

PLANNING COMMITTEE



WEDNESDAY, 15 NOVEMBER 2023 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French, Councillor P Hicks and Councillor S Imafidon.

APOLOGIES: Councillor R Gerstner.

Officers in attendance: Nick Harding (Head of Planning), Nikki Carter (Senior Development Officer), Tracy Ranger (Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services)

P65/23 PREVIOUS MINUTES

The minutes of the meeting of the 18 October 2023 were agreed and signed as an accurate record.

P66/23 F/YR22/1296/F 14-16 WENNY ROAD, CHATTERIS ERECT 9 X DWELLINGS (3 X 2-STOREY 4-BED AND 6 X 3-STOREY 3-BED) AND THE FORMATION OF NEW ACCESSES INVOLVING THE DEMOLITION OF EXISTING DWELLING

Nick Harding presented the report to members.

Members asked questions of officers as follows:

- Councillor Connor expressed his disappointment that the applicant/agent were not present at committee to answer any questions that members may have and the update to this application does not address any concerns he had from the September committee. He knows the ownership of the road is in the hands of a separate management company and is a civil matter, not a planning issue and so no weight should be given to this. Councillor Connor referred to £6,000 being offered to the George Clare Surgery but this was based on 10 houses and this proposal is for 9 houses so there is no requirement for this to be offered and the proposal cannot be refused as it is compliant with policy.
- Councillor Benney agreed that it is unacceptable that the applicant/agent are not present and he feels the proposal is worse by the withdrawing of the £6,000 to the George Clare Surgery. Nick Harding stated that when the application was originally submitted it was for a scheme of 10 dwellings and during the consultation the health authorities responded detailing what their ask was and the applicant at that time was happy to provide. He explained that the scheme was reduced to 9 dwellings at officer's instigation due to design concerns and, therefore, the need for a contribution fell away in line with Council policy.
- Councillor Benney asked if a contamination report has been submitted as the site was an old farmyard? Nick Harding responded that Environmental Health have been consulted and recommend that a condition is placed on the approval, which is Condition 7.
- Councillor Benney stated that he accepts the £6,000 to George Clare Surgery is lost, but he would like to see a contamination report and as this is an old part of town, in the Conservation Area, he would like Cambridgeshire County Council's Archaeology Team checking to see that no artifacts are being lost. Councillor Connor asked for clarification that a full archaeological survey is being asked for at the foundation stage? Councillor Benney confirmed this to be the case.

- Councillor Mrs French stated that she supports an archaeological survey due to Chatteris' history and she is not happy that there is no longer £6,000 being given to the doctor's surgery. She referred to LP5, meeting housing needs, asking if any of the dwellings are proposed to be affordable? Nick Harding responded that under national and local policy there is no requirement for affordable housing to be provided on a site of 9 dwellings. He made the point that the County Council Archaeology Team have not requested an upfront assessment and recommend a condition attached to the permission. Nick Harding reiterated that Environmental Health have also not requested an upfront contamination report and recommend a condition be applied.
- Councillor Mrs French stated that she takes on board officer's professional advice with the recommendation to approve but she would like to see a condition on the construction times, a wheel wash and deliveries between 9am-2.30pm as there is a school nearby. Nick Harding responded that any resolution to grant planning permission can indicate that in any management plan that there should be no deliveries or leaving the site at school drop off and collections times. He stated in terms of wheel washing the problem is that the nature of the site is that there is a road already present and there is no space to position a facility but it can be added in the management plan to keep Ellingham Gardens sufficiently clear of debris.
- Councillor Connor asked is their room for a sweeper to be on duty at all times or 2-3 times per day? Nick Harding responded that he would not go as far as to define that there has to be a road sweeper but he would word the management plan so that Ellingham Gardens has to be kept free of debris and then however the road is kept clean is up to the developer.
- Councillor Marks stated that this area struggles with mud on the road and the Police cannot enforce it so something is needed questioning whether it could be pressure washing of wheels rather than a wheel wash as he can see it being a site that will cause problems. He referred to deliveries and made the point that timeframes have been added to other sites and he feels that lorries that come to the site should come and leave via the A142 rather than through town.
- Councillor Benney asked if there was a lighting scheme as he is not sure there are any street lights along Ellingham Gardens and this would be beneficial to the residents? Nick Harding responded that Condition 4 does include a lighting scheme.
- Councillor Marks asked if the applicant comes back for another dwelling can the £6,000 still be requested as he is concerned that there may be another piece of land that the applicant will find to develop? Nick Harding responded that there is not sufficient space for another dwelling so he does not think the situation would arise.

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

- Councillor Benney expressed the view that the application cannot be refused as it is policy compliant but there is the need to ensure that the residents get the best that they can. He feels that the County Council have not asked for an archaeological report as they are short of staff but there should be a requirement for one and also a surface water drainage scheme to ensure that water does not run off from the site into other parts of Ellingham Gardens. Councillor Benney stated he is happy that there is a lighting scheme and asked if bat or bird boxes could be put into the development as it was formerly a farmyard. Nick Harding responded that there is a condition regarding archaeology and one in relation to biodiversity.
- Councillor Marks stated that safeguards are required in relation to vehicle movements and cleaning of the road during construction, which is a priority as the site is near to a school.
- Councillor Mrs French made the point that Condition 16 does not mention bats and should do? Nick Harding responded that this condition is not species specific so it could include bats.
- Councillor Hicks expressed concern over how the conditions can be policed and made the point that timed deliveries do not happen in the real world. Councillor Connor responded that this has happened before and it can be enforced, developers do not usually want to flout the conditions and feels these are reasonable conditions. Councillor Marks added that

a situation occurred in Manea, enforcement came out and as soon as enforcement was involved the developer kept to terms of the conditions.

Proposed by Councillor Mrs French, seconded by Councillor Hicks and agreed that the application be GRANTED as per officer's recommendation to include no deliveries during school arrival and departure times and that provision needs to be made for sweeping of Ellingham Gardens so that it is not unsafe as a consequence of debris from the site being on the road.

(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 he is a District Councillor for Chatteris and Manea and does attend Chatteris Town Council meetings but takes no part)

**P67/23 F/YR22/1416/O
LAND TO THE EAST OF 114 MAIN ROAD, PARSON DROVE
ERECT UP TO 4 X DWELLINGS INVOLVING THE FORMATION OF A NEW
ACCESS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT
OF ACCESS)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson referred to committee considering the scheme in August, where members were relatively comfortable with the proposal except for issues surrounding the access and highways which they felt needed further clarification. She stated that amended drawings have been submitted and these demonstrate that appropriate visibility splays can be achieved, with there being a restrictive covenant on the land to the east which requires that the footpath remains free from obstruction.

Mrs Jackson stated that whilst the covenant does not form part of the planning remit, it is enforced by other means, and, therefore, in her view, members can take comfort in knowing that this visibility splay will remain free from obstruction. She advised that the applicant for this proposal is the person who imposed the covenant and, therefore, all things considered the likelihood of this ever being breached is very slim.

