

# PLANNING COMMITTEE



**WEDNESDAY, 5 JULY 2023 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs M Davis, Councillor Mrs J French, Councillor P Hicks, Councillor C Marks and Councillor M Purser (Substitute).

**APOLOGIES:** Councillor S Imafidon.

Officers in attendance: Nick Harding (Head of Planning), Richard Conroy (Senior Development Officer), Sophie Hoffman (Legal Officer) and Elaine Cooper (Member Services).

**P25/23**

**F/YR21/0981/F**

**LAND NORTH OF WENNY ESTATE, CHATTERIS**

**ERECT 93 X DWELLINGS (4 X 2-STOREY 5-BED, 25 X 2-STOREY 4-BED, 40 X 2-STOREY 3-BED, 20 X 2-STOREY 2-BED AND 4 X 1-BED FLATS) WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING**

The Legal Officer made members aware that the Secretary of State has received a request to consider calling-in this planning application and they have asked the Planning Officer to let them know the outcome of the application after today's meeting.

Richard Conroy presented the report to members and drew attention to the update report that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Councillor Gowler on behalf of Chatteris Town Council. Councillor Gowler expressed the view that this is a highly controversial application which seeks to erect 93 dwellings on an area locally known and also referred to throughout the officer's report as Wenny Meadows and the proposed development is part of the overall East Chatteris Broad Concept Plan (BCP). He stated that the Town Council is relieved that this application has finally reached this stage where it can be considered by the committee as it first considered this application as consultees two years ago in August 2021 and the Town Council has taken criticism from local residents, particularly on social media, and would hope this would not be the case on any future applications.

Councillor Gowler expressed the view that the Town Council has been used as an easy target for supporters of the campaign despite being one of many consultees on the application, which has been exasperated by no action being taken by the landowner to attempt to protect a considerable investment and allowing members of the public to continue to use what is privately owned land for recreational purposes and he feels it would have been very simple to erect signs around the site to either request the public keep out or at least make them aware that it is private land. He made the point that the application has attracted 551 objections and the Parish Poll held last year returned a result of 92% of people in favour of designating the area as protected local green space, hence, being against the proposed development.

Councillor Gowler expressed the opinion that it is without doubt very unpopular with the residents of Chatteris and whilst planning decisions are not made based on popularity the reasons and justification for why there is resistance to the application should be very carefully considered. He

stated that despite the Town Council supporting the application on two/three occasions, the most recent amendment seeks to off-set biodiversity to another site in March, which is 8 miles away from the application site as it has been stated that there is no site closer to Chatteris which can be found and the Town Council deem this is not acceptable and effectively a “slap in the face” to the majority of residents in the town who are against the development anyway and whilst it might be an acceptable legal method of meeting biodiversity requirements it is quite clearly, in his view, a loophole. He referred to Section 10.113 of the officer’s report which clearly states that construction of this application will result in real term loss of on-site biodiversity.

Councillor Gowler stated that it is also of concern that through the vast array of information provided in the report for this meeting there are various references to the BCP for which this development is part of and at 10.7 it clearly states that in the emerging Local Plan the BCP allocation, along with this site, does not feature and is now shown as local green space but does go on to say that the emerging plan is at an early stage and that very little weight can be given to it. He expressed the view that the term emerging Local Plan is mentioned 22 times throughout the report and it is, therefore, extremely contradictory to consider on one hand to give very little weight to it but then to use it to support various other arguments in favour of the application, with it also bringing into question what is happening with the overall BCP as if this development is granted but the rest of the allocation is removed from the emerging Local Plan then it clearly means that many of the supporting arguments for this application will become defunct.

Councillor Gowler stated that Chatteris Town Council are extremely disappointed with the very low Section 106 contributions. He made the point that despite having judged this application as acceptable previously the Town Council can no longer support it in its current form.

Members asked questions of Councillor Gowler as follows:

- Councillor Marks asked for clarification as everyone keeps talking about a meadow but he cannot find any information looking back in history that it is actually meadow until about 10 years ago. Councillor Gowler responded that he is born and bred in Chatteris and his memories of this land as a child was that he had to run through it on cross county and it was not called a meadow at that point, it is a recent phrase amongst residents and it does seem to have been adopted in the fact that throughout the report it is referred to as Wenny Meadows and even Google Maps is now showing it as Wenny Meadows. Councillor Marks asked Councillor Gowler if he would agree that it is an open space and privately owned? Councillor Gowler agreed.

Members received a presentation, in accordance with the public participation procedure, from Councillor Carney, a District Councillor. Councillor Carney stated he is ward councillor for Chatteris North and Manea which immediately adjoins this site and he has been contacted by several of his constituents who are part of the 551 that have objected and this application has created a great deal of debate and passion throughout the town. He feels the biodiversity question seems to be a top issue and when the most recent proposal suggests offsetting the biodiversity to March it seems like a bit of a “fobbing off” exercise when taking into account the age of the piece of land in question and its physical make up, which is totally different to what is being proposed in Gaul Road, March.

Councillor Carney expressed the view that the impact on local services and infrastructure is another issue raised with him and in representations received on the application, with the fact that the Section 106 contributions, which currently stands at £28,000, when education, the NHS, Ambulance Service and Library services have all been consulted and their individual calculations all exceed that £28,000 with the exception of the Library service and he feels this needs to be discussed and deliberated by committee. He stated that residents also have concerns over water logging of this site in that if homes were to be built on the Wenny Meadow would they themselves be affected by excess water and potential flooding issues and would it create additional flooding issues for the existing properties that surround the site and looking at the officer’s report it has to

be noted that the Council for Protection of Rural England cannot seem to find any consultation with Middle Level Commissioners or the local Internal Drainage Board (IDB) and it is also noted that the Lead Local Flood Authority have objected on the basis of insufficient provision made for drainage and flooding issues advising that the local IDB be consulted, whether this has happened since publication of the agenda he cannot say.

