

PLANNING COMMITTEE



WEDNESDAY, 29 JUNE 2022 - 1.00 PM

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

APOLOGIES: Councillor Mrs K Mayor and Councillor M Purser,

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

P10/22 PREVIOUS MINUTES

The minutes of the meeting of the 1 June 2022 were confirmed and signed as an accurate record.

P11/22 F/YR20/0641/F LAND SOUTH OF EASTWOOD END, WIMBLINGTON ERECT 9 X 2-STOREY 4-BED DWELLINGS WITH GARAGES INCLUDING OPEN SPACE/PLAY AREA WITH POND AND FORMATION OF 2.5M HIGH BUNDING, 2M HIGH BUNDING WITH 1M HIGH CLOSE BOARDED FENCE ON TOP, 3M HIGH CLOSE BOARDED FENCE, 3M WIDE FOOT/CYCLE PATH PARALLEL TO A141 AND 1.8M WIDE FOOTPATH ALONG EASTWOOD END TO MEET EXISTING FOOTPATH

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 explained that it states within the officer's report that the Agent has gone to great lengths to answer the points raised by the technical consultees and achieve their support of the application, and he is happy to accept the conditions they have proposed, thanking them for their support. He stated that extensive negotiations have taken place over the last year with officers to bring the application in front of the committee, which, in his opinion, addresses all of the concerns in the main to produce a high-quality scheme which is consistent with the Local Plan.

Mr Edwards stated that the site is within Flood Zone 1 of the Environment Agency maps which is not always the case, and the scheme is supported by the Lead Flood Authority. He pointed out that the site is currently pasture land, which has not been in food production for many years and the site is cut a few times a year and bailed so there is no loss of food producing land from this application.

Mr Edwards stated that the proposal has 18 letters of support from neighbours and villagers, showing, in his view, overwhelming local support for the scheme. He added that the site is within the built up area for Wimblington, which is a growth village within LP3, where development and new service provisions either within the existing urban area or a small village extension will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns,

and in his view that is exactly what has been provided in this application.

Mr Edwards expressed the view that this part of Wimblington has seen a modest amount of development over recent years both approved by the Planning Committee and at appeal, however, none of the applications have provided the level of community benefit that the current application will provide. He stated that the proposal will provide a public open space along with pedestrian and cycle route to connect the existing footpath on Eastwood End to the north east, and this in turn will provide a safe passage for both current and proposed residents to access jobs at the industrial area to the north and to the facilities with the main part of the village including shops and school.

Mr Edwards explained that the roads and footways on the site along with the public open space are to be maintained via a management company which will be funded by the nine dwellings proposed. He feels that Wimblington has a real mixture of dwelling types throughout, and believes that the scheme will enhance the area and provide large family homes on large plots with adequate separation distances so there will not be a significant detrimental impact in relation to overlooking, loss of privacy, light or outlook, which is highlighted in the report.

Mr Edwards expressed the view that the site is a comprehensive development which is consistent with Rhonda Park to the east, where a comprehensive form of development exists, and the scheme has been purposely designed so as to have minimal impact on the existing established trees on the site which has reduced the numbers proposed and provides ample space for individual households and the community as a whole. He added that it should be noted that there is currently no provision for open space in this part of the village and the site presents an exciting opportunity to include a style of dwelling that is of a high architectural quality picking up features from the adjacent area all be it with a contemporary twist, and this is an aspirational and rare opportunity in the district to provide dwellings of this calibre which has ideal access to employment and leisure both within the village and district as a whole.

Mr Edwards expressed the view that the development will provide a positive contribution to this part of the village and enhance the street scene and will reinforce the landscaping belt along the A141 Isle of Ely Way and will provide for the requirement needed to mitigate any impact from the adjacent industrial enterprises and Isle of Ely Way. He asked the committee to support the proposal and approve the application with the conditions that they deemed appropriate, making the point that he has addressed the points from the technical consultees so that it achieves their support which includes that the design picks up on features from other neighbouring dwellings, addresses the street scene, it is a transitional approach which takes into account adjacent businesses and dwellings, is within Flood Zone 1 and it is Policy LP2, 3, 12, 15 and 16 compliant.

Members asked Mr Edwards the following questions:

- Councillor Cornwell asked for confirmation as to who will be responsible for the maintenance of the bunds? Mr Edwards responded that it would fall to the responsibility of the management company.
- Councillor Mrs French asked whether any contact had been made with the Internal Drainage Board (IDB). Mr Edwards explained he had only contacted the Lead Local Flood Authority. Councillor Mrs French stated that she would have expected him to have contacted the IDB initially as the water would eventually have to be discharged into their drains. Mr Edwards explained that he has consultants in place who oversee that aspect of an application on his behalf.
- Councillor Murphy expressed the view that it is a very dangerous road and to implement a roadway and cycleway on the edge of the road is not a good idea and asked whether it would not be possible to include it on the development site instead and then come out at the junction? Mr Edwards stated that initially it was going all the way through the site, but the advice given from the Crime Prevention Officer required that it was formed in front of the hedge as opposed to behind it as they were not happy with the layout and asked for it to be brought forward which is why it was changed.

- Councillor Benney asked whether Mr Edwards would be prepared to install a metal barrier along the road for the safeguarding of pedestrians and cyclists? Mr Edwards stated that he would be prepared to accept a condition for that.
- Councillor Murphy expressed the opinion a barrier would not be a suitable option as he has seen them damaged in other locations.

Members asked officers the following questions:

- Nick Harding addressed members and explained that in terms of the position of the footway in relation to the hedge, it is his understanding that the Crime Prevention Officer has concerns that if the footpath is at the back of the hedge, there would be no natural surveillance for people using the footway and cycleway whereas if it is adjacent to the highway there will be the users of the highway who are observing the users of the footpath. He added that with regards to barriers, in his opinion, he does not think it would be appropriate to insist on the installation of a barrier as that would be the decision of the Highway Authority as it would be a piece of infrastructure that they would need to maintain going forward.
- Councillor Cornwell expressed the view that the road is a 50 mph road and questioned how pedestrians would be expected to cross the road at that point? He added that if pedestrians are being encouraged to use a northern footpath the whole point is to connect it to the village, and asked whether there are plans to introduce a crossing system at the location? David Rowen stated that at the southern end of Eastwood End, there is an island in the road which is a crossing point over the A141 from Eastwood End to King Street and the Highway Authority have expressed the opinion that it is an inadequate width to serve the footway and the footway on the other side of the A141 at King Street is also an inadequate width. He explained that is part of the reason for the recommendation of refusal as the linkage and highway infrastructure that the footway would link into is considered to be of a substandard nature.
- Councillor Sutton referred to the concerns of the footpath and he referred to the plans within the agenda pack where it shows that the footpath is within the site. David Rowen stated that a new plan has been submitted and the footway is on the other side of the hedge and, therefore, between the hedge and the A141.

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

- Councillor Skoulding expressed the view that a four bedroomed house will provide a family home and the fast road does concern him especially if there is the requirement to cross the road.
- Councillor Miscandlon stated that he observed the place where the footpath would come out and he is also extremely concerned about pedestrians crossing the A141 and cannot support the application until better safety measures are implemented.
- Councillor Cornwell stated that the existing crossing at Eastwood End is not adequate and if it is moved towards King Street is not helping the situation. He added that he would not like to be seen as somebody who supported a proposal which is so dangerous, and he cannot support the application. He added that there has to be a safer means of enabling pedestrians from the Eastwood End area to be able to cross the road.
- Councillor Murphy stated that he is not against the houses, but, in his opinion, the proposal is in totally the wrong location. He added that in its current form the application is totally wrong, and he agrees with the points made by Wimblington Parish Council.
- Councillor Sutton stated that, in his view, the committee cannot be consistent by refusing the application. He expressed the opinion that the application is no different to the three dwellings that were approved previously and to remain consistent the application should be approved.
- Councillor Benney stated that the houses are needed for the area and it is the responsibility of parents to safeguard their children, by either transporting them to school in a car or accompanying them when crossing the road. He added that it is a rural area with public transport and there are cycle ways in place, however, people still use their vehicles and

will continue to do so. Councillor Benney expressed the view that the development will probably be better without a footpath as pedestrians would then have to go through Eastwood End to get to the crossing. He stated that the development is excellent, and the houses will make a nice addition to the area, and he will support the application.