Mrs Jackson expressed the view that the land in question is only a small triangle which goes over the private footpath and the whole point of the footpath is to allow for people to walk along it and for it to remain free from obstruction, if not it cannot serve its purpose. She reiterated that it is unlikely that the visibility splay will be obstructed and the visibility splays are now in the red line of the application and she feels conditions could be imposed to ensure the splays remain free of obstruction, with any such conditions being duly accepted by the applicant.

Mrs Jackson made the point that Highways have raised no objection to the scheme and, in her view, there appears to be no grounds to resist the application for reasons of highway safety. She highlighted that the proposal complies with the Local Plan and the Parson Drove Neighbourhood Plan, with it also receiving support from the Parish Council and requested that planning permission be granted.

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

- Councillor Mrs French made the point that the concern of the committee in August was the visibility splays hence its deferral and Mrs Jackson has said that they can be achieved so surely if this is achievable this application should be approved.

- Councillor Connor agreed with the comments of Councillor Mrs French, it was said there was hardly any chance of that splay to the east being obstructed, which was the only thing committee deferred it on so this is the only thing that needs to be looked at. He asked if a condition can be placed on any permission? Nick Harding responded that the agent referred to that bit of the visibility splay to the east which is in third party ownership and identified that the applicant was the person who instigated the covenant in the first place but his understanding is that there is land in the west visibility splay which is also in third party ownership and no reference has been made to that being subject to a covenant. He stated that if committee wished to grant planning consent he would be concerned over the use of a condition because if the development gets constructed and it turns out that there is inadequate visibility splay because it has been obstructed then the person that the Council would be taking enforcement against is an innocent third party who has not been party to this in a direct sense and the only solution he can think of is for a Section 106 Agreement to be entered into by the relevant third party owners of the visibility splay land linked to the grant of planning permission.
- Councillor Marks asked how can this be guaranteed? Nick Harding responded that the legal agreement would have to be signed before the planning permission is issued so that if anybody is not willing to sign the agreement then planning permission would not be issued.
- Councillor Mrs French expressed the view that this is reasonable and she would not have a problem with this.
- Councillor Benney requested clarification that if the application is approved today it has planning permission but if there cannot be a legal agreement between the third party landowners in a formal Section 106 Agreement the development would not be built as the visibility splay cannot be achieved. Nick Harding responded that this is not quite right, the legal agreement has to be signed by all the relevant landowners before the planning permission is issued, it cannot be undertaken the other way round.
- Councillor Benney stated that if this is approved today, if the landowners sign and agree then they get the planning permission and if they cannot agree they do not get planning permission, which he feels seems a fair approach. Nick Harding confirmed this to be correct.
- Nick Harding reminded members that if there is a proposal to go against officer's recommendation there has got to be a statement as to why the reason for refusal related to the form of the proposed development relating to the existing form of development in this part of the settlement is appropriate.

Proposed by Councillor Benney to support officer's recommendation to refuse planning permission, but a seconder was not forthcoming.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED against officer's recommendation, subject to the signing of a Section 106 Agreement to deliver the visibility splays and authority delegated to officers to apply conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel the development does accord with Policy LP16 as it would not be to the detriment of the character and the appearance of the area.

P68/23

F/YR23/0539/O

32 WIMBLINGTON ROAD, DODDINGTON

ERECT UP TO 4 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS AND LAYOUT) INVOLVING THE DEMOLITION OF EXISTING DWELLING AND STORAGE BUILDINGS

Nikki Carter presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens stated that this outline application for 4 dwellings was submitted in June this year and they have worked hard with both ecology and tree consultants to ensure that a comprehensive application was submitted. He expressed the view that with the existing bungalow being removed and a private drive being proposed with a turning area this cannot be described as backland development contrary to the Parish Council's views.

Mr Bevens stated that various options have been looked at for the site based on different densities and it was felt that 4 dwellings would not constitute overdevelopment and whilst only an outline application they were also conscious that they wanted to minimise any potential for overlooking or privacy issues with the residents of Woodside Close to the south as well as respecting the mature trees on the site and the ecology constraints that exist. He stated that a detailed ecology assessment has been carried out and confirmed that the proposed solution does not cause any harm to the existing wildlife and with the removal of the poor quality outbuildings it is likely that biodiversity will be enhanced by the development with new landscaping being proposed as part of a future Reserved Matters application.

Mr Bevens noted that whilst in outline form the application for 4 dwellings is located on a section of road used by parents for Lionel Walden School, some 230 metres away, and appropriate measures would be dealt with in any future Reserved Matters application to ensure that construction deliveries to the site are carried out outside of peak public traffic hours to reduce congestion and nuisance and an appropriate construction environment management plan would be produced. He made the point that they have worked closely with the Planning Officer over the past 5 months to ensure that all concerns have been addressed leading to a recommendation of approval and agree with the officer that the proposal creates a development which responds to the opportunities and constraints of the site and to relevant planning policies.

Mr Bevens expressed the view that the proposal does not have a detrimental impact on neighbouring properties and meets the guidance from Highways and flood risk to provide a good quality development. He asked that members support the officer recommendation and grant approval with conditions outlined in the report.

Members asked questions of Mr Bevens as follows:

- Councillor Marks stated that it is good to hear with a school being local that the applicant is prepared to put time limits on deliveries and asked if there could also be an assurance that there would be no work vehicles left outside on the public highway during the day as at school times that is already backed up with people trying to park. Mr Bevens responded that the Council has a template for construction environment management plans and they would follow the procedures to show that construction deliveries impact on the roadway would be minimised and they would have to provide welfare facilities and show where this on site plans.
- Councillor Imafidon referred to keeping the streets clean and asked what provisions have been made for that? Mr Bevens responded that within the construction environment management plan it would be listed if there is a need for wheel wash facilities as it is about minimising the disruption on the road, with no conscientious contractor wanting to bring mud out onto the road but obviously some sites are tighter than others to be able to manoeuvre inside with construction traffic so the plan shows how you overcome this and would be covered in a future Reserved Matters application. He stated it would be for officers to review that document and to state if they are satisfied.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the mention of additional conditions and asked what the additional conditions are? Nikki Carter responded that the application was accompanied by an ecology and a tree report, with there being some protected trees nearby and a number on site and a number of mitigation enhancements were incorporated which have not

currently been encompassed within the conditions.

- Councillor Connor asked that a condition be added that a sweeper is provided because it is a well-used road so no mud is wanted on the road from a safety aspect.
- Councillor Hicks referred to the parking of vehicles on the road as a condition. Nick Harding stated that a construction management plan requires the applicant to identify where on-site parking provision is going to be made and no conditions can be imposed that stop people from parking on a public highway because they are entitled to do this.