Members received a presentation in accordance with the public participation procedure, from Kirsty Patterson, Lawrence Weetman and Katie Leach, objectors to the application and in their presentation they referred to slides displayed on the presentation screen. Ms Patterson referred to photographs by local amateur photographers who enjoy spending time at the meadow and drew attention to the 2 trees that are in the photographs, one of the sites mentioned in the BCP is to be called The Elms and these trees are the Elms, which are lovely leafed Elms initially thought to be Huntingdon Elms but they have been identified as being exceptionally rare, with The Wildlife Trust saying that they could be the best specimens in the country and the road that is going to access parts of the site is going to be passing very close to these and could put these trees at risk, although the trees themselves are not going to be removed.

Mr Weetman expressed the opinion that the Council has a statutory duty to preserve and enhance biodiversity, with this site being of County level importance for certain types of wildlife and District importance for others. He made the point that LP7(i) says BCP sites must protect on-site biodiversity not off-site mitigation and the off-setting site is far away and is only managed for 5 years, not the 30 years recommended and no attempt has been made to relocate on a less harmful site despite many being identified in the emerging Local Plan.

Ms Leach stated that in the document that was submitted by the agent as the Biodiversity and Management Plan and in their biodiversity net gain report they describe the grasslands representing habitat of important value to the Fenland District due to its relative scarcity and she feels this is important to note. Mr Weetman stated that it is these grasslands that is why it is called a meadow.

Mr Weetman stated that biodiversity and net gain is disputed between the Wildlife Officer and The Wildlife Trust, which has not been resolved so The Wildlife Trust think there will be 32% loss of on-site biodiversity units and an overall loss of 12.9% even after off-setting. He feels it is important that this has not been resolved as The Wildlife Trust are potentially considering legal action over this.

Ms Patterson referred to a statement from Martin Baker at The Wildlife Trust and she feels that the Wildlife Officer has assumed that the Planning Officer would give equal weight to The Wildlife Trust and their comments. She stated that they did contact the Wildlife Officer to say that they did not believe The Wildlife Trust's comments had been taken into account and they got a response from the Wildlife Officer saying that he thought that was a fair assessment.

Ms Patterson referred to a photo of the Manor House, with Wenny Meadows being formerly the landscaped manor park, it is nearly 200 years old and is due to be included on the local list and it would be very disappointed if it is lost before it has a chance for that local list to be published and the photo shows the medieval ridge and furrow which exists across the whole site and not just the archaeological protected area. She referred to some excerpts from historical maps from the 1840s to 1940s, with the shaded areas of these maps on the key is shown as enclosed parkland to confirm that Wenny Meadow has also been a manor park.

Mr Weetman referred to delivery of the BCP, which was covered by Councillor Gowler, but councillors need to be assured that the whole site will be delivered under LP7 of the Local Plan and should question whether this is likely as it is due to be removed from the settlement boundary and, in his view, approving just this site could result in an incongruous development on the edge of the town, which is just left isolated and surrounded by fields. Ms Patterson stated to reiterate and

support Councillor Carney's comments, the Section 106 contributions are completely insufficient compared to what the local service providers have requested and a breakdown for this is included in the officer's report so the 106 does not sufficiently compensate for the impact on existing services.

Mr Weetman stated that the Health Impact Assessment, which the report relies upon, has, in his view, lots of inaccuracies in it as it incorrectly states that Chatteris is to get a new health centre as part of the Chatteris South development which means that capacity at the health care centre at the GP surgery would not be an issue but this was removed from that development 18 months before this application was submitted, which was highlighted but the Health Impact Assessment was not updated. He expressed the view that patients already struggle, in comparison to national averages, to get appointments at the George Clare Surgery and the Health Impact Assessment incorrectly states that dentists locally are accepting NHS patients when they are not and it is also important to note that Chatteris is already due to grow by 30% based upon the approved planning applications, which is 1,400 homes or 3,500 people, and the cumulative impact of that 30% growth is not considered in the officer's report nor the health impact.

Ms Leach stated that when the site was allocated in the 2014 Local Plan it did not account for housing to the north side of Chatteris at Womb Farm, which was a windfall site and is having 249 houses developed that in 2014 were not expected to be developed and Chatteris has met the housing numbers already without development of these 93 houses. Ms Patterson stated that they have a 1,200 signature petition and the overlap on this is not complete, so this is in addition to those 551 objections on the portal.

Members asked questions of the objectors as follows:

- Councillor Benney stated that if this application is refused today there has been years to come up with a scheme on what is going to happen to the site and he attended the meeting where Mr Weetman went for the Asset of Community Value and he stated there that he had no plans to do anything with it, he had no funding and asked Mr Weetman what is going to happen to the site? Mr Weetman responded that he found the Asset of Community Value decision regrettable as the whole point was to give a 6-month period for groups to come up with a proposal, not to expect them to have a proposal in place before that Asset of Community Value listing is approved. He advised that a group has been set up called The Friends of Wenny Road Meadow which would like to explore grant funding for purchasing the site as a potential country park, with there being lots of options that would apply but because of the option agreement that the landowners have with Cannon Kirk they have not been able to explore any of those options yet.
- Councillor Benney referred to a Go Funding page set up by Mr Weetman for Chatteris Swimming Pool to save this, which raised £2,000 but the cost of purchasing it was £300,000 plus about the same again to remove the roof, with the funds raised not scratching the surface and it all very well people signing petitions but do people contribute when funding is required and is this yet another pipe dream as there has been years to set this up and he sees no evidence that there is any plan to achieve this. He feels that if there is not a plan for the site what would they do with it as by refusing this application today the benefits could be lost by passing this application? Ms Patterson responded that you are not losing the biodiversity benefits by it still being retained. Mr Weetman added that he had no involvement in that Go Funding page that was set up by the Empress Swimming Pool Trust and he would not have advocated setting up a fund-raising page before there was a concrete plan of action in place. Ms Patterson stated that there is a formal committee set up for which she is the Secretary and it has looked at revenue streams and grant applications and approached groups, with support from The Wildlife Trust, Fields in Trust and the Open Spaces Society, but legally you are unable to start raising funds for something when there is an active application and this is the decision point at which from this point onwards, depending upon the decision, when they can start and decide whether they go forward as a fund raising committee.