- Councillor Cornwell stated that with regards to the point made by Councillor Sutton concerning decisions of consistency, the committee have twice turned down development near the Peashill roundabout in March at the old Whittlesey Road site on exactly the same points that some committee members have made with regards to the application before them and the concerns they have of crossing the Isle of Ely Way and if the current application is approved, in his view, he would expect to see further applications being brought before the committee at the old Whittlesey Road site. Councillor Sutton stated that the difference is that two years ago the committee approved an application at this actual site.
- Councillor Mrs French stated that, in her opinion, the actual development is good and if a better crossing place was implemented it could be a good development. She added that family homes are required in Fenland and family homes have been approved in that area previously and she will be supporting the application.

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

Proposed by Councillor Sutton, seconded by Councillor Benney, and agreed that the application be APPROVED against the officer's recommendation, with authority delegated to officers to formulate suitable conditions.

Members did not support officer's recommendation for refusal as they feel that the development does not harm the open countryside and does not adversely impact the character of the area.

(Councillor Mrs Davis declared that she is the Chairman of Wimblington Parish Council and took no part in the discussion and voting thereon on this item)

(Councillor Marks declared that he knows the applicant for this application and took no part in the discussion or voting on this item)

P12/22

F/YR21/1064/O

LAND NORTH OF RATHBONE, ATKINSONS LANE, ELM

ERECT UP TO 4 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, the agent. Mr Slater stated that the background to this application is unusual in that it is not usual for the Planning Officer to repeatedly question highways advice and apparently seek a reversal of the consultation comments made. He added that members will see from the report that the application is now almost a year old and highways have commented several times and he expressed the view that given the considerable weight and importance that officers and members usually give to Highway Authority comments both the agent and applicant are surprised at this approach.

Mr Slater explained that, in policy terms, the proposal is for limited development on the edge of a limited development village as allocated in the adopted Local Plan, and as such is in accordance with the provisions of LP3 and LP12. He added that the plan, therefore, accepts that the settlement is a sustainable and accessible location for limited new housing and as consequence is deemed to

be a sustainable location having regard to the National Planning Policy Framework and Local Plan Policy 1, which is accepted in the officer's report at point 10.4.

Mr Slater expressed the view that it is clear that in spatial terms the site is well related to the historic core of the village and the services and facilities such as the pub, church and school that it contains and it is noted that the site is significantly closer to the centre of the village, and the bus services, along the Main Road than the draft allocations in the emerging Local Plan village insert for Elm. He stated that this gives the site better non-car access to Wisbech for higher order services and facilities than much of the recent development and the planned allocations.

Mr Slater explained that pedestrian and cycle access to the site is also available from Grove Gardens and Cedar Way which is shown as adopted highway meaning that the application site is only 87m from this junction. He stated that the planning objection is predicated on an increase in traffic usage on Atkinsons Lane which is a matter to which the County Council as the Highways Authority does not object.

Mr Slater stated that it appears to be the view of the planning officers that the use of the 87m of Atkinsons Lane as a shared road/footway is unsafe, and the additional traffic generated from up to 4 homes will cause demonstrable harm to safety such that the potential residents will be deterred from walking or using cycles to the detriment of transport sustainability, however, in the absence of an objection from highway on highway function or safety grounds it appears to him that the premise for this assessment is unsound and without an evidential basis and, therefore, he disagrees with this assessment and conclusion. He stated that Atkinsons Lane is narrow being between 2.4m and 2.8m in width, however, it has adequate width to accommodate refuse lorries, with the layout and access design within the site providing a turning space to allow the refuse vehicle to safely turn and this is accepted by the Council's Environmental Services officers. He added that the refuse lorries enter the site only once a week and these alone will not be material in terms of the impacting on the wider sustainability and accessibility concerns as expressed in the refusal reason.

Mr Slater made the point that Atkinsons Lane is currently very lightly trafficked and widely used for dog walking and, in his opinion, the additional of trips from 4 new homes will not substantially affect this situation. He stated that the applicant simply does not accept that the nature of Atkinsons Lane will dissuade residents from walking or cycling and it is essentially a pleasant route to walk and is lightly trafficked.

Mr Slater explained that the applicant has lived in Elm and Friday Bridge for 38 years and his wife was born in Elm some 60 years ago, they have been looking for a site to relocate to and provide a house for their son and his family for some time now and have found great difficulty in securing suitable land as most is under option, however, they are committed to the village and wish to remain there. He feels that in the absence of a substantive objection from highways in terms of safety or environmental services in terms of bin collection, it is considered that there is no evidence the proposed access will be a deterrent to walking and cycling and as such that it is and can be considered a sustainable village development within the provision of LP3 and LP12.

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

- Councillor Sutton stated that he finds it strange that the Highway Authority have not raised an objection to the application as, in his opinion, the lane is only a farm track. He added that he is aware that the Highway Authority have to deem something as severe before they can object, but feels the issues at this site are severe. Councillor Sutton expressed the view that officers have made the correct recommendation. He stated that there is not an issue with developing that particular piece of land, if the applicant can come off the Begdale Road there would not be any concerns but to come down Atkinsons Lane should not be considered.
- Councillor Mrs French stated that she has seen the comments raised by the Parish Council

who strongly object to the proposal. She added that Elm did suffer from flooding in 2020 and, in her view, officers have made the correct recommendation and she cannot support the application.

- Councillor Miscandlon stated that he agrees with the comments made by Councillor Sutton and concurred that if there had been an entrance off Begdale Road he does not think that there would have been any objections whatsoever but the entrance off of Atkinsons Lane, in his opinion, is a very poor decision as it is not even a cattle track as it is an appalling road. He stated that he will support the officer's recommendation.
- Councillor Murphy stated that he agrees with the comments already made and added that if the access was off Begdale Lane it would be fine but he cannot support the application in its current form.
- Councillor Cornwell stated that the lane is exceedingly narrow. He stated that, in his opinion, the access is not suitable and he will support the officer's recommendation.
- Councillor Miscandlon stated that there are residents in the vicinity who are using the grass verge to cut across to go down the first part of Atkinsons Lane which is totally illegal and also brings the safety concerns into the top part of Atkinsons Lane.

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

P13/22

F/YR21/1254/F

**LAND EAST OF LEVELLS COTTAGE, FORTY FOOT BANK, RAMSEY
ERECT A 2-STOREY 5-BED DWELLING WITH DETACHED GARAGE AND
STABLE BLOCK INVOLVING DEMOLITION OF EXISTING DWELLING AND
OUTBUILDINGS**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler explained that the application is to replace an existing run-down dwelling which had a fire a few years ago and has been vandalised which is why it has been boarded up. He added that the proposal will include a stables and garage on the large plot of almost 1 hectare and he has worked with the applicant and has looked at extending and renovating the existing house, however, the cost, in-particular 20% VAT, involved meant that it would make more sense to construct a new replacement energy efficient dwelling.

Mr Gowler referred to the presentation screen and highlighted the replacement dwelling approximately 1 mile further along Forty Foot Road and the figures described show that the increase in size was 150 square metres and the new dwelling was 290 square metres which was an increase of 195% which is significantly more than this application which is 186%. He stated that the next slide indicates a similar cottage located in a similarly rural location and whilst this application was not a replacement dwelling it would have still been considered under LP16 and, therefore, the large increase in size is still relevant, where the existing cottage is 140 square metres and is in a very rural location opposite Stonea Camp and with the extension the increase in floor area it equates to 255%.

Mr Gowler referred to the presentation screen and highlighted a collage of photos featuring most of the properties along Forty Foot Road. He pointed out that there are a mixture of styles and ages of properties, from 3 storey modern houses to more traditional farmhouses and due to the mixture of styles along this road, in his opinion, the design and scale of the proposal does fit in with the varied character of area.