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

- Councillor Marks stated that having heard what has been said and having been to look at the site he feels it would be a good development as long as there are vehicle and delivery plans in place and the trees are protected on site.
- Councillor Connor expressed the view that it is a good application although he does not like going against the views of the Parish Council.

Proposed by Councillor Mrs French, seconded by Councillor Hicks and agreed that the application be GRANTED as per officer's recommendation with authority delegated to the Head of Planning to finalise the conditions.

(Councillor Connor declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Doddington and does attend Doddington Parish Council meetings but takes no part in planning)

P69/23

F YR23/0546/F

CHURCHFIELD FARM, KINGS DYKE, WHITTLESEY

CHANGE OF USE OF EXISTING PADDOCK LAND TO B8 OPEN STORAGE WITH ASSOCIATED ACCESS WORKS AND LANDSCAPING (PART RETROSPECTIVE)

Tracy Ranger presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Andrew Hodgson, the agent. Mr Hodgson stated the officer has raised the previous outline permission which was for a B8 distribution unit on the site but due to the climate, build costs rising and demand in that location it was not possible to deliver. He advised that it is the same applicant for this and the previous outline application and they have had to look at alternative uses with the crucial thing about this scheme is that it is primarily to serve Chiltern Distribution who are the business opposite the site to the north.

Mr Hodgson expressed the opinion that if this site had not been found there was a good chance that they would have relocated to a site in Peterborough taking away those jobs from Whittlesey. He stated that normally if he was advising a client he would not advise them to undertake any works on site prior to planning permission but the reason the works were undertaken on site is because Chiltern had an immediate and very urgent requirement to store some of their newer lorry fleet.

Mr Hodgson stated that the only works that have been carried out are site clearance and there has been some levelling works, with the type 1 material that has been laid coming from an Environment Agency licensed waste management company, it is all inert waste and there has been no excavation or digging into the ground on site just levelling out where there has been some dips on the site, with planings put on top. He reiterated that the site will be used by Chiltern Distribution to store their lorries, with them being a big distribution company which have freezer lorries but it is not intended that there will be lorries on the site with their freezer units running overnight.

Mr Hodgson made the point that there is a residential unit on the site but it is not habitable at the moment so there are no issues with noise impacting on this property and it is in the ownership of the applicant, it needs a full refurbishment which will be subject to a wider application in due course. He expressed the view that the only time the units will be running is likely to be during the day if there is a full load on the lorry and they are waiting to swap over lorry drivers, the full refrigeration units will not be left overnight as it is not safe and they will be kept in their main yard opposite.

Mr Hodgson stated that it is hoped that Chiltern will take on most of the site going forward and in the future it might be possible to erect buildings on the site to enhance their business and to stay in Whittlesey. He stated that at this moment they have taken about a third of the site so the remainder of the site is available for other uses and there are conditions that restrict the height to 6 metres and they are looking for clean uses, with the filtration system that they have been asked to put in by the Flood Authority and the only contamination may be from drips from the lorries, which has been taken care of through an attenuation pond which is going to deal with any surface water run-off.

Mr Hodgson made the point that the site lies in a primary location, the landscaping is going to grow up around the site so visibility over the years is going to be screened and it is within an employment area, with the principle already established through the previous scheme.

Members asked questions of Mr Hodgson as follows:

- Councillor Mrs French notes the Highway and Lead Local Flood Authority objections and asked if they have been complied with? Mr Hodgson responded in the affirmative.
- Councillor Imafidon referred to security on site and said there will be no chilled lorries on site and asked what is the difference in security risk between a chilled and unchilled lorry? Mr Hodgson responded that Chiltern Distribution have refrigeration units which make a noise when they are running to keep the food cool and other HGVs do not so that is difference. Councillor Imafidon made the point that it was stated that units would not be running overnight and if you have perishables in chilled lorries you have to have the refrigerant. Mr Hodgson advised that the lorries would not be left on that site if they are loaded as they will be kept in a more secure yard, it will only be the empty lorries that are left at the site overnight.
- Councillor Connor asked for clarification on what the base coat surfacing was and what was laid over this? Mr Hodgson responded that the original ground was not touched and a type 1 crushed inert material was laid, which goes through a licensing scheme and grading to make sure it has no chemicals or anything in it which came from Midland Waste who are in Whittlesey and are regulated by the Environment Agency and on the top was some planings, a finer gravel which was compressed on top to level the site. Councillor Connor asked if this was IBAA? Mr Hodgson appeared to confirm it was. Councillor Connor stated there is conflicting views on this type of material, Cambridgeshire County Council accept that it is not waste but the Environment Agency have different views and they say it is so he is a little worried as there is no standard for this. Mr Hodgson made the point that it is not a planning issue per se but the materials have been sourced from a location where they have been tested to be inert. Councillor Connor stated that he does not agree but acknowledged that it is not a material planning consideration. Nick Harding stated that looking at the Government website in relation to IBAA it says that if you are using IBAA in building a road sub-base an environmental permit for waste is required, however, the Environment Agency will not normally take enforcement action if the legal requirements are complied with. He stated that the controls in respect of this product lie outside of the planning system and the planning system cannot duplicate controls under other legislative regimes so whilst members concerns are appreciated it is for somebody else to deal with. Councillor Connor stated that it is a concern that the Environment Agency recognise it as waste but he acknowledged that it is not a material planning consideration and made the point that IBAA is banned in Scotland. Mr Hodgson advised that he is unable to confirm exactly what the

material is but he is told it is an inert material.

- Councillor Marks referred to it being a lorry park, with refrigeration lorries only running during the day if they are on site and asked if there will be a time limit such as from 7pm to 7am bearing in mind there is a residential property on site, although not habitable at the present time, but equally there are going to be lorries going into the site 24 hours a day hooking up trailers which makes a noise. Mr Hodgson responded that part of the planning application has a condition which relates to noise, a noise assessment has been undertaken and there is some mitigation which has been agreed which would have to be put in place if that dwelling was habitable, such as an acoustic barrier. Councillor Marks made the point that it has gone from will not to occasionally so there are going to be occasions, as knowing Chilterns they have lorries that come from abroad and what provisions are there for, not only English drivers, but any of the foreign drivers, to know they are not to have fridges standing on the site overnight. Mr Hodgson advised that it will be rare that refrigeration units would be left on the site overnight but there is a condition that deals with addressing noise through an acoustic barrier so there is not an impact on that dwelling. Councillor Marks asked again if a time period of 7pm to 7am was being implemented? Mr Hodgson responded that once the barrier is in place it would not make any difference as once it is in place it is mitigated. Councillor Marks made the point that the argument could be then that lorries could be on site all the time running at night. Mr Hodgson advised potentially as if it has been mitigated the issue has been addressed.

