

PLANNING COMMITTEE



WEDNESDAY, 28 OCTOBER 2020 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor Mrs J French, Councillor A Lynn (Vice-Chairman), Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor R Skoulding and Councillor W Sutton,

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

P42/20 PREVIOUS MINUTES

The minutes of the meeting of the 16 September were confirmed.

P43/20 F/YR19/1068/F LAND NORTH OF MAPLE GROVE INFANT SCHOOL, NORWOOD ROAD, MARCH, ERECT 50X 2-STOREY DWELLING COMPRISING OF 24X 2-BED, 21X 3- BED AND 5X 4-BED WITH GARAGES TO PLOTS 18, 20, 21, 37, 43 AND 49 ONLY WITH ATTENUATION BASIN AND SUB-STATION INVOLVING THE DEMOLITION OF EXISTING BUILDINGS.

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Adam Conchie, the Agent.

Mr Conchie explained that the land was released by Cambridgeshire County Council to provide much needed quality housing and the revenue generated goes back to support education, health and social care within the community. He added that prior to the submission of the planning application, an engagement exercise was held with the community and there have been two pre application meetings held with officers to assist with the design of the scheme and he has continued to work with officers throughout the progress of the application, being proactive in providing information and any further detail which has been requested.

Mr Conchie expressed the view that the scheme will provide 50, much needed homes that will contribute to the District and County Councils housing requirements with them being in a sustainable location and within walking distance of the town centre and train station. He stated that there will be a mixture of 2,3 and 4 bedroomed dwellings, which have been designed to provide a good standard of accommodation for the future occupants and all meet the national minimum space standards, have substantial sized gardens and provide for minimum car parking standards and the development will be landscaped.

Mr Conchie stated that he is aware that objections to the proposal have been raised with regard to flooding, highways, loss of trees and anti-social behaviour, however, the application has been assessed by the relevant stakeholders, including the Lead Local Flood Authority (LLFA), Cambridgeshire County Council Highways, Cambridgeshire Police and the Tree Officer at the

Council, who have all confirmed that they are satisfied with the proposed development as it meets all the technical and policy requirements. He acknowledged that it is disappointing that the provision of affordable housing is lacking as part of the development, however in accordance with the adoptable policy of LP13, a viability appraisal has been provided to the County Council and District Council who were both in agreement that the scheme is unable to provide any affordable housing as part of the proposal and in his opinion in accordance with planning policy, the lack of the affordable housing does not justify the refusal of the scheme.

Mr Conchie stated that the scheme is well designed, provides much needed homes in a landscaped setting, meets all the technical requirements and will be a welcome addition to the town of March.

Members asked Mr Conchie the following questions:

- Councillor Mrs French asked Mr Conchie whether a traffic count assessment had taken place.? Mr Conchie stated that a transport assessment had been carried out, which was submitted as part of the application and County Council have assessed this. Councillor Mrs French asked Mr Conchie whether he was aware of the findings of the March Area Transport Study, regarding the Norwood Road area and the amount of road traffic collisions which have taken place over the last 3 years.? Mr Conchie explained that as part of the transport assessment, the data of the last 5 years regarding accidents would be reviewed.
- Councillor Mrs French asked whether the road was going to be adopted by the County Council? Mr Conchie explained that part of the road is going to be adopted to allow refuse vehicles to access the site and service the properties, however some of the roads within the estate will not be adopted.
- Councillor Mrs French asked Mr Conchie to clarify that, if the application is approved, will he be prepared to sign a Section 38 and a Section 278 Highway Works Agreement? Mr Conchie explained that if the road is adopted then they will have to be carried out in accordance with the County Council requirements and the applicant is prepared to undertake those works and sign the necessary documentation.
- Councillor Mrs Davis asked Mr Conchie to confirm the width of the entrance road.? Mr Conchie stated that amended plans were submitted to officers which increased the width of the access road in accordance with comments from the County Council. Councillor Mrs Davis asked for confirmation that there are footpaths in the proposal and that there is adequate space for vehicles to pass? Mr Conchie confirmed that there is space for two vehicles to pass and there is the inclusion of footpaths which was at the request of the County Council.
- Councillor Cornwell stated that the eastern border of the site is a fenced border against an area of public open space and he asked for clarity as to whether there is the intention to remove the fence, whilst taking into consideration the reason the fence was erected in the first place. Mr Conchie explained that as part of the application, meetings were held with officers and there is the intention to provide timber bollards along the boundary edge, which will enable the residents to access Wake Road and will provide a secondary means of access for emergency vehicles. Councillor Cornwell questioned whether the fence is owned by the landowner and Mr Conchie stated that the boundary fence forms part of the site and is within their ownership.
- Councillor Cornwell stated that the fence was erected to act as a deterrent for antisocial behaviour, which has been effective and therefore if removed, it could lead to a resurgence of antisocial behaviour. Mr Conchie stated that he can understand the concerns, however, the area of open derelict land could lead to antisocial behaviour, as there are no overlooking issues and by building the dwellings there will be natural surveillance across the highway network and the public open space to the north and east of the site. He added that Cambridgeshire Police have reviewed the proposal and have raised no concerns. Councillor Cornwell stated that the Police have reviewed the site on the historic basis that there has been no antisocial behaviour and they have responded on this basis because there has