- Councillor Mrs French made the point that they are obviously aware this is private land and depending upon what happens today she is sure the owners are not going to just give the land to the committee so they will probably have to do a compulsory purchase on it and where do they think they would get the funds for that plus the fact that this could be years down the line and in that time the owners could fence the whole site off so it would be lost and asked if this had been considered? Ms Patterson responded in the affirmative and the main reason for their objection is the biodiversity loss rather than the public accessibility loss so they would consider that even if the land was fenced off by the owners this would be a win in the terms of biodiversity metrics as even if it is fenced off it is still there and has all its mature trees. She stated that all of the revenue streams she mentioned previously would be where they would be looking for the money to go forward with the purchase and they have reached out to the owners to say that this is something that they would be considering afterwards and they did so at the ACP hearing and had some positive conversations following this.
- Councillor Marks stated that he visited the site yesterday and he walked across a hay field and his biggest concern at the moment is that even if it is fenced off it is a fire risk and it could be ploughed up and could have crops grown on it so then you have lost most of the biodiversity and asked if they had taken into consideration that there is a proposed reservoir which is going to have hundreds of acres literally across the road from this site which the biodiversity will move to? He stated that he has seen it with Manea Car Park, which was a field that had wildlife but it moved. Ms Leach responded that the reservoir is not scheduled to happen for another 20-25 years so that is a long-term plan that is at very early stages of its development. Councillor Marks agreed but made the point that there is still land here that will in a period of time come back in and with the application site fenced off the land would be lost here anyway. Ms Leach expressed the view that it is separate to the development proposals on the meadow land and is not interrelated. Mr Weetman expressed the opinion that people recognise that a fenced off area where biodiversity is protected is a reversal change so potentially down the line it could be looked at to bringing it into community ownership, if it is built on it is lost forever. He feels the biodiversity is very special, with there being 11 priority species and 10 protected species of bats, the foraging sites if you look at the maps and ecology reports are very focussed on this particular parcel of the land, not even the wider BCP site, and, in his view, the idea that wildlife would relocate to another site if this was built upon is not what is going to happen, this wildlife would be lost completely. He made the point that the CEO of the regional Wildlife Trust and the Tree Officer said in the report the trees and wildlife on site would not survive the breakup of the habitats on the site. Ms Patterson added that a point was made about ploughing sugar beet and she does not think that is a possibility because as it is not an archaeological protected site and because it has never previously been ploughed since medieval times you would have to apply for a licence to do that and she thinks it is unlikely that a licence would be granted given the archaeological merit of the land and the same argument would be made over the biodiversity loss. Mr Weetman stated that although the officer's report states that there was no formal objection from Natural England, they did say they share the concern of The Wildlife Trust on this application and that they think the site is very important, highlighting that this type of grassland is really rare in Fenland.
- Councillor Marks made the point that it has not been decided what the land actually has been designed as, with a park and meadow being mentioned. Mr Weetman responded that it was designed as a park to look naturalistic attached to the Manor House and in those 200 years since it has become more and more wild over time and the species richness there is much greater. He stated that the reason why it is referred to as a meadow is due to the mix of grasses, which is a rare example in Fenland.
- Councillor Marks asked why has it now been cut if the land has been left and feels that the trees are in a poor state, again referring to the fire risk. Ms Patterson stated that The Wildlife Trust would like this to continue as regular cutting increases and enhances the biodiversity. She expressed the view that the land has been there 200 years and no fire has happened yet. Ms Leach added that in the Biodiversity Management Plan which was submitted by the

applicants they refer to it as a grassland. Councillor Marks made the point that it is now being referred to as grassland as well as park land and meadow land.

- Councillor Hicks referred to the report stating that there are 8 species of bird on the red list and 3 protected species of reptile and asked what the actual species are at risk? Mr Weetman responded that he cannot remember the birds off the top of his head but the reptiles include slow worms and common lizard. Ms Patterson stated that these all came from the applicant's own ecology survey at the BCP stage, with further bird and reptile surveys afterwards.

Members received a presentation, in accordance with the public participation procedure, from Andrew Hodgson, the agent. Mr Hodgson acknowledged that the application has had a lot of interest and feels it is important that he runs through the key points from the applicant's view. He made the point that this application was allocated in the Local Plan in 2013 and there were no objections from the Inspector at that time so it is endorsed by a Planning Inspector and endorsed by the Full Council and, in his view, it is effectively Fenland District Council's site as the Council allocated it and it is included within the housing figures.

Mr Hodgson stated subsequent to this it has also been through a BCP process for 325 houses which was also endorsed by the committee and his clients have made a decision to purchase the site and invest money on the back of the decisions made by the Council. He expressed the view that from a planning policy point of view it meets all the requirements of the Local Plan, it is in an approved BCP and there is an officer recommendation for approval and he feels it does not get any better than this, suggesting that if they went to appeal they would be 95% successful.

Mr Hodgson expressed the opinion that he has brought a lot of schemes in front of the Council and this is a brilliant scheme in terms of housing, with their only being 93 units so it is relatively small but the amount of package of items that are coming along with it is high. He made the point that there are no statutory consultee objections and support from the Wildlife Officer, they have sought to go over and above what they need to do on biodiversity and there is grassland on the site which cannot be moved elsewhere on the site and it has been decided to move it to some land the applicant owns at Gaul Road in March, with over 50% of that grassland being retained at the site, with them not under any obligation to make up the net gain.