Mr Gowler referred to the screen and pointed out three large three storey dwellings which are considerably larger in footprint area than the proposal before the committee. He made reference to Flood Zones and stated that there is an existing dwelling that can be used, however, a Flood Risk

Assessment has been undertaken and as a result the recommendation has been to raise the floor areas and, in his opinion, the proposed dwelling does fit with policy LP12 of the Local Plan and LP16.

Members asked officers the following questions:

- Councillor Cornwell stated that Mr Gowler had provided examples of old and new approved dwellings and asked whether there was a policy in place of what is considered acceptable as a replacement building and how can it be determined as to whether something is in fact too big and out of character? He expressed the opinion when referring back to the size of the original building, it would not necessarily expect any family to live in a dwelling that small and therefore any replacement is likely to be bigger, questioning how officers determine what is and what is not acceptable in relation to the calculation of sizes. David Rowen made reference to LP12(C) which states that the replacement of a dwelling which is located outside, or not adjacent to the development footprint of a settlement, will be supported with a number of criteria one of which states that it is of a similar size and scale to the original dwelling. He added that some of the properties which were exemplified by the application site are limited in facilities and modern day living and, therefore, a pragmatic approach is adopted with regards to allowing an increase in size and he made reference to a point highlighted by Mr Gowler who had identified that within the vicinity of the application site there are larger dwellings which have been allowed, however, with regards to the current application there is also another criteria set out in the Local Plan where it states that the replacement dwelling should be of a design appropriate to its rural setting and therefore it is a combination of scale, mass bulk, design, appearance and the actual characteristics of the original site and how prominent a dwelling would look in that location which all need to be considered and with all those issues combined in the case of this application officers have concluded that it is an unacceptable development.
- Councillor Mrs French asked whether the policy regarding the footprint of a development as outlined in the new emerging Local Plan will not actually adhere to planning applications? Nick Harding stated that the draft plan is taking a more flexible approach to the current adopted plan, however, very little weight can be given to the draft emerging plan in determination of planning applications and that is set out in the case law approach to using emerging plans and applying them to determine planning applications. He added that once the Local Plan is published for consultation, officers will start to make reference to that emerging plan in case reports whether that be in the form of delegated reports or reports for committee but only low levels of weight can be given to those policies when determining applications and priority should be given to the current Local Plan.
- Councillor Cornwell stated that some of the aspects of the application are open to interpretation and it is in order for the committee to take a slightly different interpretation. Councillor Connor concurred with that view.

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

- Councillor Topgood stated that he does not have an issue with the application, making the point that the current dwelling is derelict and unfortunately there are many of those within Fenland. He added that members want residents to have nice houses, making reference to LP12(c) of the Local Plan where it states that the replacement of a dwelling which is located outside or not adjacent to the developed footprint of a settlement will be supported where it is located on the footprint of the original dwelling unless an alternative position within the curtilage would enhance the setting of the building on the plot and have no adverse impact on the wider setting and, in his opinion, the proposal improves the wider setting and will improve the life of the family who live there and he will support the application.
- Councillor Benney expressed the opinion the proposed dwelling will fit on the plot very nicely and he knows that the current derelict dwelling has been deteriorating over time. He added that the site is a mess and needs to be cleared up and utilised. Councillor Benney made reference to an application in Wisbech St Mary which had an increase of 183% in square footage and a triple garage as well as another site in Gorefield which was also a

large percentage increase in floor size. He expressed the opinion that the proposal fits on the plot perfectly and enhances the area and if something else was built on the site it would be more detrimental to the area, so he will support the application.

- Councillor Mrs French stated that she agrees and in its current state it is an eyesore and there are many derelict buildings in Fenland and it would be nice to see more of these types of application submitted to demolish and rebuild. She added that she will support the application.

Proposed by Councillor Benney, seconded by Councillor Mrs French 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 does comply with all of the criteria of Policy LP12 of the Fenland Local Plan as it will make a positive contribution to the character of the area.

(Councillor Sutton declared that he knows the applicant for this application, but this will make no difference to his decision making on the application)

(Councillor Murphy declared that he knows the applicant for this application and took no part in the discussion or voting on this item)

(Councillor Marks stated that he has spoken to the applicant for this item on a rateable matter but it would not make any difference to his decision making and voting on the application)

(Councillors Benney, Connor and Mrs Davis stated that the agent for this item is known to them in a professional capacity, but it would not make any difference to their decision making and voting on the application)

**P14/22 F/YR21/1392/F
42 TAVISTOCK ROAD, WISBECH
ERECT 2 X 2-STOREY 4-BED DWELLINGS EACH WITH ASSOCIATED SINGLE
GARAGE, INVOLVING THE DEMOLITION OF GARAGE**

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 the officer's report details the fact that the application has the support of the technical consultees along with the Town Council and the number of dwellings has been reduced from four to two which has achieved the support of the planning officers. He explained that extensive negotiations have taken place over the last year with officers to bring the application to committee, and, in his opinion, the main concerns have been addressed to produce a high-quality scheme, which is consistent with the Local Plan.

Mr Edwards stated that the site is within Flood Zone 1 of the Environment Agency maps which is not always the case in Wisbech. He pointed out that the site is within the built-up area for Wisbech which is a market town within LP3, where the majority of the district's new housing should take place, with the site having an extended garden area from the host property which still retains ample amenity space which is consistent with policy.

Mr Edwards expressed the opinion that Wisbech has a real mixture of dwelling types throughout, and the scheme will enhance the area and provide good sized family homes on good sized plots with adequate separation distances so there will not be a significant detrimental impact in relation to overlooking, loss of privacy, light or outlook. He stated that the dwellings are to be constructed with materials that are sympathetic to the adjacent dwellings and street scene as a whole and the

development will provide a positive contribution to this part of the Town and enhance the street scene.

Mr Edwards asked the committee to support the proposal and approve the application with the conditions indicated and highlighted that he has addressed the points from the technical consultees so that it achieves their support, the design picks up on features from other neighbouring dwellings, addresses the street scene, is within Flood Zone 1, and is Policy LP2, 3, 12, 15 and 16 compliant.

Members asked Mr Edwards the following questions:

- Councillor Miscandlon asked that if the application is approved would he be prepared for conditions to be imposed so that the construction works do not cause issues and concerns for the existing local residents. Mr Edwards stated that if a condition were required it could be considered.

Members asked officers the following questions

- Councillor Mrs French stated that she is pleased that the applicant and agent have worked with officers to negotiate a scheme which is acceptable as it had previously been refused as it was considered as over development.
- Nick Harding stated that, in response to Councillor Miscandlon's question concerning a condition for hours of construction, a construction management plan had not been proposed as it is not something that would normally be considered for this scale of development, and given the physical constraints of the site it would only be realistic to impose an hours of construction condition and it is not possible to request that storage of material and space on site for contractors to park as there is not enough space. He added that the Council cannot stop individuals from parking on the public highway and beyond working hours there is not much else that can be conditioned. Councillor Miscandlon stated that he would be happy with such a condition to be added for construction hours.

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

- Councillor Cornwell expressed the opinion that he has no adverse comments on the proposal at all and the reduction in the number of dwellings is welcomed. He added that he would hope that if permission is granted that going forward an application will not be submitted to develop within the back gardens of the two houses.
- Councillor Topgood stated that he will support the proposal and welcomes the reduction of four houses to two. He added that Wisbech is in need of more housing and Wisbech Town Council have no objections to the proposal.
- Councillor Mrs Davis expressed the view that she will support the application and added that it is a vast improvement on the previous submission and the two dwellings will not have the impact on the neighbouring properties that the four dwellings would have done.
- Councillor Sutton stated that he will support the application and he added that the officer has worked proactively with the agent to reach a satisfactory resolution.

Proposed by Councillor Topgood, seconded by Councillor Clark and agreed that the application be APPROVED as per the officer's recommendation with a suitable standard condition applied with regards to working hours.