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

- Councillor Mrs French referred to Whittlesey Town Council's request to refuse the application but there are no reasons that it should be refused. Tracy Ranger stated that there were two consultation responses that were conflicting.
- Councillor Marks stated that he still has a concern over noise with lorries going in and out of the site 24 hours a day, with a residential property nearby and whilst he has heard it can be mitigated against he still has a concern that there should be something put in place that fridge engines should only be allowed from 7am until 7pm as they are a disruption and can keep you awake and there will be other lorries coming onto the site at night and they will not switch off their fridge engines.
- Councillor Mrs French agreed and this occurred many years ago at March Coldstore, which was within a residential area so if a condition can be applied time wise she thinks it would be much appreciated.
- Councillor Connor expressed the view that it is imperative as that will safeguard residents going forward.
- Councillor Marks referred to the base element which members have expressed a concern about whether it is environmentally friendly or not and asked if this needs to be clarified that this cannot get into the water course, although he has heard the guidance from Nick Harding and that mitigation dams are being installed.
- Nick Harding stated there is an existing condition that requires the recommendations from the noise assessment to be implemented and that would deal with the issue of containing the noise sufficiently well so as not to cause disturbance to the nearest noise sensitive premises and he does not believe it needs to go as far as preventing the truck refrigeration units on site between certain times of day. He added that if it is not already in the conditions then confirmation can be required of the type of material to be used for the surfacing and this would ensure that it is appropriate for the circumstance on site.
- Councillor Connor questioned that some of that hardstanding is already in situ. Nick Harding responded that this is correct so the recommendation before committee include conditions relating to the implementation of surface water schemes and that is all designed to manage water on the site and deal with any contamination but if a type of material has been used on the site which renders that surface water management system inappropriate then that inappropriate material would either have to be removed or the surface water system would have to be changed to deal with that new material that has been put on site.
- Councillor Marks asked who would make that decision, would that be with consultation with

the IDBs, the Environment Agency or is that just for a building inspector or someone to make that decision? Nick Harding responded that it would be a condition and consultation would be undertaken with the Lead Local Flood Authority plus the Council's Environmental Health Team and the Environment Agency.

- Councillor Marks expressed the view on the noise issue there still needs to be a timed element of 7pm to 7am or similar as these lorries do make a lot of noise especially when they are cutting in or out and it is not known what is going to happen on the site in the future. Councillor Connor made the point that members heard from the agent that the fridges will be taken into the main depot and then it was stated that there may be some on this site and there may be lorries coming in at 1.00am who are going to park at the most appropriate and easiest place so he agrees that something needs to be put in place that does recognise the noise factor and could it be confirmed whether IBAA is hazardous waste or is it just waste. Nick Harding responded that the agent in his presentation said he was not 100% sure whether or not what material had or had not been used but what he did say was that a type 1 material had been sourced from a fully licensed provider so it is just a question of checking whether or not IBAA has been used but the use of that product is of no consequence to planning. He feels that outside of the committee officers can have a conversation with the agent, it can be determined whether or not that product has been utilised and if it has then it can be referred to the Environment Agency and colleagues in Environmental Health to make sure that material was used in compliance with the appropriate regulations but this is outside the planning regime.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be GRANTED as per the officer's recommendation with an additional condition to include that no fridge units to operate on the site between 7pm to 7am.

It was further requested that the surface material be checked to ascertain what was used and if it is IBAA and not permitted the issue be raised with the Environment Agency and Environmental Health.

(Councillor Connor declared that he knows the applicant from when he was Chairman of the Planning Committee at the County Council and liaised with him over Kings Dyke Bridge, however, he has had no contact for 4-5 years and does not socialise with him, and is not pre-determined and would approach the application with an open mind)

**P70/23 F/YR22/0943/FDC
LAND WEST OF 53-69 GROUNDS AVENUE, MARCH
ERECTION OF UP TO 6 X DWELLINGS (OUTLINE APPLICATION WITH
MATTERS COMMITTED IN RESPECT OF ACCESS)**

Nikki Carter presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Bob Harrington, the agent. Mr Harrington stated that he would use his presentation to address the recommended reason for refusal and made the point that the site being considered is one that has previously been developed with about 40 garages that served the surrounding houses, all accessed from Grounds Avenue. He added that it also includes a parcel of undeveloped land that has access onto Hurst Avenue and this undeveloped part is not under contention so his presentation will concentrate on the larger garage site.

Mr Harrington made the point that the garages were demolished some time ago so the land now sits in a derelict state surrounded by housing that is all occupied and the site is in desperate need of some attention to bring it back into use and to improve the environment of the people living close by and in this part of the town so a residential scheme is appropriate. He stated that the

outline application was submitted to the Council some time ago and since then they have worked with the Planning Officer to overcome the concerns identified by the various statutory consultees to demonstrate that the site is capable of redevelopment with a residential use and can make a positive contribution to this area, going some way to working to overcome the current housing shortage.

Mr Harrington referred to the single reason for refusal being the contention that the layout of the site and design of development are not acceptable and as such demonstrates the site cannot be redeveloped with 6 dwellings but he reminded members that the application is an outline one for up to 6 dwellings and that all matters relating to design are reserved except the question of access which has been resolved so the terms of the application are satisfied. He made the point the questions of design, siting and materials would all be dealt with in a Reserved Matters application subsequent to an outline approval.

Mr Harrington stated that the application was supported by a layout showing how 6 dwellings could be accommodated but the plan was purely indicative, no details of any dwellings were submitted and the question of design has not been part of any negotiations with the Planning Officer and there are no designs for the houses. He suggests that the grounds for refusal are erroneous to not relate to the terms of the outline application as submitted which seeks approval only for the principle of development of up to 6 dwellings and this seems a reasonable position considering the site is within the existing residential part of the town and the site was previously developed.

Mr Harrington expressed the view that the site is about 0.55 acres so 6 dwellings would equate to a density of about 11 dwellings per acre consistent with the surrounding area. He stated that it is recognised the issues of density, layout and design hence the reason that when the application was made it was for up to 6 dwellings not a precise number.

Mr Harrington asked committee to consider the application in terms of the way it was submitted that is as an outline application with all matters of siting, design and external appearance to be dealt with by a Reserved Matters application.

Members asked questions of Mr Harrington as follows:

- Councillor Mrs French stated that it is up to 6 so this does not mean that 6 is going to be applied for, it could be 4 or 5 if approved. Mr Harrington confirmed this to be correct.
- Councillor Marks asked for clarification if at the top of the plan was that a footpath that takes you out to the top road? Mr Harrington showed on the plan that there is an access for the former garages that comes off Grounds Avenue which is both a footpath and a vehicular right of way that leads to another footpath to the main road.
- Councillor Imafidon asked how many similar developments are there in the area that have the same access size restrictions? Mr Harrington responded that the access is about 3 metres wide and 12 metres long and confirmed that there were similar accesses in the area.