Mr Hodgson stated that there is a policy that allows viability assessments to be undertaken on sites and there have been many schemes approved by this committee where no obligations have been provided and, in his view, just because this site has got some objections to it does not make it any different. He made the point that the site has had a full viability assessment and it is difficult for them as two points of access have to be created so the infrastructure costs are double and there is 8 hectares of land that has to be purchased, with only 3 hectares being developable so 5 hectares is open space and being safeguarded for the people of Chatteris, with the 5 hectares being 250% over provision of open space. He added that whilst the people of Chatteris want open space he cannot understand how they are objecting to something they want as landowners are not going to give the land over for free and it could be fenced off and have no access at all but this scheme secures 5 hectares of managed open space.

Mr Hodgson stated that in terms of biodiversity they have a very thorough environmental management plan, it secures and off-set all of the trees with no major tree being lost on the site, all the species have been taken into account and the only thing that they cannot do is the grassland which he mentioned earlier which they are looking to relocate elsewhere. He made the point that the application is offering 12% affordable housing, with most schemes in Fenland not coming with any affordable housing, and it is in excess of what they need to provide in terms of the viability assessment, with the off-site works being provided at their cost and a financial contribution for which the Council can use for whatever they want.

Mr Hodgson expressed the view that the latest viability assessment that they had undertaken on the site showed that they should not be providing anything on the scheme because of the costs involved in delivering it so with 80+ market units and 11 affordable units they are producing a significant benefit together with 5 hectares of managed open space secured forever for Chatteris, protecting all of the wildlife on the site and whilst they are off-setting they are doing this at their costs and it is just the grassland. He feels the benefits of this scheme significantly outweigh the harm, they have gone over and above what they can do for viability on this site and he is not surprised the recommendation is for approval.

Members asked questions of Mr Hodgson as follows:

- Councillor Mrs French asked if he really believes that the proposed contribution of a mere £28,000 and 12% of affordable housing is of any benefit to the residents of Chatteris, referring to the sums requested by the various bodies, and she feels that over the years the Council has been very lenient in letting these contributions drop. She feels it is crazy that biodiversity is being moved to March when there are other sites in Chatteris it could be moved to. Mr Hodgson responded that the adopted Local Plan has a policy which allows a viability assessment on schemes and it exists as it is very difficult to make schemes viable in Fenland because of the costs of housing and he feels 9 times out of 10 it is used by developers in this District, with there being numerous schemes approved across the District without any contributions. He expressed the view that this scheme is opening up the BCP area, there are significantly higher costs as a third of the scheme is sterilised by the archaeology area, 2 points of access have to be put into the infrastructure so costs are doubled and out of the 8 hectares they are buying there is only 3 hectares that is developable so they have not got the finances to provide all of the contributions that have been asked for. Mr Hodgson stated that what they can do is to try and get some affordable housing on the site and they are committed to providing 12% and the latest viability assessment showed they should not be providing anything but £28,000 will be provided so at least there will be some funds that the Council can use towards whatever it needs to be used for.
- Councillor Mrs Davis acknowledged what Mr Hodgson was saying in that 5 hectares is not being developed but there are comparable sites, such as the Belway development in Wimblington for 88 houses and they seem to have managed to afford 2 archaeological digs, EV charging points on every property, the full 25% affordable housing and £2,000 financial contribution per property and also The Elms is another site that gave the full affordable housing requirement, so she asked why in this area it cannot be achieved? Mr Hodgson responded that the costs on every site are different but they are on an obligation to buy 8 hectares of land, most of those house builders will be building on 75-80% coverage of their site, they are building on 3 hectares but having to buy 8, they are having to put in 2 road networks to open up the wider BCP area and have had significant archaeological works. He feels you cannot compare the costs on this site to other sites. Councillor Mrs Davis stated that if you look at the Belway site it is 88 houses, this one is 93, which is not a lot difference and the money they have had to pay out in putting in EV chargers, on undertaking archaeological digs, with the sites being so comparable and whilst she recognises Mr Hodgson is saying these are different sites in this particular site you are talking about the nearly the same number of houses and it is being said that contributions cannot be given. Mr Hodgson reiterated that the Belway site will be using probably 80-90% coverage of their site with built form which they get monetary returns from and they can only get returns from 3 hectares of their site out of 8 and they still have to buy it at the same rate. In his view, it is not comparable and the viability assessment has already proved that this site is unviable.
- Councillor Benney stated that he was disappointed that Mr Hodgson starts off with threatening costs because when you say this will go to appeal rather than explain the situation first he feels this is in some way a threat as councillors are always very wary of costs and he reminded him that costs are a consideration and not a material planning reason. Mr Hodgson responded that he did not mention costs in his presentation but did mention going to appeal.

- Councillor Benney stated that he is disappointed at the 12% affordable housing is being offered, with the Fenland District Council site which is also part of the BCP offering 20% and it is paying £2,000 per unit. He made the point that £2,000 is not paid by the applicant it is paid by the people who are purchasing the properties so it is being said that this cost cannot be afforded, there are higher costs but there is also a gift that keeps giving from this development as once you own the access to the other pieces of land you will charge whoever takes that land forward access over it. Councillor Benney stated that he does not agree that the £2,000 per unit is an unreasonable ask and in the emerging Local Plan, which members can give as much or as little weight to, he thinks £2,000 is very good. He referred to a house built in East Cambs and they have CIL on top of their S106 contributions and the CIL contribution was £36,000 and this still gets built and he recognises that land values are different in different parts of the world but he really feels that £2,000 per unit is not a big ask and 20% affordable housing would be a benefit to the community. Councillor Benney stated that if a deal has been done to buy 8 hectares of land and the price is too high, therefore, not being able to contribute to the local economy then the sums need to be redone. Mr Hodgson responded that he does not believe the Council's site has been subject to a viability assessment and he feels when it does it will be unlikely that the developer will be able to afford those amounts of contributions. He feels the reason why the adopted policy on viability exists is to allow these schemes to come forward and get built and if the Council are going to insist that contributions are made that are not affordable these sites are not going to come forward in this Local Plan or the next one, which is why schemes have come before Council with no contributions and been approved but on this scheme they are proposing 12% affordable housing and a financial contribution, with this being a relatively small scheme at 90 units so, in his view, they are more than over providing.
- Councillor Connor asked that if this application gets approved he would like a cast iron guarantee that there is a pre-commencement condition for a wheel wash facility and a road sweeper on the site at all times. Mr Hodgson responded that yes he is happy with this and it is usually a standard condition.