P15/22

F/YR22/0370/O

LAND EAST OF MILL ROAD, MURROW

ERECT 1 DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr

Jakub Blazczak, an objector to the application. Mr Blazczak referred to the location and introduction of the second layer of buildings away from the street and added that there is plenty of space to create dwellings alongside the field. He stated that the presentation has shown the views from the ditch and the property named Conway, but the only thing that can be seen from Mill Road is the hedge belonging to Conway and the bungalow itself.

Mr Blazczak referred to concerns regarding privacy, which could be mitigated by a redesign of the dwelling and upgrade of the fence. He expressed the view that the privacy concerns of the property named Conway cannot be mitigated in the future as he has been made aware that there is no possibility of erecting a fence alongside the ditch as it is not permitted and, therefore, there will be no barrier between Conway and into the bedroom of the neighboring property.

Mr Blazczak stated that the shape of the proposed plot is such that it gets narrower as it goes easterly and, therefore, the windows that will face south will face Conway. He explained that there is a long gravel driveway at the site and a separate access which is private and the only other way to shorten the route to the main road would be by creating a new access which cannot happen.

Mr Blazczak explained that there is 80 metres of gravel roadway and a stretch on the other side to drag the refuse bins for collection and the driveway is soft and cannot accommodate heavy vehicles and, therefore, any residents in a new dwelling would have to drag the bin for more than 80 metres which is not ideal for potential disabled and elderly residents.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that under LP3 of the Local Plan Murrow is a small village which in these villages' development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. He stated that he would argue that this plot of land is infilling development as it has a road frontage and follows the development line of the six dwellings numbers 16 to 24 Mill Road and will finish off this part of the village and utilise a section of land that is difficult to farm as it is adjacent to the neighbouring dwelling as seen on the proposed indicative drawings and in a corner.

Mr Edwards stated that the site is within Flood Zone 3 of the Environment Agency maps which is the same as the adjacent recently developed dwellings on Mill Road and pretty much the whole of the village, having checked Rightmove this morning there are no plots available at present in the village. He expressed the view that it has been the argument on many applications that have come before the committee previously with regards to what is the difference in developing in Flood Zone 3 in Wisbech to Murrow, as there are no plots available he feels that this satisfies the sequential test and with regards to the exception test he is prepared to accept any condition required for the construction and renewable energy requirements to make this dwelling a better standard than the adjacent ones.

Mr Edwards stated that with regards to the comments of the Wildlife Officer, unfortunately as these only came on line on the 16 June he has not had time to carry out the survey required, and at present bat surveys are being carried out so trying to get an ecologist at such short notice is impossible but he explained that should the committee be in a position to support the proposal he would be prepared to get a phase 1 report underway and would be happy to either accept a condition on this or alternatively he would accept the decision being held in abeyance until the report has been carried out, he would look to carry out any mitigation measures that would come from the report. He added that he would also ensure that the site is kept tidy periodically and as shown on the drawings there are residential dwellings adjacent.

Mr Edwards expressed the view that it has been said on many occasions at this committee that road frontage plots are massively valuable to housing supply in the District and are at a prime. He stated that plots like these 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, 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.

In conclusion, Mr Edwards expressed the view the plot is infilling development and at no greater risk of flooding as any other in Flood Zone 3 and will be technically safe, it will finish off this part of the village and any design issues can be looked at, at the reserved matters stage and he asked the committee to support the application with the conditions they deem appropriate.

Members asked Mr Edwards the following questions:

- Councillor Mrs Davis stated that the previous speaker had made reference to the long gravel driveway being soft and not suitable for heavy vehicles and she asked how it was anticipated that the construction traffic would be able to access the site? Mr Edwards stated that there have been four dwellings which have been approved off the roadway and it should be of a standard due to a condition on the original approval which identifies the required weight capacity. Councillor Mrs Davis stated that the objector does not need to be concerned then.

Members asked officers the following questions:

- Councillor Mrs Davis questioned that if there is not an ecological report attached to the application and if the application is approved, with the ecology report consequently being submitted and is negative does that mean that in principle the committee will have approved the plot to be built on. Nick Harding stated that officers would always advise against granting planning permission where there is the need for an ecology survey. He added that the ecologist has indicated in the officer's report that there may be a presence of otters or water voles which are a protected species and without that work being undertaken there is a risk of approving development and then subsequently find out that there is the protected species present and planning consent has been given for development which then cannot be retracted. Nick Harding added that officers would always advise against granting of planning consent without the ecology survey as there could be a non-compliance with the legislative requirements for protecting the protected species that may be present on the site and he added that in relation to flood risk it has been noted that no sequential test has been undertaken which is also a national policy requirement that a test is submitted as part of the Flood Risk Assessment, which means that the Council would be in breach of the national policy requirement in the determination of an application positively.
- Councillor Mrs French asked that, as the application appears to be incomplete, could it be deferred to request the ecology report and sequential test or should the application be refused and allow the applicant to resubmit their proposal. Nick Harding explained that deferment is an option but the committee but should be aware of the additional reason for refusal which is with regard to the principle of development in terms of whether it constitutes infill development.
- Councillor Murphy stated that if the ecology report has not been submitted then the committee should make a decision on the proposal. Nick Harding stated that from a decision-making option the application can be deferred, or a decision can be made on the application on the basis that the applicant had the opportunity to submit the information with the application but has not done so.
- Councillor Sutton stated that he thought a planning application should not be turned down where any issues can be conditioned, and he asked for clarity as to why the issue of ecology cannot be conditioned? Nick Harding explained that when a condition is applied there needs to be an understanding as to the scope and extent of the matter that the condition is being applied to and in the context of ecology at the current time there is no information available about what ecology is on the site.
- Councillor Mrs Davis stated that if the application was refused on the lack of sequential test and ecology then the committee would be accepting the principle of allowing development to be built in that location and, therefore, members have to be clear in their decision making.

- Councillor Miscandlon asked whether the developer has been given the opportunity to withdraw the application as the application is missing vital information that the committee need to deliberate over. David Rowen stated that not as far as he is aware, and the application has been submitted in its current form and the Council has a duty to determine it. He added that the officer's reasons for refusal have been in the public domain for a week and, therefore, the applicant has had the opportunity to withdraw the application during that time.
- Councillor Mrs French asked why incomplete applications are accepted, she feels that they should be returned along with the application fee. Nick Harding explained that the authority are under no obligation to return the application fee and once an application has been made valid the Council has an obligation to determine the application. Councillor Mrs French stated that if the information is incomplete how can that be actioned professionally. Nick Harding stated that if the application is submitted and it is subsequently found that there are shortcomings with the application then it can still be determined, and it does not need to be returned along with the application fee.

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

- Councillor Cornwell stated that the application is incomplete, and it should be made clear that applications will not be considered if they are incomplete, as it is a waste of members and officers' valuable time.
- Councillor Miscandlon stated that he concurs with the comments made by Councillor Cornwell and, in his opinion, the application should be refused.
- Councillor Mrs Davis stated that she also agrees with the comments that have been made and added that if the committee make the decision to refuse the application it should be refused in its entirety.
- Councillor Topgood stated he also agrees that it is a waste of officers' time and developers and agents should submit complete planning applications. He added that he agrees with the comments made by Councillor Mrs Davis that the application should be refused in its entirety.
- Councillor Sutton stated that he agrees with some of the points made by members, however, members must be clear with their distinction as to whether they feel that development should or should not be allowed at that location.
- Councillor Cornwell stated that the application cannot be determined because it is incomplete, and it is not the committee's fault if the information is missing.
- Councillor Sutton stated that he disagrees with the point made by Councillor Cornwell and reiterated that he specifically stated that if the application is refused as per the officer's recommendation the committee are stating that they do not feel that any development should be allowed there and if that is what is being said then there is no requirement to encourage a future application as it will be refused again.
- Councillor Benney stated that he agrees with Councillor Sutton that there have been applications brought before the committee previously which have had three and four reasons for refusal, but the committee have only refused the application for one reason and if the application is resubmitted the agent has only got to overcome one issue.
- Councillor Mrs Davis referred to the point made by Councillor Benney and stated that it appears that from the comments that he has made he is proposing to set a precedent that allows the committee to look at incomplete applications and deal with part of it and leave the other part and she expressed the opinion that she cannot agree to that. Councillor Benney stated that the process is already in place and until the process is changed the application before the committee does not need to be turned down on all three reasons.
- Councillor Connor stated that over the last 18 months, there have been 5 applications where the application in principle has been accepted and the agent has been asked to come back with further information.
- Councillor Cornwell referred to his original statement which was that the only applications that should come before the committee are ones which are complete, and they should not be considered if any element is missing.