been no antisocial behaviour since the fence was erected.

- Councillor Sutton stated that at 10.13 of the officers report the County Council Transport Team have indicated a holding objection as there has been no cycle way or pedestrian way included to access the school and he questioned why this request has not been looked into? Mr Conchie stated that this has not been reviewed as it would only be of benefit to the scheme to access the rear of the school and not a benefit to the wider community. He added that discussions did take place with the school, however, there was not a request from the school for an additional entrance to be included at the rear of the site.
- Councillor Sutton addressed the query that Councillor Mrs Davis had raised regarding the width of the road and confirmed that it was 5.5 metres and there is a pavement at either side of it which is 1.8 metres.

Members asked officers the following questions:

- Councillor Mrs French asked why there have been no consultation or contributions with the National Health and the Primary Care Trust? David Rowen stated that the viability assessment has demonstrated that the development cannot deliver any financial contributions, albeit affordable housing or financial contributions towards the NHS or public open space.
- Councillor Mrs French stated that there appears to be slight confusion between 5.3 of the officer's report where it mentions that the transport team have raised a holding objection and the comments stated at 10.13. David Rowen stated that the Transport Assessment Team still have an outstanding issue in respect of access through the development site to the school, however, the content of the wording at 10.13 is correct in the fact that it is not considered that the lack of the footway link, would be sufficient grounds to refuse the application.
- Councillor Sutton expressed the opinion that, with regard to the holding objection from the Transport Team, there does not appear to have been any action taken from officer's about resolving the issue. He added that he is aware from Mr Conchie's presentation that preliminary discussions took place with the school, however, there is no evidence of this mentioned on the Public Access system or within the officer's report. David Rowen stated that the fact that the issue has not been evidenced on Public Access does not mean that no discussion had been entered into around this issue. The matter was explored, and the rationale was that the school was not insistent on an additional access point at the rear, and therefore it has not been progressed any further.
- Councillor Cornwell stated that at 10.23 of the officer's report, the fence on the current open space is raised which was erected to stop the antisocial behaviour but there is nothing in the report regarding this issue. He made the point that historically the fence was put in place as a result of considerable antisocial behaviour across the rear of the site and if it is removed it will open up the area and Wake Road to pedestrian access which could then lead to a repeated issue of the antisocial behaviour and he asked officer's to confirm whether this has been taken into consideration? David Rowen asked for clarification on which fence that Councillor Cornwell was referring to and it was confirmed that it was the fence to the western side of the public open space adjacent to Wake Road. This fence divides the application site from the public open space which is a significant area of waste land that has been vacant for some time which encourages anti-social behaviour and by developing the land, it may overcome the issue. He added that there is the intention for pedestrian access from the site across the open space to Wake Road, which could be seen as a benefit to the community, allowing movement around the area and the Police have raised no concerns about the development proposed. Nick Harding added that the design of the layout, is such where the residential properties will look towards the open space and therefore levels of surveillance are increased, and the situation has changed which would indicate that a fence would no longer be required.