Members asked questions of officers as follows:

- Councillor Benney stated that it has been mentioned at the meeting today and he has read it on social media that this land could not be ploughed straight away and asked what the legal situation is on this? Nick Harding responded that he would not be able to advise committee on matters that are not related to planning but they would not need a planning consent to plough up the field.
- Councillor Mrs Davis stated that officers are recommending this application for approval and the 2014 Local Plan is being followed but the site does not appear in the emerging Local Plan and asked what is the actual difference in why it is in one Local Plan and not the other? Nick Harding responded that very little weight can be given to the emerging Local Plan as it has gone through its first round of consultation and objections would have been received to the removal of the BCP site as a housing allocation. He advised that part of the reason why the site was deallocated from the Local Plan is that since that Local Plan was adopted there has not been any progress on implementation of that BCP notwithstanding the fact that the BCP has been adopted and in the emerging Local Plan there are several BCP sites that have been removed from the list of allocated sites. Councillor Mrs French expressed the view that she knows exactly the reason why the site has been deallocated as a lot of the BCPs have been sitting there for 20+ years and a lot of planning applications are being submitted because if they do not get them in now these sites will be lost.
- Councillor Mrs French referred to the biodiversity and moving it from Chatteris to March, which she feels is about 10 miles away and she has not heard of this before and is there not a site in Chatteris where it could be moved to. Nick Harding responded that as far as they are aware there was not a site that the applicant could reasonably acquire to do the biodiversity improvements required and they do own the land in March. Councillor Mrs French asked if the applicant has to do this biodiversity? Nick Harding responded that as has been alluded to in the presentations by both the agents and objectors the Council has



policies within the Local Plan that are there to protect and enhance biodiversity, however, when development takes place there is going to be, in most situations, biodiversity loss and sometimes that can be compensated on the site but it all depends upon how biodiversity rich the site is and whether or not the biodiversity gains being provided on site are sufficient to do the off-setting. He stated that in this situation officers feels there is not an overabundance of protected species and that is why the off-site provision of biodiversity is deemed appropriate as it can be reasonably provided for elsewhere. Nick Harding stated that as an authority the Council does not have a target that says it has got to be a specified percentage.

- Councillor Marks asked what guarantee there is if the biodiversity is moved that in 5 years time the applicant will not ask for planning on that piece of land as well and are any safeguards in place or is it just hope that it is not? Nick Harding responded that the off-site location would have safeguards and in relation to management of the off-site area there is a plan for the first 5 years and after this another management plan would be produced which would reflect how successful the first management plan has been and what other actions are required to carry on delivering the gains that are intended as the biodiversity site has to be managed for 30 years. Councillor Marks asked that if after 5 years it is not doing what it is supposed to do at that point can the developer come back and try to build more houses on this land? Nick Harding responded that they could ask as you cannot prevent someone from making a planning application but they would not get.
- Councillor Mrs Davis asked for clarification that the biodiversity levels are changing in 2024 so if this application is approved now it goes through on a lesser level, which is a good reason for the applicant to get approval now. Nick Harding responded that applications should not be determined today on the basis that if it is refused a better deal might be achieved next week. He stated that in terms of the biodiversity net gain there is a loss of 9.14 units and an off-site gain of 11.89 so there is going to be a net gain which is going to be further enhanced by hedgerow, which is detailed within the officer's report.
- Councillor Mrs French referred to Councillor Marks query regarding the land at Gaul Road, which is within her ward, with Cannon Kirk being the only developers that she has never had a complaint about the state of the roads but the land is in Flood Zone 3 and she cannot see it ever getting permission.
- Councillor Mrs French asked if the Nightlayers Internal Drainage Board had been consulted? Nick Harding responded that if there is no reference to a response in the officer's report then no comments have been received. Councillor Mrs French asked if there would have been comments with regard to the BCP as they were consulted in 2016/17? Nick Harding advised that the primary consultee is the Lead Local Flood Authority, which did originally raise objections but those objections have been satisfied.
- Councillor Hicks referred to the cycleway which crosses the road and the crossing over the main road and as far as he was aware there was supposed to be 45 metres of visible access for the cars to see but when he stepped it out where the crossing is supposed to be by the time he got to 10 strides, taking into account a stride is about 1 metre, you could not see the crossing and asked if it is an actual measurement, is it a desktop survey as this is a blind corner and whilst there is some shaving of the road that could take place it is still going to be a blind corner. Councillor Connor referred to the Crossing Improvement Plan shown on the presentation screen. Richard Conroy responded that the crossing improvement plan has been worked up between the applicant and County Council Highways, there were early versions of it and it also has a Stage 1 Safety Audit on it but there are lines on the plan showing that pedestrian crossing can see in each direction for a distance of 43 metres but on site it was possibly not appreciated the cars would be travelling in different directions, in different lanes, on different sides of the road and when this is factored it does help visibility plus the realignment of the road and removal of some of the hedging.
- Richard Conroy stated that the Senior Archaeologist at the County Council also worked very closely with the landscape architect to ensure that as much of the non-designated archaeological significance was safeguarded within the site. He stated that in 2015 there was an earthwork survey undertaken and it identified where the important areas of

archaeology were located and as a result there was an earthwork protection plan created and it identified that the western section was the area where the important archaeology was so as part of the landscaping plan that is the site of archaeology that is being protected. Richard Conroy advised that on the definition of meadow the NPPF does not define meadow or grassland and there is no designation or protection of this grassland in planning terms and the applicant has followed the mitigation hierarchy of the NPPF, trying to avoid any harm on site but they have not been able to achieve the full biodiversity improvement as a result and this is being off-set.