- Nick Harding stated that the application before members is a valid application and the committee need to determine the application even though there are shortcomings with it. He added that the points made by Councillor Sutton and Benney are correct, and the committee need to look at the three reasons for refusal and look at each one in turn and make the decision as to whether they agree or disagree with each of those three reasons for refusal and if the committee disagree with them then members need to identify the reasons why and propose and complete the voting process.
- Councillor Miscandlon referred to page 146 of the agenda pack which details the three recommended reasons for refusal, and he expressed the view that none of the reasons for refusal have been fulfilled and, therefore, the application could be refused on all three counts.
- Councillor Mrs French asked again whether the application could be deferred? Nick Harding stated that it could be deferred but as the agent has stated that it may take some time to be able to source an ecologist to undertake a survey it could be a delay before the report is brought back to committee. He added that the only specification for the access drive on the previous approval in terms of construction was in relation to the access way over the drain with regard to the gravel driveway on the other side of the drain that serves the individual houses it only specifies gravel and not below gravel construction standard. Nick Harding expressed the opinion he would recommend that the committee make a determination on the application today.
- Councillor Skoulding asked whether conditions could be added with regards to the roadway? Nick Harding stated that he would not recommend a condition because he would question why there is a need to upgrade the standard of the access for one dwelling when it was not needed for the previous dwellings.
- Councillor Sutton stated that a decision must be taken on point one today.
- Nick Harding stated that there are three reasons for refusal and he appreciates that members may have an alternative view on the first recommended reason for refusal as to whether it does constitute an infill site but with regards to reasons 2 and 3, in his opinion, there is an important point of principle there and the reasons for refusal should not be ignored where the information has not been provided to clarify whether the situation is satisfactory or not which would mean that important national policies would be ignored.
- Councillor Benney expressed the view that LP1 of the Local Plan refers to building in the open countryside and he does not see that as a problem as the principle of development is already on site. He added that the ecology report is missing, and the application could be refused on that basis and with regards to Flood Zone 3, he cannot see that as a reason to refuse the application. He added that if a proposal was made to refuse the application for ecology reasons and then the ecology report was submitted at a later date, he would be satisfied with that, but he does not consider the application to be in the open countryside and he does not feel the floodzone as an issue and, in his view, it is an acceptable risk where mitigation can be put in place for it to built.
- Councillor Mrs Davis stated that the risk of refusing the application on the first aspect is that if the application went to appeal, she does not think that the Council would win. She added that reasons for ecology and the sequential test do cause her concerns and if the application were approved, it would have to come back on the ecology and flood risk points.
- Councillor Miscandlon expressed the opinion that all three points are reasons for refusal and whilst it may be in the open countryside it deviates from the line of linear development which was agreed at the time of the previous development, and it is going down behind the property named Conway and it is not an infill development.
- Nick Harding stated that if consideration is being given to dropping the flood risk reason for refusal, then members must specifically address why the national requirement for a sequential test to be submitted by the applicant does not apply to the site.
- Councillor Cornwell stated that he agrees with Councillor Miscandlon that the application should be refused on all three points so the whole application is resubmitted in its entirety.

Proposed by Councillor Miscandlon, seconded by Councillor Mrs French and agreed that

the application be **REFUSED** as per the officer's recommendation.

P16/22

F/YR21/1531/F

13 CHAPEL LANE, CHATTERIS

ERECT 2 X 2-BED SEMI-DETACHED DWELLINGS INVOLVING THE DEMOLITION OF EXISTING DWELLING

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler explained that it is proposed to demolish the existing dwelling and replace it with a pair of semidetached cottages as the existing cottage has subsidence and would require significant repairs to bring it up to a modern standard. He referred to the presentation screen and pointed out that the photo showing the site and the gap along Chapel Lane that is referred to was previously a large privet hedge which was removed by the applicant to clear the overgrown garden.

Mr Gowler stated that the new pair of houses have been moved along compared to the existing cottage, but overall, it is only 4m wider than the original cottage, therefore, in his view, the gaps in the street scene are still present they are just more balanced each side of the proposed building. He explained that by moving the properties along the windows will no longer overlook the garden of 22 Angoods Lane and the front windows will look onto the front of No.14, however, these windows are already overlooked by the road and footpath link to Angoods Way.

Mr Gowler made the point that no objections have been received from neighbours including No.14 opposite and Chatteris Town Council have supported the application. He explained that this development would provide an additional modern energy efficient small starter home within Chatteris and asked the committee to support the application.

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

- Councillor Benney stated that he has visited the site and there are 16 dwellings in the road and all but three of them are new build properties or replacements. He added that the building is not in a good state of repair and it is leaning and expressed the opinion that if it is not viable to repair it due to costs, it will stay there until it falls down and there are many properties in Fenland which are falling down. Councillor Benney expressed the view that there is a positive development before the committee and there are no objections to the proposal from any consultees. He stated that 13 out of 16 dwellings are fresh dwellings and the street scene has altered which can be seen from the change in bricks. Councillor Benney stated that had the resident at 14 Chapel Lane objected to the proposal then he may have considered the application differently. He expressed the opinion that the building is in a poor state of repair and it would be better for it to be taken down before it falls down and rebuild a new dwelling which is fit for purpose and he will support the application.
- Councillor Murphy stated that in Chapel Lane all the dwellings are houses on that side of the road and there are bungalows opposite. He added that with regards to consistency, all of the dwellings in the lane are at different angles and it is a narrow road, however, the residents on the road have lived there for some time. Councillor Murphy added that he will support the proposal.
- Councillor Miscandlon expressed the view that consideration during any construction should be given to the neighbouring properties as it is a small narrow lane and if approved a condition could be added.
- Councillor Mrs French stated that the house does have a number of cracks in it and it needs to be demolished and rebuilt.
- Councillor Topgood stated that LP16 (D) is a reason for refusal but, in his opinion, it does not detract from the local area and LP16 B, D, E, H, I and K all support the application and he will also be supporting the proposal.

- Councillor Skoulding stated that currently the site looks a mess and, in his view, the design looks fantastic and improves the area and he welcomes the proposal.
- David Rowen stated that the absence or submission of objections to a proposal is not a material planning consideration, and the application needs to be looked at on its own merits. He added that there is no objection from officers to the principle of demolishing the dwelling and replacing it, but the issue is with the detailed relationship that comes about with the form of the proposal.

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

Members do not support the officer's recommendation of refusal as they feel that the proposal makes a positive contribution to the area and without any intervention it will bring a lack of benefit to the area and it does not adversely effect any of the neighbouring dwellings.

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

(Councillor Benney stated that the applicant for this item is known to him, but it would not make any difference to his decision making and voting on the application)

(Councillors Murphy, Benney, Connor and Councillor Mrs Davis stated that the agent for this item is known to them in a professional capacity, but it would not make any difference to their decision making and voting on the application)

**P17/22 F/YR22/0084/O
LAND NORTH OF 96A TO 100 WESTFIELD ROAD, MANEA
ERECT UP TO 26 X 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 Ian Gowler, the agent. Mr Gowler explained that the application is for outline approval to establish the principle of development and if approved it is planned to be a mixture of small starter homes including 2, 3 and 4-bedroom houses. He referred to the presentation screen and explained that the photo shown indicates that although the development is an extension of the existing site of 9 dwellings it still falls adjacent to the existing developed footprint of Manea as per Policy LP12 and the open area to the north is planned to be public open space with soft landscaping as required to maintain the character of the open countryside appearance from the North.

Mr Gowler stated that a biodiversity checklist was provided as part of the application and the officer had not requested a more comprehensive ecology report prior to the committee report. He added that the site has been used for material and spoil storage for the development of nine dwellings already approved and, therefore, it is unlikely to have any ecological value, however, the applicant would be happy to an additional survey carried out along with providing ecological enhancements as a condition of the approval.