Members asked questions of officers as follows:

- Councillor Mrs French made the point that there are no details as there is no design so she is confused as to the recommendation as it is not known what is going to be built on the site so how is it known that it is not going to be a high quality, safe environment when it is an outline application. Nick Harding responded that when an application is received in outline and it has an up to figure relating to the number of dwellings officers look at it as to whether or not there is a realistic prospect of 6 dwellings being accommodated on that site and in this case officers do not think that 6 dwellings could be accommodated with an appropriate juxtaposition with each other and adjacent land uses. He stated that there are no worries over the principle of development, it is a Brownfield site in a residential area, both access points have previously been used for access and in the case of the Grounds Avenue access it falls well below modern standards but its current lawful use is a car park for 40 cars so that is a given. Nick Harding added that officers do have concerns in relation to the northern

section of the site and it is not thought that it can reasonably accommodate 5 properties, a lesser number officers would be comfortable with.

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

- Councillor Mrs French stated that she knows this site exceptionally well and it is part of her County Council Division. She made the point that it is a brownfield site, something needs to be done with it, with quite often it being a dumping ground for flytipping and she cannot say whether 6 dwellings can be accommodated but this is an outline planning application so this will not be known until a Reserved Matters application is made. Councillor Mrs French stated that she supports this application and cited LP5, housing needs, as there are over 3,000 people on the housing waiting list and there is a desperate need for homes and LP7 making efficient use of land as well.
- Councillor Marks stated that the area needs houses and this is a piece of land in the middle of a residential area that is sitting there doing nothing. He acknowledged that though one of the accesses is not great, 40 cars previously used it and even if there are 6 dwellings on the site with 2 cars per household there is going to be less vehicles going up and down this access. Councillor Marks understands that the access is 12 metres by 3 metres, and referred to the Dairy Yard at Manea which was for 9 properties plus a business and this roadway was 2.5 metres and almost 35 metres long so he does not think the access for this application will cause an issue. He feels that these dwellings will be for families, there is a footpath and people are going to be walking to and from town and it is not known what the size of housing is being proposed, which could be a small starter type properties so there could probably be 6 accommodated on the site and it will give somebody a start.
- Councillor Connor referred to Councillor Imafidon's question and stated that there have been two applications in the last couple of years in Whittlesey which had 3 metre entrances with a 40-50 metre run off to the application site and are similar to the entrance proposed on this application. He feels those sites are not as good as this one as you are coming more or less off the road on this application site, there is room to turn a lorry around for construction traffic, there is hardly any water retention, it is a brownfield site, it could become a dumping ground, it is in the middle of other houses, it needs something doing with it, there is a need for houses and as this is only an outline application, it is not known whether 6 properties can be built on the site but it is known that something can be accommodated on the site.
- Nick Harding clarified that the application is for market housing not for affordable housing so in terms of housing need there is a five-year land supply and the housing delivery test is being passed so there is no imperative need at this moment in time.
- Councillor Marks made the point that if 6 dwellings or up to 6 are placed on the site the likelihood is that they are going to be small units so they will almost be classed as starter type units and give a family a step up and will be affordable in other senses.
- Councillor Mrs French referred to the report from Cadent Gas and there are pipes that run across the site and asked, if this is approved, can it be undertaken at this stage or Reserved Matters, that permitted development rights are removed? Nick Harding responded that it is not possible to remove permitted development rights on an outline planning permission it would be at the Reserved Matters stage and if there is way leave in relation to any of the utilities that pass through the site then that will be alerted to the homeowners when they purchase the property.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the access is not poor, the application is outline only and it is not known at this time how many properties will be proposed for the site, there is a need for housing and the proposal makes efficient use of the land.

(Councillor Benney declared that this is a Fenland District Council application and this falls under his Portfolio Holder responsibilities, and took no part in the discussion and voting thereon)

(Councillor Mrs French declared that she is a Cabinet member but this application has not been discussed by Cabinet and she is, therefore, not pre-determined)

P71/23

F/YR23/0238/F

12 WIMBLINGTON ROAD, DODDINGTON

ERECT 1 X DWELLING (SINGLE-STOREY, 5-BED) INVOLVING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS

Nikki Carter presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Jane Watson, a supporter. Mrs Watson stated that she lives at No.10 Wimblington Road being an immediate neighbour and she does not consider it to be an overdevelopment of the plot as it still leaves significant garden area. She expressed the view that every house on Wimblington Road on this stretch is different, with the house at No.10 being incredibly near to the top of the road and given the opportunity they would move it back.

Mrs Watson expressed the opinion that it is a huge plot and given the size it should not be of bearing to anybody that it is dropped back a little bit further from the road. She feels the applicants have been extremely kind and considerate in involving neighbours with their plans including No.14, and also considering the wildlife as it is a big plot and is overrun with wildlife that use this bit of land and the applicants are prepared to take care of the wildlife.

Mrs Watson stated that she has no concerns or issues and hopefully permission can be given for this proposal to be a lovely family home on a nice plot in Doddington.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler made the point that the existing cottage on site is not fit for habitation anymore and he believes there is nothing against the principle of demolishing it within the officer's report. He indicated on the slide on the presentation screen in relation to the overdevelopment concern the site as existing and the highlighted area of outbuildings, which shows there is quite a large area of those outbuildings although they are not as comparable on the site to what is being proposed there is still established buildings in the area where the dwelling is proposed.

Mr Gowler stated the existing footprint area of the buildings on the site is currently approximately 440 square metres and the new dwelling is 468 square metres plus the garage, so the actual dwelling is only a modest increase in footprint. He showed a picture with the new dwelling superimposed on the site, with the development only equating to around 11% of the overall plot, with the new dwelling proposed right at the top near the road and the whole garden stretches along way back.

Mr Gowler referred to the officer report at 10.12 where it is acknowledged that there is no uniformity in terms of building footprints, many neighbouring properties do appear as modest forms of development with simple footprints and sit comfortably within their boundaries and made the point that most of the neighbouring properties along this road though do not have such extensive plots and gardens as this proposed development. He made the point that Mrs Watson from the neighbouring property is quite passionate that the proposal gets approved as she has taken her time to attend committee today and the residents of No.14, who are most affected, would have attended today but unfortunately had to work but they have written a letter of support for this proposal and are keen to get the existing cottage and site cleared up.

Mr Gowler showed a further slide which demonstrates the existing street scene and how the new dwelling will fit in with the street scene, with properties along Wimblington Road being quite varied with No.10 being set forward and other properties being set back from the road. He expressed the view that it would not be a negative that this property is set back and the design of the property compliments the street scene and works with the bungalow at No.14.

Mr Gowler stated that the applicant's daughter lives about 4 doors along the road so they would be more than happy to have a wheel wash or road cleaning or any other requirement in terms of the construction management plan.