- Councillor Marks expressed the view that a 43 metre splay is debatable and is there any thought to extending the 20mph zone around the school? Nick Harding responded that the reason why the visibility splay distances are what they are is because the worst case scenario is that the road is 30mph and it would not be designed for 20mph as that only applies during school coming and going times.
- Councillor Mrs French stated that she attended a Transport and Highway meeting yesterday and this issue was discussed and any Town or Parish Council who want to go down the route of introducing 20mph areas can apply to the County Council to bring this forward.
- Councillor Marks asked where does the 20mph zone come in at school times? Councillor Benney responded that it starts around the corner near Cricketers Way.

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

- Councillor Marks expressed concern over the biodiversity and moving it 10 miles down the road and whilst he knows it is going to go on a site that is in Flood Zone 3 and the likelihood is that it will never get built on but things do change. He stated that he also has a concern on the road layout with the safety of not only children but adults as well.
- Councillor Hicks agreed with the comments of Councillor Marks.
- Councillor Connor advised that members must bear in mind that the road layout has been through a Stage 1 Safety Audit by the Highway Authority and whether members think they are right or wrong they are the experts and he would not like the committee to use this as a reason for refusal if this is the way this application goes as this will open the application up to challenge if it goes to an appeal.
- Councillor Benney stated that it looks like they are building out from the internal corner, it looks like it is narrow to the main highway which will increase the splay so it could probably be achieved and this could be conditioned. He expressed the view that there is another side to biodiversity as there are two supermarkets in Chatteris, Aldi and Tesco, and Tesco is not making money, you can see this by looking at the car park, with Tesco coming to Chatteris on the strength of housing growth and if more houses are not built in Chatteris Tesco's will be lost and whilst it is realised that these 93 houses will not make that much difference it is the confidence it adds to the market or takes away from the market by refusing an application like this and whilst there is other land in Chatteris that can be developed and housing targets can be met without these 93, this needs to be considered as there are more people using Tesco in an hour than there is using this field in a month and if Tesco is lost councillors will be rightly ridiculed. Councillor Benney made the point that if the application is not approved today there is nothing to stop the landowner pulling up every tree that is not protected, ploughing it up and growing sugar beet in it, which is a possibility and this application does protect the open space to the left and if refused it could all be lost. He feels the benefits need to be weighed up, there is the historical value, with the historical part in the main not being touched, which is a major part of this application and he does not like the trading off of biodiversity between Chatteris and March as he does not agree as a Chatteris Councillor that the ecology can be picked up and moved 9 miles up the road all that is being done is balancing numbers, you cannot destroy an ecosystem and expect it to pick up on another piece of scrubland and what does Chatteris get out of this, nothing. Councillor Benney stated that his biggest concern is if they lose the whole site and the green space that is being offered and if the application is refused there is nothing stopping the landowners stripping the site and fencing it off so residents will lose what they have got anyway. He does feel the landowner has a lot to answer on this, they have been remiss,

they have not spent money on signs saying keep out and allowed people to walk all over this land unhindered and just expect this application to sail through, with councillors being criticised and ridiculed through their lack of effort and their lack of investment in looking after what is seen as an asset. Councillor Benney stated that he wants to see a decision on this application today, recognising that the decision sits on a 'knife edge' and it could go either way and whilst these 93 houses are not particularly needed what damage does this do to the confidence in the housing market and growth in Chatteris and Fenland. He feels the Section 106 contributions are poor and the affordable housing provision is not to a standard that he would like to see but this does not discourage him to support the application as there is a bigger picture than biodiversity and saving a field as houses are needed in the District.

- Councillor Mrs French stated that she agrees with a lot of what Councillor Benney has said, there is the possibility that if this application is not approved it is going to be a piece of land that just stands there. She stated that she is not pleased with the lack of Section 106 contributions but it was explained that the applicant has to buy 8 hectares and they are actually giving 5 hectares back, which is a lot of land. Councillor Mrs French referred to the comments of Councillor Benney regarding Tesco and it was built because they were expecting growth within Chatteris, with Poundstretcher now being lost as it is coming to March, so this development is needed and there are people desperate for homes. Councillor Mrs French stated that she is not happy with the biodiversity move, she has not heard of this before and feels there must be some land that could be utilised in Chatteris but the bigger picture needs to be looked at, this piece of land could be ploughed up and the people that use it get nothing and she feels the decision will be on balance.
- Councillor Mrs Davis expressed the view that all members have teetered one way or the other with this application, it being one of the hardest that they have had to consider. She is not very happy with the Section 106 contributions or that people think they can pick up biodiversity and move it miles away from its natural habitat and that it will be OK. Councillor Mrs Davis stated that looking at the site her views differed from it should not be built on and then if this application is not approved who is going to look after it because the landowner will not and at least with this application it provides a parkland that is safe, that is going to be looked after and is not wild so there is a big gain, with the heart wanting to go one way and the head the other.
- Councillor Marks referred to the comments of Councillor Benney and he does agree with most of it, with another concern being the Section 106 contribution with 93 homes and families being brought into the area and it is already known that doctors, etc, are stretched and whilst he acknowledges that the agent said they do not have to pay anything but equally they are coming to Chatteris and they need to give Chatteris something more than £28,000, which he feels is an insult and pitiful and he feels that these contributions will be put on the price of the house, and does not think it should have been brought into the considerations today. He stated that he does not agree that biodiversity can be moved 10 miles down the road but feels this might be a red herring and there are concerns and he is the same that it is 50/50 and it is a pity that the agent would not come back having spoken to the applicant to see if there was some more Section 106 money, which may make his decision a bit easier.
- Councillor Connor stated that he is disappointed with 12% affordable housing and the proposed Section 106 contribution per house and he would have been happier to make a decision with £1,000 per property plus 15-16% affordable housing as it would make it more palatable to approve the application but the agent has said he cannot do it.
- Councillor Marks made the point that Chatteris is a growing area and there are 2-3 larger businesses which have moved recently to Chatteris who are struggling to get staff as there is not the housing and people will not travel from Peterborough or Cambridge and good housing is needed. He feels this proposal is half a solution but if developers are worried that they will not be able to sell the houses, although he is sure this will not be the case, they will not come but there needs to be the trade off with the extra money.
- Councillor Benney stated that his biggest concern is what is going to be lost as what happens to this site if this application is refused and it is ploughed up then nothing is gained,