Mr Gowler stated that no details of affordable housing or offsite contributions have been requested by officers during the application, however, the applicant is happy to provide the necessary affordable housing or contributions in lieu and would also be happy to agree offsite contributions,

with the applicant not looking to carry out a viability assessment to reduce this. He explained that the details of affordable housing provision and contributions could be agreed as part the Section 106 Agreement.

Mr Gowler explained that the site is located is Flood Zone 1 which is low risk and a detailed drainage strategy was included with the application and, in his opinion, the development would help to meet the housing need of Manea by being a mixed development as it meets current policies of the Local Plan in particular LP12 contrary to the officer's recommendation. He reiterated that he would be happy for the necessary conditions to be applied if the application is approved and also the approval subject to Section 106 Agreement.

Members asked Mr Gowler the following questions:

- Councillor Mrs French stated that she is pleased that Mr Gowler has made reference to affordable homes within his presentation as the officer's report does not detail that matter. She added that there is a housing strategy but there is nothing mentioned with regards to education or other requirements. Councillor Mrs French added that 26 dwellings would require 7 affordable homes to be included within the development and at 9.33 of the officer's report it refers to the Council's Local Plan and Section 106.
- Councillor Miscandlon stated that at 9.35 of the officer's report it clearly states that the applicant is unwilling to enter in a legal agreement to provide affordable housing or any other development contributions. Mr Gowler explained that he has never been asked the question from officers with regards to biodiversity and Section 106 but added that the applicant is more than happy to enter into that, and they are not looking to submit a viability assessment to try and reduce that and are happy to go ahead with the full contributions whether that be actual physical houses or financial contributions for social housing and the offsite contributions.
- Councillor Marks asked whether going forward there is the intention to undertake further development going down towards the Darcy Road? Mr Gowler stated that the back of the development which he has indicated is heading towards Flood Zones two and three and, therefore, they have intentionally kept out of that area as it creates potential problems elsewhere and more comprehensive issues with the building. He added that it also provides more space for the attenuation pond and the required public open space, and he explained that he cannot foresee that the area would be developed particularly due to the flood zone issues.
- Councillor Cornwell asked Mr Gowler whether the missing information to accompany his application is only missing as it is an outline planning application and can be provided in due course should his application be approved? Mr Gowler stated that as part of the validation process the application paperwork should be accompanied with a biodiversity checklist and that is submitted and once it is registered if it deemed that a more comprehensive ecology report is required it is then requested by officers. He added that the area where the nine dwellings are being developed has meant that the land behind has started to be used as storage for material and plant equipment and the chance of a protected species being there would be low because the land is being disturbed all the time and that is why the checklist that has been provided is just the standard one as he feels that is enough for this application.

Members asked officers the following questions:

- Councillor Mrs French asked for the detail concerning the Section 106 matter. David Rowen stated that as part of the application, no heads of terms have been submitted and as part of the application form there is a question within that which asks for the relevant housing categories to be selected which are relevant to the proposal. He added that on the application form for this scheme the only housing category which has been ticked on the application form is market housing. David Rowen added that given the answer to that question and the absence of any heads of terms for a potential legal agreement, officers concluded that there is no Section 106 Agreement. Councillor Mrs French stated that she

would not support 26 dwellings that do not contribute to the local community.

- Councillor Miscandlon stated that he cannot support an application which does not give something back to the community and only gives profit to the developer.
- Councillor Marks asked whether a condition could be added with regards to Section 106 contributions and affordable homes? David Rowen stated that a condition for Section 106 contributions cannot be added, and he explained that either an application is granted subject to a Section 106 Agreement, or it is not. He added that the agent has indicated there is the will to enter into a Section 106 Agreement at a very late stage when there has been ample opportunity to advise officers of that fact prior to the application coming before the committee.
- Councillor Sutton stated that the officers report states the reason for the application coming to committee is number of representations contrary to the officer's recommendation and he questioned whether it should also state an objection from the Parish Council. David Rowen stated that the Parish Council object to the application and under the scheme of delegation as the recommendation is to refuse the application there is no reason for it to noted.

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

- Councillor Mrs French stated that the application is incomplete, it is for 26 houses and without a contribution under a Section 106 Agreement she cannot support the application in its present form.
- Councillor Sutton stated that he agrees, and he cannot support the application.

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

(Councillor Marks stated that the applicant for this item is known to him in a professional capacity, but it would not make any difference to his decision making and voting on the application)

(Councillors Benney and Murphy stated that the applicant for this item is known to them, but it would not make any difference to their decision making and voting on the application)

(Councillors Murphy, Benney, Connor and Councillor Mrs Davis stated that the agent for this item is known to them in a professional capacity, but it would not make any difference to their decision making and voting on the application)

P18/22

F/YR22/0118/F

LAND SOUTH EAST OF 106 WYPE ROAD, EASTREA

ERECT 3 X DWELLINGS (2-STOREY 5-BED) INVOLVING THE FORMATION OF 3 X NEW ACCESSES

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Lockhart, the developer, was also present to answer any questions from the committee.

Mr Edwards explained that the application for a maximum of 3 dwellings which was recently approved at committee and the dwellings have been constructed on site, however, the application is to remove the acoustic fence proposed to plot six only following recent approvals in the area for additional dwellings and also replacement buildings on the adjacent site. He added that the original outline approval was for six dwellings and it was developed in two separate phases of three and in the outline application there were no acoustic measures required.

Mr Edwards explained there have been a further four dwellings approved to the south of 182 Wype

Road which is the commercial property in question and there was no acoustic provision required for those and officers had stated on one of those applications that 'if there was no demonstration of noise impact it would be an unreasonable condition to add as it can not be shown that it is necessary'. He stated that it also mentioned that 'it is possible that this impact could be mitigated, however, in the absence of any demonstration or evidence of the likely observation effect of noise resulting from the agricultural operation it is not possible to determine that mitigation might be effective or how appropriate this may be particularly given the rural character of the area for example a large acoustic fence may cause additional visual harm to the rural character of the area and may therefore not be appropriate from an aesthetic point'.

Mr Edwards stated that the agricultural enterprise at 182 Wype Road has recently had 2 approvals for 2 new workshops under planning references F/YR20/0238/F and F/YR21/0872/F and on both these applications the Environmental Health Team note and accept the submitted information and have no objections to the proposed development as it is unlikely to have a detrimental effect on local air quality and noise climate. He added that both of the buildings did not require any acoustic mitigation measures.

Mr Edwards stated that as far as he is aware there have been no instances of noise complaints against the business at 182 Wype Road and as they have not had to provide mitigation, in his view, it seems unfair that his client should have to and if there was an issue there should have been an allowance for insulation in the walls and the roof of the proposed new buildings. He referred to the presentation screen and advised members that the applicant has retained the existing hedging and installed a 2 metre high close boarded fence along the boundary of number 182 which provides adequate screening as the adjacent buildings cannot be seen from the rear garden of plot 6 or the ground floor of the house.

Mr Edwards asked the committee to support the application without the need for the acoustic measures highlighted.