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

- Councillor Benney expressed the view that this is an excellent application, which screams pass me to him and whilst it might be large in scale, he feels LP12 and LP16 are subjective policies. He does not agree that the proposal is too big or not in keeping as any property that is built adds its own character to an area.
- Councillor Connor stated that he knows this area as he used to live in Doddington and feels this proposal will only add benefit to the street scene and he cannot see any reason why it should not be supported.
- Councillor Marks stated he will be supporting the application as he drives this road most days and what is being removed is an eyesore and the street scene will be enhanced, with people not being able to see the section of property behind and, in his view, there is not a building line in this area.
- Councillor Mrs French referred to the recommendation of refusal as it would be in conflict with LP16(d) but she feels it makes a positive contribution to the local area.
- Councillor Marks expressed the view that the shed beside the property could be said to be in conflict. He feels it is typical of a Fenland village to build on the roadside and build back into a site and it is nice to hear that both neighbours are in support of the proposal.
- Councillor Imafidon made the point that it is good that the applicant has not applied for 2-3 dwellings on this large plot and he is happy to support it.

Proposed by Councillor Benney to refuse the application as per officer's recommendation, but no seconder was forthcoming.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that policies LP12(d) and LP16(d) are subjective, it would not adversely impact on the character of the area, will add benefit to the street scene and provide a lovely family home.

(Councillor Connor declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Doddington and does attend Doddington Parish Council meetings but takes no part in planning)

P72/23

F/YR23/0340/F

WHITEMOOR ROAD FUNCTION CENTRE, WHITEMOOR ROAD, MARCH

ERECT 1 X DWELLING (2-STOREY 4-BED) WITH DETACHED GARAGE

INVOLVING DEMOLITION OF FUNCTION CENTRE

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rashid Khan, the applicant. Mr Khan stated that he purchased the property some time ago and ran

it as a function centre, but business declined and he had to close it down. He added the building has deteriorated and the building is in much worse state than the photos in the presentation portray, it has been subject to arson and a third of the building has been burnt down.

Mr Khan advised that he has tried to undertake other commercial activities on the site and has tried to sell it, which has all amounted to nothing so he was frustrated and did not know what to do with the property and thought the best way forward was to go for residential planning. He stated that he ideally wanted about 6 units to give opportunities for 6 families to live here as the site is big enough and has a large car park but he was advised by his architect that having 6 small units would not be acceptable and there would be more of a chance with one dwelling so with limited options he decided to go ahead.

Mr Khan stated that the proposal is for one four-bedroomed detached house with a double garage and it is consistent with the next door neighbours property duplicating what is on their land. He made the point that as the site is commercial the Council are not prepared to allow him residential but the neighbours knocked down their house and replaced it with another dwelling.

Mr Khan stated that he has undertaken an ecology report with the result being that there is no danger to wildlife and the Environment Agency are happy stating that there is no objection to the planning application as long as it is taken into account that it lies in Flood Zone 3 and allowances are made for this, such as mezzanine floors. He expressed the view that there is no detrimental effect on air quality, no parking issues with the plot being large enough for off-road parking and having a turning circle and room for loading and off-loading and he would provide washing facilities to make sure the roads are not muddy and comply with all the conditions that would be necessary to build this property.

Mr Khan expressed the view that he is not offending any neighbours and the proposal should not affect anyone else, having been an unused site for 11 years and feels it makes sense to get rid of the eyesore and it be replaced with something decent, being in line with the rest of the street and trees and he feels he is improving the situation rather than making it worse. He hoped that members would look at the situation compassionately and grant planning permission.

Members asked questions of Mr Khan as follows:

- Councillor Imafidon referred to it being partially burnt down and asked how long it had been on the market and if planning permission is granted and the site is developed what are the plans, is it going to be sold on the open market or is he going to live there himself? Mr Khan responded that it was on the market for 1½ years 5-6 years ago and on this particular site there is a mobile home in which Mr and Mrs Fisher live in, who are the ones that sold him the plot in the first place, and whilst it was on the market when people went to visit the property the responses came back very negative and he feels they may have been putting buyers off and they then offered him 15% of what he had paid for the site but he could not afford to sell it at this price. He added to get into the site there is a gate and the gate is controlled by Mr and Mrs Fisher because they live there, he does not live there and lives in Luton, and when he was running the function centre he came up every weekend but since it has been derelict there is no real need for him to come to the site. Mr Khan expressed the view that if this property had been in Luton it would have been doing very well as there is a lot of demand for these venues but it is too far to ship people by coach so he did not have many options here. He stated he would like the land to be used properly, it should not be derelict and had asked the Council if they wanted to do anything constructive with his land, such as a Covid centre, but has been hitting a brick wall everywhere he has gone.

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

- Councillor Mrs French stated that she knows this site exceptionally well and it was a very well used function room for many years and she thinks the last time there was a very large function there was in 2001/2 when there was the fundraising event for the tsunami and it

has not been used since then and certainly not within the last 15 years. She made the point that it is a brownfield site, an absolute eyesore and needs demolishing and, in her view, this proposal would actually enhance the area and there are other brand new properties along Whitemoor Road and she cannot see a reason to refuse it.

- Nick Harding stated that once you get past the railway crossing heading away from March the only new dwellings are the barn conversions and those properties have benefited from a barn conversion consent and they have subsequently flipped those to the construction of a brand-new dwelling, which they are able to do under the fallback position. He advised that when it comes to barn conversions the Government's own policy says that the issue of flood risk as a matter of principle, ie the sequential test, is not a material consideration that can be taken into account in the determination of those applications. Nick Harding expressed the opinion that a significant section of this road contains no brand-new dwellings and the new dwellings that have been consented are all concentrated in the Peas Hill part of the road and this site lies in a countryside location. He made the point that this is a site with a dilapidated building and he would not argue that getting rid of a dilapidated building and putting something nice, shiny and new in there is a betterment, however, it is potentially encouraging people to not look after their property to the degree that they should and they are hoping that committee and officers will be sympathetic to the fact that they have allowed a building to become run down and are wanting to replace it with something else which is contrary to policy. Nick Harding stated that if the site is in a very poor condition then an application needs to be made to demolish the building and clear the site and maintain the site in a reasonable condition.
- Councillor Marks asked if the proposal had been submitted to the Council for a barn conversion as it could loosely be described as a barn would that have received more favour? Nick Harding responded that no because it is not in agricultural use and has never been so would not qualify to be considered under the Part Q Prior Notification route.
- Councillor Mrs French stated it is not a barn but if you were inside you would think you were in a barn.
- Councillor Benney expressed the view that barn conversions and agricultural buildings are outdated as businesses are businesses and agriculture seems to get special treatment in this area, it is not a big employer, it is big business that runs on subsidies and businesses that have to stand on their own do not get the support that farming does and he does not see why farming should be treated in any other way. He does know the building and it needs something doing with it and whilst it is in Flood Zone 3 so is all of Benwick, Turves and Wisbech and you are able to build in Wisbech and you can mitigate against the risk referring to a property that was built in Manea. Councillor Benney stated that sometimes there is public benefit on putting a house on a site and if something is not done with the site it will just get worse and where else do you build big houses as they fit and work in this kind of location and he feels it will make a very nice home for somebody.
- Nick Harding stated that the answer to the condition of the building is that if it so run down then the owner needs to be either improving it or removing it, redeveloping it is not the only answer. He made the point that the Council has adopted planning policies, this is an open countryside location, it is nowhere near an adjacent settlement boundary so the policy is against development in this location when it comes to a general residential property as it is not for agricultural purposes so there is no justification and in terms of flood risk the sequential test cannot be ignored, it is either passed or not and the fact that a higher floor level can be built does not pass the sequential test.
- Councillor Marks stated that he struggles with this application as you can see from the photographs there is a house to the right and also a mobile building which he guessed has already got planning permission for residential and, although he understands the owner can demolish it, it is an asset and something will get built there he presumes. He stated that in relation to flood risk if the application was approved he is sure there would be mitigating circumstances to ensure the property does not flood but the two beside it would flood before this one.