the Section 106 contributions, social housing and the land that he wants to see saved would be lost. He feels the worst case scenario is that Chatteris does not get any housing, which damages businesses but also the green space that is already there as it is not a given that people can walk on it as it is private land and this proposal does provide a public open green space. Councillor Benney made the point that this is the dilemma that the committee is faced with today and he would like to think that there would be a plan of what would happen if this application is refused today as Chatteris could end up in a lose, lose situation.

- Nick Harding referred to viability and made the point as was referred to by the Case Officer the viability report has been through a vetting process not only through the Council's own viability officer but also the County Council and in its technical content it is what it is and there have been development proposals that proposed zero affordable housing and zero contributions or very low contributions with the supporting reasons why which has been begrudgingly accepted and planning consent granted so this development proposal is no different and it would not be a strong ground for refusing planning permission on the basis of the lack of Section 106 contributions. He added that in terms of biodiversity net gain there is not a percentage net gain target in planning policies and whilst there is a disagreement between The Wildlife Trust and the Wildlife Officer about the scoring of the site as it exists at the moment, the Council's adviser is satisfied with the calculation and is satisfied that the hierarchy has been followed and of the mitigation management proposal for the off-site scheme at Gaul Road so again when it comes to a reason for refusal it needs to be considered where the evidence might come from to support it. Nick Harding referred to the point made by Councillor Benney on what happens to the site if planning permission is not granted and as identified who knows is the potential answer and a number of scenarios have been highlighted by Councillor Benney but in relation to the issue of biodiversity on the site the way that the biodiversity system works for the purposes of calculations, if a landowner clears, fells and destroys everything on a site then when it comes to the BMG calculations that works retrospectively as to what the site was like several years back so there is no benefit in any destruction taking place on the site because they would still get caught by the calculation methodology. He feels the benefit of granting planning permission is that you have a site that does not have any official public access to it and it would have official access to it.

Councillor Connor asked the agent if he would be prepared to improve on the amount of Section 106 contributions and affordable housing provision as it appears to be a bone of contention with members. He suspended the meeting for 10 minutes for the agent to liaise with officers on this issue to enable members to make a decision today based on the best deal for the people of Chatteris.

Councillor Connor stated that the objectors could provide a further 2-minute statement to the committee in fairness for allowing the negotiation with the agent. Ms Patterson began by addressing a question by Councillor Hicks that she was unable to answer early in relation to red and amber list species of birds on the site, which are Barn Owl, House Sparrow, Song Thrush, Starling, Yellow Hammer, Bull Finch, Dunnock and Linnet, all of which are breeding on the site and he also asked about reptiles of which there are Common Lizards, Slow Worm and Grass Snakes which make it a site of principle importance and there are also 10 species of bats all of which are protected. She mentions these because off-setting is not intended to be used for sites of principle importance and is not intended to be used for protected species, all of those that she has mentioned make this a site of principle importance and are protected species.

Ms Patterson expressed the view that there is not a different of opinion between the Wildlife Officer and The Wildlife Trust, the difference of opinion is between the applicant's own ecologist and The Wildlife Trust, with the Wildlife Officer specifically not recommending either of those to be correct they expected that decision to be made by committee during this meeting and did not come down on either side. She feels that no weight has been given to the communities objections, either through the poll or through the 551 objections on the portal, during the debate and in relation to

Tesco she made the point that there are already 1,400 houses approved and there are several new sites in the emerging Local Plan so the 93 houses are really quite insignificant in relation to the Tesco development and whether or not they are going to stay.

Nick Harding advised that during the suspension of the meeting contact was made with the applicant and the offer stands at 12% affordable housing but the Section 106 contributions are proposed to increase to £1,000 per plot, applicable to the market dwellings only, which equates to 82 dwellings.

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

- Councillor Mrs French stated that she is a member of March Area Transport Study and she can assure members that the Highway Safety Officer take this extremely seriously and if they are saying the highway layout is going to work then it will work. She stated that whilst the decision is on balance and member do not know how they are going to vote, it would be very hard to refuse this application on material considerations. Councillor Mrs French expressed the view that it is a great improvement on the Section 106 contributions and her preference is it should be used for the NHS and it is this committee's right to specify where the monies should be used.
- Councillor Connor agreed and if the application is successful the money should go to the George Clare Surgery in Chatteris for the benefit of the people of Chatteris.
- Councillor Marks referred to the objector's further statement and mention of the poll and asked how many people actually voted in this? It was indicated that it was around 1,000. Councillor Marks asked how many people live in Chatteris? It was indicated that it was around 12,500 people. Councillor Marks made the point that less than 10% voted so it was not a majority and was a small turnout.
- Nick Harding made the point that planning applications should not be determined based on the number of people who voted for or against it, it is about planning points that are raised by the representations and material planning considerations. He referred to what the Section 106 could be spent on, he would countenance against ring fencing it purely for the NHS and he would suggest priority is given to the NHS, however, if a project is not forthcoming in a timely way then that money could be spent on one or more other projects associated with any of the other asks such as education or libraries so the Council is not in a position whereby the money is returned to the applicant because the NHS has not come forward with a project and also any unspent money could go towards provision of affordable housing anywhere in the District as affordable housing schemes do not come up often and this gives flexibility. Nick Harding stated he would countenance against identifying a particular surgery where the money will be spent because of the way GP surgeries are arranged and funded.
- Councillor Benney stated that any Section 106 money should be spent at the George Clare Surgery as Chatteris Town Council 18 months ago had a meeting with the Practice Manager and the senior doctors and they are trying to turn some of the meeting rooms into surgeries as they know Chatteris is growing and this money should go to this surgery as they have to pay for this out of practice money and raise the money to pay for it, with the money going back directly to Chatteris. He expressed the view that as much as officers have advised against ring fencing it, he has had discussions with Dr Angela Stephens-King and they are looking to do these changes to the surgery and this money could be used to make changes to the surgery to get more GPs there so there is a need.
- Councillor Connor agreed with Councillor Benney, it is a Chatteris application and if there is a benefit to be had from it, it is imperative that it is spent in Chatteris and it should be ring fenced.
- Councillor Marks stated that he is a councillor for Chatteris and Manea but he thinks that all of this money should be retained for Chatteris as if it is going to lose from having this development it should gain in other ways. He stated that he would love to see it go towards affordable homes as this is an area where there is need but this money should come back into Chatteris and not be diluted throughout the rest of the District.

