees with officers that this proposal would fail to respect the core shape and form of the settlement by virtue of following the pattern along Wype Road with frontage development.

Mr Bevens referred to 1.3 and stated that he does not believe that the site is contrary to Policy LP12 Part A (a, c, d, and e) as the site is adjacent to the existing developed footprint of the village, being the two large, detached bungalows to the north-east and, in his view, it will not have a harmful impact on the character and appearance of the surrounding countryside, as the dwellings proposed will be single storey in height and reflect nearby dwellings. He expressed the opinion that the proposal is of a scale and in a location that is in keeping with the established form of Wype Road, which is frontage development, and it will not adversely harm the character and appearance and finally it will extend the linear features of the settlement but in a manner which is proportionate to the small village of Eastrea and will provide 2 bungalows offering a wider choice of housing.

Mr Bevens added that officers have referred to Policy LP16 (c and d) in their recommendation and the site does retain the hedgerow to the front of the site and this would be reinforced in a future reserved matters application and could be conditioned. He feels the scheme will improve the character of the local area and does not adversely impact on the street scene, settlement pattern or the landscape character.

Mr Bevens pointed out that the applicant and L Bevens Associates have spent some 18 months agreeing the relocation of the speed signage into Eastrea along Wype Road to slow down traffic entering the village and he referred to the presentation screen and pointed out that that this will see an improvement in speed reduction, with the 30mph speed limit being moved some 70 metres south-east from its former position and the national speed limit exiting the village being moved some 140m southeast from its former position. He stated that the applicant has paid for all the works to be carried out for the design and installation of these signs and explained that the proposed scheme will offer well designed bungalows, which will meet local demand.

Mr Bevens stated that the Town Council support the proposal, Environmental Health and Highways have raised no objections. He explained that the scheme has been amended to extend the footpath on this side of the road to allow pedestrians safe passage into the village centre and he asked members to re-consider the recommendation for refusal and approve the proposal based upon the local support for the scheme and the points in his presentation.

Members asked officer's the following questions:

- Councillor Mrs French asked whether the site is located on farmland or is it adjacent to farmland? David Rowen confirmed that it is an agricultural field.
- Councillor Mrs French referred to the officer's report at 5.2 and asked for clarity and an explanation on the term of noise sensitive dwellings? David Rowen stated that it is a term used by Environmental Health colleagues with regards to householders being sensitive to sources of noise from agricultural machinery.

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

- Councillor Sutton stated that he has reservations with regards to the application and stated

that on the previous two applications the committee voted against the officer's recommendation which was based on a balanced decision that it was adjacent to the built form and that it did comply to LP12. He expressed the view that the application before the committee now is similar and stated that if an additional two dwellings are approved, with the same reasoning, that it is next to the built form then it could be seen as a step too far. Councillor Sutton stated that if that mode is continued then the village of Eastrea will become joined up with the village of Benwick and it cannot be argued that the proposal is infill and, in his view, the officers have made the correct recommendation.

- Councillor Murphy stated that he agrees with the points made by Councillor Sutton and added that there should be no more development in that location.
- Councillor Benney stated that, in his opinion, the two bungalows at the entrance to the village look very nice and are pleasing to the eye when you enter the village. He added that there is a natural boundary as the road drops away along with the railway line and as the land drops away at some stage it will be in Flood Zone 3. Councillor Benney stated that he supported the previous two bungalows, and he will support this application, but he will not support any further house building in that area. He added that he appreciates the comments made by Councillor Sutton with regard to balancing up but the bungalows already on the site are lovely and the plots are nice big plots, and it will add to the village as you drive in reiterating that he will not support any further house building in that area.
- David Rowen drew members attention to the policies of the Local Plan, which seek to limit the expansion of local villages such as Eastrea into the open countryside to retain the agricultural character at the edges of the settlement. He added that members approved the two existing bungalows against the officer's recommendation, and he referred to the point made by Councillor Sutton with regards to where do you draw the line and stop development in this location. David Rowen made reference to the policy of the Local Plan and national planning policy which is to control the expansion of villages so that they do not encroach into the open countryside to the detriment and appearance of the countryside.

Proposed by Councillor Sutton, seconded by Councillor Murphy that the application be REFUSED as per officer's recommendation. This was not supported on a majority vote by members.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal is within the village boundary, is within the existing development footprint of the village, there is the need for good quality bungalows and the benefits of the development outweigh the detriment of building out into the open countryside, it will not have an adverse impact on the character and appearance of the surrounding countryside and farmland, is extending the nice entrance into the village and it will enhance the local identity of the village.

(Councillor Connor wished it to be recorded that Councillor Mrs Laws is Portfolio Holder for Neighbourhood Planning and the applicant is a relative of her late partner, but she has taken no part in the consideration of this application by the Council. Whilst he knows Councillor Mrs Laws, has met the applicant once at a function and sometimes attends Full Council meetings of Whittlesey Town Council, he has not entered into discussions on this application and considers that he is open-minded and will take into account the debate before reaching his decision on this application)

(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 the applicant is also known to her, 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)

3.34 pm

Chairman