- Nick Harding stated that the house to the right hand side of the plot would most likely pre-date planning of 1947 and the static to the rear was granted in 2004 before planning had any notion about dealing with flood risk so committee cannot say that the properties either side have got consent and, therefore, this proposal should be fine as well on flood risk grounds as it is a different era in terms of knowledge and policy and the latest policy has to be applied.
- Councillor Marks agreed with this but what is being said is that any new property would have mitigation so a way forward is being placed on today's legislation so hopefully it does not flood.

Proposed by Councillor Benney to refuse the application as per officer's recommendation but no seconder was forthcoming.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that there are already two properties either side of the site, it is removing and replacing a building and will provide a betterment to the area which outweigh Policy LP3, with this policy supporting development in rural areas, the scale of the proposal will be keeping with the area and will not harm the character or the appearance of the area so complies with Policy LP12(d) and in relation to Policy LP14 the flood risk can be mitigated against and the sequential test should not be applied as the proposal will provide betterment of the site, is removing an eyesore and bringing another much needed house into Fenland.

(Councillor Connor declared that he was pre-determined on this application due to the comments made in calling in the application to committee and took no part in the discussion or voting thereon. Councillor Marks took the Chair)

(Councillor Mrs French declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of March Town Council but takes no part in planning)

(Councillor Hicks did not take part in this application)

**P73/23 F/YR23/0616/F
LAND EAST OF 56-58 TINKERS DROVE, WISBECH
ERECT PART 2-STOREY/SINGLE-STOREY BLOCK OF 3 X 1-BED FLATS**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that proposal is for the construction of a building to serve as three one-bedroomed flats and the application is before committee as Wisbech Town Council are in support of the proposal which is contrary to the officer's recommendation. She expressed the view that the scheme is as a result of market demand, with the applicant being a local landlord and developer who is approached continually for 1-bed accommodation within Wisbech and he has advised that there are currently no such properties on the market and he would be able to sell these flats immediately once built.

Mrs Jackson expressed the opinion that the site is arguably in one of the most sustainable locations within the District as it is within the built up area of a primary market town, with local residents having the opportunity to either walk or cycle to a range of facilities including employment, education, health and retail. She feels it has been sensitively designed to resemble a dwelling house rather than a block of flats and, therefore, the language of the building is reflective

of the surrounding area.

Mrs Jackson expressed the view that there is an example of tandem development on the land to the rear of 1-5 Tinkers Drove, which was a scheme won on appeal where the Inspector did not consider that the development to the rear of the frontage housing was harmful and, therefore, approved the development in a tandem location. She would argue that concerns of backland development cannot be sustained.

Mrs Jackson expressed the opinion that the proposal is of sufficient distance from the neighbouring properties, being over 16½ metres from the rear boundaries of the dwellings along Ollard Avenue and over 26 metres from their windows and with existing garages in between. She feels that as it is at an obscure angle to those along Tinkers Drove there is no harmful or measurable overlooking or overshadowing.

Mrs Jackson made the point that no objections have been received from any of the neighbours and there are no technical issues with the scheme and the application is before committee with support from the Town Council. She would argue that the reasons for refusal are subjective and that the benefits gained in terms of providing 3 residential units within a sustainable location which could be built and occupied straight away should weigh heavily in support of this application.

Mrs Jackson referred to a previous application discussed at committee today in March where it was said that there is a need for small units such as this proposal within the District, they provide small units for couples to get on the property ladder and within a residential area. She requested that planning permission is granted.

Members asked questions of Mrs Jackson as follows:

- Councillor Imafidon questioned that there are no 1-bedroomed units available in Wisbech? Mrs Jackson responded that this is what she has been advised by her client and he is approached continually for such properties. Councillor Imafidon stated that he is a Wisbech Councillor but also a property investor and expressed the view that there are 1-bed properties available as he put an offer on two 1-bed units in the town centre 3 weeks ago. He asked if the applicant was the person that constructed No.56 less than a year ago. Mrs Jackson responded in the affirmative. Councillor Imafidon stated that it looks like part of the garden of No.58 is being incorporated into this new development and asked if this was correct? Mrs Jackson responded in the affirmative.

Nick Harding made the point that according to Rightmove a few seconds ago there are 21 1-bed units available in Wisbech.

Members made comments, asked questions and received responses:

- Councillor Benney expressed the view that there are some pieces of land that should not be built upon and this site is one of them. He made the point that the site has no parking, is not in the town centre and he would not be happy if he had 3 flats built at the back of his house. Councillor Benney expressed the opinion that this is a piece of land that the applicant is chancing and he cannot support it with, in his view, officer's getting the recommendation correct.
- Councillor Mrs French agreed.
- Councillor Marks agreed and stated that looking at Google Maps three vehicles are already parked here and there is no off-road parking and whilst it is nice to say that people are going to walk or cycle at least 1 or 2 properties are going to have cars.
- Councillor Imafidon stated that Tinkers Drove is one of those streets where people park on the road, it has speed humps and leads to a primary school, with there being no direct vehicular access to this site and having looked at the land it is part of the garden of the two front properties. He questioned how the developer will get into the site with building materials and how people who live in these flats will access the flats for delivery of furniture,

etc. Councillor Imafidon acknowledged that whilst housing in Fenland and Wisbech is needed, in his view, this development is not suitable.