- Nick Harding stated that in relation to spending the Section 106 money it would all be within Chatteris save for the affordable housing and in terms of the health contribution rather than name any particular surgery if the 106 says that the money is to be spent on the delivery of health facility improvements within the Chatteris Town Council administrative area if this is acceptable to members.
- Councillor Mrs French reiterated that she welcomes this additional contribution, Chatteris is going to be a growing town, it is a small amount of money and she would like £13,500 to go towards the library as people will be using the library.
- Councillor Benney referred to another project being the King Edward Centre, which wants to extend due to childcare provision and this is another project the Town Council is looking to bring benefit to the town so he would like to see some of the contributions used for this as this is giving back to the community, which is the aim of Section 106 Agreements. He asked if it would be possible to put the contributions into Chatteris Town Council's 106 pot and then the Town Council allocates this money, which would be very carefully spent within Chatteris.
- Nick Harding expressed concern that when Section 106 money is being requested there has to be an evidence base to say that without a contribution being made the proposal would be unacceptable and officers have liaised with the County Council, who provided a response in terms of early years, primary and secondary and he is not sure the early years conversation takes into account the establishment that Councillor Benney is referring to, so his worry is potentially about making provision for that specific facility being in compliance with the regulations. He feels the way round this is to say x% of the total sum of the £82,000 or a figure would be made available for early years provision in the town of Chatteris and that could go to the project that comes forward and it does not have to be demonstrated that it is in compliance with CIL regulations.
- Councillor Mrs French expressed the view that a decision is required first and then a discussion under the conditions and then officers can come back. Nick Harding responded that it has to be a whole decision, either refuse or approve and if approving members need to set out what the allocations are for the Section 106. Councillor Mrs French stated that this is what is being said.
- Councillor Benney stated that he wants to see this money go back to Chatteris and asked if this can be discussed afterwards to accept that this money goes back to Chatteris and where and what percentages are used? Nick Harding responded that technically a proposal could be put forward that says refuse the application giving the reasons why and if that was unsuccessful a new proposal would be required and that new proposal must if it is going to be for approval of the application identify particular measures to be put in place in relation to the content of the Section 106 so this needs to be debated now but the debate on the content of the Section 106 would not prejudice the ability to refuse the application.
- Councillor Mrs French stated that members have already debated the Section 106, it is just clarity around the allocations. Councillor Connor agreed it just needs to be stated how much is going to what services. Nick Harding confirmed this to be correct and his suggestion is that the 106 monies have to be spent within the Town Council's administrative area, the money is split however members want it to be split against various activities, ie health and early years, but not specifying a facility where it is going to be spent as otherwise if these facilities do not come forward with a project there is the flexibility to spend the money elsewhere and finally if any monies are not spent in any of the categories or a particular ring fenced category then that money could be spent on any of the items that have been listed in the 106.
- Councillor Mrs French suggested that the Section 106 monies be split £56,000 to health, £13,000 to libraries and the balance to early years.
- Councillor Benney asked why or does this percentage have to be agreed now? Councillor Mrs French responded that officers have just advised committee this needs to be done now.
- Councillor Mrs Davis asked if the £56,000 for health includes the Ambulance Service as they expressly said they need contributions. Councillor Mrs French responded it did and Councillor Connor stated that this is part of the health parcel.

- Councillor Mrs Davis asked in the conditions is it possible to ask Highways to look at the crossing again as there was major concern when members visited the site whether the speed is 20mph or 30mph that if a child is crossing the road there could be a serious accident. Nick Harding stated that as has been outlined by the Case Officer and himself, visibility splays shown on the drawing are created through changing the road geometry, removal of vegetation and the 43 metres visibility splay is standard given the road speed so it is a standard national methodology used and it has passed a Road Safety Audit so he is satisfied. Councillor Connor added that he believes it has to go through a Stage 2 Audit as well and it has to be by somebody else not the County Council.
- Councillor Marks asked if it could be conditioned about the safeguarding of Gaul Road, whilst he recognises it does exist in the conditions for 30 years he is concerned that they could come back in 5 or 10 years? Nick Harding responded that as he mentioned early in the meeting you are unable to add a condition to prevent somebody from submitting a planning application.

**Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED as per the officer's recommendation and that delegated authority be given to officers to amend the conditions in conjunction with the Chairman and Councillor Benney to include a Section 106 Agreement for 12% affordable housing and £1,000 per market dwelling (£82,000), with £56,000 going towards health, £13,000 towards libraries and £13,000 towards early years provision to be spent within Chatteris Town Council's administrative area and that the Construction Management Plan includes road sweeper provision and a wheel wash facility.**

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

*(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that as a District Councillor for Chatteris North and Manea he does attend Chatteris Town Council meetings but takes no part and this application has not been mentioned at any meeting he has attended)*

*(All members present declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

3.39 pm

Chairman