Members asked Mr Edwards and Mr Lockhart the following questions:

- Councillor Mrs Davis questioned Mr Edwards and Mr Lockhart and asked them to clarify why they went ahead and built plot 6 without adhering to the conditions and did not come back to the committee before it was built? Mr Lockhart stated that the officers stated that they would not support the application without the installation of the acoustic measures which included triple glazing, an acoustic fence and a balcony. He added that he agreed with these additions but questioned the balcony as it was not his idea to add a balcony which, in his view, contradicts the other required measures and he added that this has not been built because it is not required. Councillor Mrs Davis addressed Mr Lockhart and stated that what he is saying that he agreed to the conditions, but he had no intention of complying with them. Mr Lockhart added that the other applications that Mr Edwards has referred to have been approved and they have not been required to have any noise mitigation measures put in place. He added that he does not want to have anything special, he just wants to be treated the same as the other dwellings and to be treated the same as the adjacent business which has no mitigation measures and there are no mitigation measures in place for the bungalows on the other side, which has the access and egress road going into their business. Mr Lockhart explained that the 2 new workshops have received planning permission meaning that the side of his building is the back of those buildings and not the side where the doors are. He stated that he has a 2.1 metre fence, at least a 3-metre-high laurel hedge and the back of the new buildings which have been approved and, in his opinion, he does not think it is fair to insist that he installs noise mitigation measures and he would like the Council to be consistent and to treat his application the same as the other applications that have been passed.
- Councillor Topgood asked Mr Lockhart to confirm that he agreed to the conditions when they were applied to the application, and he confirmed that he had. Councillor Topgood stated that Mr Lockhart has taken it upon himself not to comply with the conditions and he asked him to explain the reasoning behind that decision making, without any consultation

with officers. He added that the photographs demonstrate that the fence has been erected but the balcony has not been included. Mr Edwards stated that a fence was erected as a precautionary measure on the boundary to stop any issues and if the acoustic fence is still required then that fence can come down and an acoustic one put in its place. He added that if there is the requirement to go back to the original approval then that will be the case and then mitigation measures will have to be brought back in. Mr Edwards explained that the reason for the application before the committee is due to the additional development that has taken place adjacent to the site and it was felt to be unfair, but if the measures have to be put back in as part of the original approval then that will have to be done.

- Councillor Marks asked whether the business was there before the development started and Mr Lockhart stated that it was. Councillor Marks asked what type of business is it? Mr Lockhart explained that it is his understanding that it is a business that looks after spraying equipment for the farming industry.

Members asked officers the following questions:

- Councillor Mrs French asked officers to explain the inconsistencies with regards to the applications. David Rowen stated that in terms of the application site, in his opinion, there has been complete consistency with the detailed schemes as there has always been the requirement for noise mitigation measures to be provided and there has been a consistent approach in terms of the replacement buildings at the agricultural business as that is the source of noise and the assessment there included whether the development is likely to increase and expand activity which would mean an increase in noise and it was considered that would not be the case and therefore there was no reasonable requirement for noise mitigation to be provided. He explained that in respect of the bungalows on the other side of the business the first permission was granted by committee against the officer's recommendation and noise may not have been addressed as part of that application and in addition there has been further permission granted for another two bungalows. David Rowen made the point that the previous decision that the committee had made in respect of the three dwellings post dated that decision on the two bungalows and the Council has accepted that there needs to be noise mitigation on plot 6.
- Councillor Cornwell stated that it is his understanding that the noise mitigation measures that were approved were intended to protect the people living in the house from any noise from the business and now the applicant wants to remove the conditions, so that whoever lives in the dwelling will not be protected against the noise and he fails to understand why anybody would not want to protect themselves from noise.
- Councillor Benney asked whether a noise assessment study has ever been carried out to ascertain noise levels from the spraying business because there is no need for the mitigation measures to be implemented if there are no noise issues identified. David Rowen stated that as part of this application to remove noise mitigation measures there would be the expectation that some sort of assessment to justify the removal of such measures would be included but the comments received from Environmental Health have stated that there is no justification contained within the application to convince them that by removing the mitigation measures the people living in plot 6 would not be adversely affected and the onus would be on the applicant in this case to commission a noise assessment and submit it with the application.
- Councillor Marks stated that if the noise assessment is done and they are an agricultural business there will be different types of noise generated at different times of year.
- Councillor Mrs Davis asked officers to clarify that the noise mitigation is required for plot six as that is the closest plot to where most of the work undertaken by the business is carried out? David Rowen confirmed that is the case.
- Councillor Connor asked officers to clarify what has changed and David Rowen stated that there is no evidence which has been provided to demonstrate that anything has changed since January 2021 when the committee approved the application with the condition of the noise mitigation measures.
- Councillor Cornwell stated that the committee have a duty to protect the wellbeing of those

residents who will reside at plot number six.

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

- Councillor Mrs Davis stated that this application concerns her and if it is approved it will set a precedent that applicants will ignore any conditions added to applications and do exactly what they want and, therefore, in her opinion she will be refusing the application.

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

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

(Councillor Miscandlon left the meeting at 5.00pm following this application)

**P19/22 F/YR22/0293/O
LAND EAST OF FERRY FARM, LONDON ROAD, CHATTERIS
ERECT 1 X DWELLING (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, the agent. Mr Slater expressed the view that the issues involved have been previously addressed and are well rehearsed. He explained that there are no technical or amenity objections to the proposal and the single reason for refusal relates to the officer's interpretation of the strategic settlement hierarchy Policy LP3.

Mr Slater stated that both the application submission and indeed the officer's report address this matter, and both also address the issue of the precedent of recent residential development established through the recent grant of permissions in the vicinity where there have been 7 plots approved in the vicinity since 2013 and most importantly for 4 dwellings approved immediately adjacent to the site since 2019. He added that it is the most recent approvals that are most relevant as they have been approved pursuant to the current Local Plan and more recent editions of the NPPF.

Mr Slater expressed the view that it is clear, having looked at the planning history in relation to development on the current application site, that the committee has consistently taken a different view to officers in respect to the interpretation of LP3 and the definition of an 'elsewhere location' and following the committee consideration of all of the recent developments on the adjacent sites the resultant decision notice notes that the committee in the consideration of the scheme concluded that the application site was not considered to be in an elsewhere location under the terms of LP3 and he added that with the committee taking this consistent position it is clear that the members consider that the principle of the development is in accordance with LP3. He added that the recent planning decisions by this committee in 2019, 2020 and 2021 have all been made under the currently adopted Local Plan having complete regard to the wording of and meaning of LP3 and he added that he would, therefore, request that in the interests of good planning and consistent decision making that the committee takes the same approach to the current application, and that planning permission is granted for the development.

Members asked Mr Slater the following questions:

- Councillor Murphy asked whether the development is going to be a dwelling for a family member and Mr Slater confirmed that it is his understanding that it will be. Councillor Murphy stated that the dwelling will be in very close proximity to the adjacent dwelling which

is why he asked the question.

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

- Councillor Benney stated that he recalls other development in the vicinity from previous planning meetings and he explained that when taking into consideration of LP3 of the Local Plan, he has stated before that the Chatteris sign is a mile further out of the town where it says Fenland begins and Chatteris begins. He added that the committee has consistently passed the other bungalow in the vicinity of the proposal site and also the second bungalow which is the other side along with three dwellings which are directly opposite on the other side of the road. Councillor Benney expressed the view that the committee cannot be consistent and refuse the application as they do not think that it is an elsewhere location when on two previous occasions, he has stated in a committee meeting that it is not an elsewhere location. He expressed the opinion that the site is within Chatteris because it is within the boundary and to remain consistent he feels the application should be approved.
- Councillor Topgood stated that he does not have an issue with the application, and Fenland is a rural area and people will have to use cars as there will never be cycleways and buses on people's doorsteps so using a car is the only option.
- Councillor Cornwell stated that he agrees with the comments made and he added that over the years approval has been given for development along London Road and as a committee there needs to be consistency. He expressed the opinion that it is not a large dwelling, and it fits in with the location and the current Local Plan does not seem to acknowledge that type of settlement and this application should be approved.
- Councillor Murphy stated that he agrees with the comments made and also expressed the view that it is not an elsewhere location as it is in somebody's front garden. He feels an elsewhere location is in the countryside and the application site is definitely not in the countryside as it is close to amenities, and he will support the proposal.
- Councillor Sutton stated that officers have been consistent in their assessment with the elsewhere location status and he added that he agrees with them. He made the point that the committee has gone against officer's recommendation in that area on three occasions and, therefore, the committee have now no choice other than to approve the application.

Proposed by Councillor Murphy, seconded by Councillor Benney and agreed that the application should be APPROVED against the officer's recommendation with authority given to officers to apply suitable conditions.

Members do not support the officer's recommendation of refusal as they feel that the proposal site is not considered to be in an elsewhere location, the development is infill and in the proximity of services and facilities.