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

(Councillor Hicks declared that he has been lobbied by some close connections on this application and could be seen to be pre-determined, and took no part in the discussion and voting thereon)

(Councillor Imafidon declared that he is the local councillor for this area and lives a few metres away but he is not predetermined and would approach the application with an open mind)

P74/23

F/YR23/0730/O

**LAND SOUTH-EAST OF HIGHFIELD LODGE, DODDINGTON ROAD, CHATTERIS
ERECT UP TO 6 X DWELLINGS AND THE FORMATION OF 2 X ACCESSES
(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF
ACCESS)**

Nikki Carter presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that this scheme seeks outline planning permission for the construction of up to 6 dwellings with only details of access committed and feels members will recall the application for 3 dwellings which was approved to the immediate south-east of the site where during their considerations members stated that they would be supportive of the whole of the site frontage land coming forward hence this application. She expressed the view that the proposal would form an extension to a market town which is supported by Policy LP3 of the Local Plan and there is a natural stop formed by the building to the north and, therefore, the scheme effectively infills the road frontage in this area.

Mrs Jackson argued that it does not constitute ribbon development or sprawl and instead promotes sustainable growth. She feels there is opportunity to provide 6 high quality dwellings which contribute to the character and visual amenity of this part of Doddington Road.

Mrs Jackson stated that the concerns previously raised by Highways have been overcome and the application now represents a form of development which is technically acceptable and has 8 letters of local support. She expressed the view that the scheme meets the policies of the Development Plan especially in relation to Policy LP3 which seeks to support extensions to market towns and requested that the application be granted.

Members asked questions of Mrs Jackson as follows:

- Councillor Marks asked if it is the same applicant as for the 3 dwellings previously approved? Mrs Jackson responded that she believes so.
- Councillor Marks made the point that the photographs showed there are already for sale boards along there but if you look where those for sale boards are they seem to be further out than what was previously approved as from his memory the site did not quite run level with the outside property and asked if this is correct? Mrs Jackson asked to look at the photograph being referred to and said she cannot comment on this as the photo is from Google and she does not know how old this is and she can only comment on the site plan that she has submitted.

Nick Harding made the point that there is the earlier refusal of planning consent on this same site, F/YR22/1236, and this is the most recent decision that is relevant to this site. He stated that this was a proposal that refused the principle of development in this location so this should be at the

forefront of members' minds in the determination of this application in terms of what change of circumstances could there possibly be to now approve this application.

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

- Councillor Benney expressed the view that this proposal is just following on from where Willey Terrace finishes and the gap where 3 dwellings have already been passed, with the site going to a farm, so this could be viewed as infill. He stated that the speed limit signs have been pushed further out, with Willey/Curf Terrace previously being 40mph and is now 30mph and the 40mph sign now goes further out of the town. Councillor Benney made the point that it is Flood Zone 1 in this location but it drops very sharply off on the right-hand side into Flood Zone 3 so there will not be the depth of development here due to flooding issues. He feels that with all these developments going into a town or into a village this is different from Upwell Road as this just does go out into the open countryside, there is a farm at the end of this proposal and another one further along and when the emerging Local Plan was being drawn up the building line was taken right up to the river. Councillor Benney stated that he is unsure of how many of those 3 plots that were previously approved have been sold but he knows that at least 1 of them has. He referred to Wype Road in Eastrea when two bungalows were approved as you approach Eastrea from Benwick and they made that village entrance and set the scene for how the village is, with Willey Terrace being built after the war as Council houses stuck on the outskirts of town and as you come back into town the fields are being developed, with the houses looking nice and adding to the character of the area and he feels this development will set the scene when you approach Chatteris. Councillor Benney expressed the opinion that this proposal is an extension and he always thought when the 3 were approved that this area may be submitted for development and referred to former Councillor Sutton's comments at that time on why only 3 were being proposed which he feels gave a steer to the applicant to come back with further development. He feels in terms of the appeal this is not the same as Upwell Road and all these appeals are heard by people that are not local and as a local person he feels it will be a benefit to the area and feels it will be included in the emerging Local Plan.
- Councillor Marks stated that he also a ward councillor for Chatteris as Manea has been diluted into Chatteris and the development of this site fills in the area up to the farm. He expressed the view that houses are needed of this standard as he knows of two businesses locally who are bringing a lot of management people into the area and are struggling to find homes for them so by building good quality houses it will attract more labour which can only be a benefit to Chatteris. Councillor Marks feels that as the speed limit has been moved further back that there is no problem with this application and he is happy to support it.
- Councillor Benney stated that Councillor Mrs French and himself were undertaking site inspections in Chatteris and visited Womb Farm, which will consist of 248 houses and these houses are filling up and selling, which is proving the need for housing in Chatteris, with this proposal being a different type of housing but it will compliment what else there is in Chatteris and nicer houses are required.
- Nick Harding stated from listening to the debate in terms of housing need there is no imperative to grant planning permission here contrary to policy on the grounds of housing need as there is a five-year land supply and the housing delivery test is being met. He added in relation to larger homes there is no evidence or an associated policy so this cannot be considered in determining the application. Nick Harding made the point that the previous refused application needs to be looked at and considered what has changed and realistically the only thing that has been put forward is that the speeding signs have moved but that was never an issue in relation to the determination of the previous application so to him there does not appear to be any substantial reason as why committee is not arriving at the same decision on this application as the previous one, reminding members of their Code of Conduct in relation to consistent decision making.
- Councillor Marks referred to consistency and building outside as you come into Chatteris with there being applications approved as you come into Chatteris from Somersham so has a precedent not been set for consistency by putting nice houses on the entrance of a town.

Nick Harding responded that looking at this particular site there was a refusal around 12 months ago and there has been no change of circumstances and, therefore, members should be making the same decision today as occurred previously.

- Councillor Benney made the point that things are taken into consideration as a committee and makes the decisions but this does mean that a previous outcome is set in stone and a different decision cannot be made. He feels a material change has happened, the speed limit has changed and just because something was refused a year ago does this mean that a decision cannot be changed as every application is supposed to be judged on its merits.
- Councillor Marks acknowledged that officers are saying there needs to be material changes but he feels in 12 months things have changed, there is more of a need for this type of housing and he talks to people and businesses in his area and he is being told what their needs are. He made the point that this is half a new committee so this is another material change and the speed limit has changed from 40mph which would have been dangerous and it is now less of a danger. Councillor Marks stated he probably would not have supported it before but he feels there have been some changes and he can now support it.
- Nick Harding stated that he feels that it is a position where he is going to have to agree to disagree but from a professional point of view it is incumbent on him to advise committee that there has been no material change of circumstances since the last application and the fact that the speed limit has changed does not impact on the openness and rural nature of the location. He stated that the demand for executive type housing is just hearsay and there is no hard evidence so whilst committee is able to make a decision he would remain concerned about the robustness and defendability of that decision if it were to be challenged.

Proposed by Councillor Marks to refuse the application as per the officer's recommendation but a seconder was not forthcoming.

Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against officer's recommendation, with authority delated to officers to apply conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal does not harm the character of the countryside, it enhances and makes a positive contribution of the distinctiveness of the area as you come into Chatteris, there is a need for housing and these will provide high quality homes.

(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 he is a District Councillor for Chatteris and Manea and does attend Chatteris Town Council meetings but takes no part)

4.30 pm

Chairman