(Councillors Benney and Murphy declared, under 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)

P20/22

F/YR22/0427/F

LAVENDER COTTAGE, SEADYKE BANK, MURROW

ERECT AN ANNEX (2-STOREY, 2 BED) INCORPORATING TRIPLE GARAGE AND POOL HOUSE

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, the agent. Mr Slater stated that with the new Local Plan emerging and having been to Cabinet in May the content of and wording of planning policies is a significant issue for the Council at this time. He added that members will be aware that there are essentially 2 types of policy,

strategic and what can go where along with impact and what will the impact of a development have.

Mr Slater made the point that the strategic objections to the application before them from the officer are based on a reinterpretation of the application submission to suppose it is a separate new dwelling and added that this is not the case as the application is made explicitly for an annex accommodation and garage and pool room incidental to the existing dwelling on site. He expressed the view that officers have reinterpreted the application as one for a new dwelling and in doing so have applied the strategic policies in terms of location and flood risk which are not appropriate for the development applied for.

Mr Slater stated that with the application description of development as submitted, Policy LP3 is not relevant to annex accommodation, as by definition it must be related to the existing residential unit as an annex cannot be on land outside of the host dwellings curtilage and as such reason 1 falls away. He added that for domestic annex accommodation a flood risk sequential test is not necessary as it by definition forms part of the established residential unit and, therefore, it is also considered that reason 3 for refusal falls away.

Mr Slater expressed the view that is, therefore, contended that the key reason for refusal must be one of impact, rather than principle as set out in reason 2. He explained that the pool is already in situ and the proposal simply seeks to put a building around it and this form of development would normally be built as permitted development under class E as it is less than 4m in height and incidental to the residential use, with the garaging itself if it were part of a single storey building would also be permitted development (less than 4m height under class E).

Mr Slater stated that the officer's report at paragraph 9.5 confirms that the external appearance of the annex is considered acceptable in its own right, which, in his opinion, seems to contradict the policies quoted in relation to design within reason for refusal 2 as both LP16d and the NPPF references, which are appearance-based policies. He added that the site lies within a well screened area with surrounding agricultural and residential properties such that the proposal will have very little visual impact outside of the immediate site.

Mr Slater stated that the Council does not have an adopted policy or indeed supplementary planning guidance in relation to the definition of and scale of annex accommodation and as such it falls as a matter of judgement in relation to scale and the relationship to the existing/host property. He explained that the main house is currently occupied by Mr Turner and his family who along with Mr Turner senior, operate Turner Contracting Ltd, which is a successful local business which operates from the yard to the rear.

Mr Slater explained that Mr Turner senior personal circumstances have changed recently, and he needs to find accommodation in the locality to enable him to be close to his family and to continue to work in the business and facilitate the transfer of the business to his son. He added that there is, therefore, an economic basis for the application to enable to continued smooth operation and transfer of the business as well as a social one to enable Mr Turner senior to remain close to his family.

Mr Slater pointed out that members will note that the definition of sustainable development in the NPPF incorporates both a social and economic strands and stated that Mr Turner senior will continue to work part time in the business and needs to be on site to assist in day-to-day operation with his input reducing over the next few years and the annex would enable him to do this whilst enabling the family occupation of the main house and business continuity during the transition. He expressed the view that it is common practice that matters of the annex accommodation being and remaining ancillary to the main house can be controlled by condition and it is noted that there are no technical objections to the proposal and the Parish Council recommend approval.

Mr Slater asked that members consider the application in the terms of its submission as annex accommodation and incidental garage/pool room as it is contended that the proposal causes no material harm in policy or impact terms.

Members asked Mr Slater the following questions:

- Councillor Sutton stated that although the swimming pool is already in place it is very small there are plans to extend it as it gives a roof lantern of five metres by two metres and a pool is probably 10 metres by 20 metres and he asked for confirmation that the current pool will not remain in its current form. Mr Slater confirmed that the swimming pool on site will not be the swimming pool.
- Councillor Mrs Davis asked whether there is a reason why Mr Turner senior needs a home which is bigger than the house that the rest of the family are currently residing in. Mr Slater explained that the actual area of the building that is accommodation is obviously a relatively small portion of it and he needs two bedrooms for his own needs plus a guest and, therefore, the actual accommodation part is first floor over the garage.

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

- Councillor Sutton stated that he has never seen an annexe before which needs a three-car garage and a swimming pool and, in his opinion, it is going to be used by the current household.
- Councillor Benney expressed the opinion that when you are caring for people you do need extra space as there is more storage and equipment required, such as hospital beds, wheelchairs and mobility aids. He added that in certain circumstances it can also be an option for a carer to come and live in the household which is possibly why two bedrooms are required. Councillor Benney expressed the view that the swimming pool may be required to assist with the care and therapy although there is nothing within the report to suggest this. He added that from what he has heard today there appears to be the need for the two bedrooms and the need for space in the building and if a pool is used for part of the therapy, which he accepts has not been proven, but these adaptations do lend to somebody who is old and wants to keep mobile and they can be a benefit to the family.
- Councillor Mrs Davis stated that if the application had come before the committee with the request for the proposal to be built because there was family that needed this type of accommodation, but it has been said that the gentleman is going to continue working part time and, in her opinion, it does not suggest that he needs all of the proposed facilities.
- Councillor Topgood stated that the report states that the ground floor of the annexe will be used jointly between the whole household, and he added that the planning regulations encourage family units and health and wellbeing of the family and to look after aging relatives. He added that the family should be applauded for their efforts and whilst the gentleman may be able to work currently there are many people who are immobile who work two or three days a week. Councillor Topgood expressed the view that he cannot see anything wrong with the application.
- Councillor Cornwell stated that families get to a stage where they take the same view where they begin to try and plan ahead for the future, and he expressed the view that he can see an increase in these types of applications. He can understand why the application included two bedrooms, but he does not think that the case has been justified properly.
- Councillor Marks referred to a previous application which committee had considered in Manea which was for an annexe accommodation. He added that unfortunately older people do need help and assistance and that is not being put on social welfare going forward.
- Councillor Benney stated that although the gentleman can work currently, health can deteriorate very quickly and, in his opinion, to have this in place before the gentleman's health deteriorates further is a very forward-thinking step.
- Councillor Mrs Davis asked officers to clarify that if the application had been submitted for this type of accommodation for ill health reasons would they have made the same recommendation. Nick Harding stated that when dealing with an application for an annexe the starting point has to be whether the proposal is of a scale which is relevant to the

context. He added that mixed in with the proposal for an annexe there are other elements which are associated with providing facilities which are shared between the annexe and the main dwelling such as the swimming pool and garaging. Nick Harding stated that nothing has been presented with regards to the health concerns and a health evidence base to justify the need for an annexe.

- Councillor Murphy stated that he thinks the proposal is totally out of context for where it is and, in his opinion, it is just a large annexe for the family.
- Councillor Cornwell asked that if somebody submits an application for an annexe do officers ask the applicants for some type of justification and if officers did not ask for more information how does the applicant know what information they have to submit? Nick Harding stated that in this case the agent is well aware as to what information needs to be submitted as part of a planning application and the agent has submitted a statement with this application to advise that the annexe is needed as the gentleman has found himself in a change of circumstances and needs to move closer to his family and is approaching semi-retirement and will hand over the business to his family.

Proposed by Councillor Sutton, seconded by Councillor Murphy and agreed that the application be REFUSED as per the officer's recommendation. This was not supported by 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 delegated authority given to officers to determine appropriate conditions.

Members do not support the officer's recommendation of refusal of planning permission as they consider that the proposal does meet the requirements of LP3 as it is an annexe, and the proposal will benefit the family and overrides the reasons stated for refusal.

**P21/22 ENF/248/19/S215
STRATHMORE HOUSE 169 FRIDAYBRIDGE ROAD ELM(CONFIDENTIAL)**

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

It was proposed by Councillor Skoulding, seconded by Councillor Cornwell 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)

**P22/22 ENF/050/21/S215
2 MARKET STREET WHITTLESEY (CONFIDENTIAL)**

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

It was proposed by Councillor Skoulding, seconded by Councillor Cornwell 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)

6.00 pm

Chairman