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

- Councillor Sutton stated that he is content with the overall scheme, however, he has concerns over the holding objection from the Transport Team and from his own personal experience he is aware that there are significant traffic issues at the end of the school day and expressed the opinion that to suggest a walkway and cycle way would not be beneficial to this proposal and to the wider area is wrong. He added that the application needs to be revisited and discussions should take place with the school for them to have further input as he feels the application should include a walkway and a cycle way into the back of the school and as the application stands, he cannot support it. Nick Harding stated that if a gate were to be provided to enable access directly to the school from the development it may attract drivers from outside of the proposal to use the development as a parking area and drop off area for their children. He added that if the committee wish to explore this issue further and if they are happy with the rest of the proposal, he suggested that the committee could give officers delegated authority to approve the application if the primary school confirms that they do not want a secondary means of access via the development to be included.
- Councillor Mrs French stated that she agrees with Councillor Suttons comments. She added that regarding the discussion concerning the fence, she can confirm that it was erected fifteen years ago for a reason as the residents of Wake Road were subjected with extensive anti-social behaviour and that Councillor Cornwell is correct in his statement that there are no statistics available regarding anti-social behaviour as the issues are historical. Councillor Mrs French expressed the view that she would not wish for the fence to be removed which will enable easy public access onto Wake Road.
- Councillor Mrs French referred to the Transport Statement dated 8 January and the Transport Technical Notes Statement which was dated 20 February, both statements derived from the Highway Authority and in each documents conclusion, it stated that the County Council requested that the application should not be determined until such time as additional information was submitted and reviewed. She expressed the view that the agent had not addressed her question regarding the results of the traffic survey making the point that March Town Council carried out a traffic survey and over a two week period, the results showed 24,161 vehicles travelled in one direction, from Hundred Road towards Wisbech Road, with a top speed of 82mph in a 30mph area. The second survey carried out was from the 26 February through to 12 March, going in the opposite direction and showed 22,860 vehicles with a top speed of 83mph and she cannot understand why the application is recommended for approval without a proper transport infrastructure. Councillor Mrs French added that she is the Chairman of the March Area Transport Strategy and has been working on the strategy, focusing on 3 schemes for the past two years, but she has been dealing with issues and concerns over the issue of speeding for over 30 years. She made reference to accident data that she was aware of , including damage to property and vehicles and expressed the opinion that she cannot support the application in its present form, it should be deferred and returned to committee once the concerns and issues have been addressed. She expressed her disappointment that the application does not include any Section 106 contributions and is disappointed that the applicant wishes to build 50 dwellings but is not prepared to include contribution towards the National Health Service or Primary Care Trust.
- Councillor Cornwell stated that he is one of the Ward Councillors for the area and he agrees with the comments made by Councillor Mrs French and Councillor Sutton. He added that twice daily there is significant traffic disruption in Maple Grove and there is the need for a rear access into the school. He feels that enforced parking control measures may alleviate some of the traffic issues, but he cannot support the application in its current format.
- Nick Harding reiterated his suggestion to members in relation to the inclusion of a second school access and if the school is agreeable to an additional access then the decision could be delegated to officers who in turn would issue a consent. If the applicant was not in agreement with the inclusion of a secondary access, then the application would have to be brought back to the committee. He explained in relation to the concerns raised over the

fence, the applicant could be contacted to ascertain whether they would be prepared to leave the fence in place. Nick Harding referred to the County Council's comments with regard to the secondary pedestrian access for the primary school with their response of the 20 February 20, detailing concerns over an isolated walking route without direct access to the school. He added that regarding accident data, the County Council had stated that the data was acceptable for use and covered the period from September 2014 to September 2019 and there were no concerns raised with regard to trip generation, distribution or queue length surveys. Nick Harding concluded by stating the County Council's holding objection only relates to the issue of the secondary access by pedestrians as they have stated that they are happy with all other aspects of the application with regard to transportation.

- Councillor Mrs French expressed the opinion that she cannot support his suggestion regarding further discussion with the school over secondary access which she feels is a highway issue. She reiterated that the application should be deferred and brought back to the committee when all relevant concerns have been addressed.
- Councillor Sutton expressed the view that Nick Harding has suggested that the application be delegated to the Head Teacher of the school but that decision should not be down to the current Head Teacher as her view may not be agreeable with her successors in the future. He added that he will recommend that the application be deferred.
- Councillor Mrs Davis stated that if the application is deferred then the retention of the fence also needs to be considered.

It was proposed by Councillor Sutton, seconded by Councillor Mrs French and AGREED that the application be deferred to seek clarification from the school regarding the Highway Authority's concerns surrounding secondary access to the school, request for the retention of the fence to Wake Road and to obtain up-to-date data regarding transportation and accidents from the Highways Authority.

(Councillor Mrs French and Councillor Connor both declared an interest by virtue of the fact that they are both elected members of Cambridgeshire County Council but have had no involvement with this land)

P44/20

F/YR20/0710/F

F/YR20/0711/LB>BR/>2 MUSEUM SQUARE, WISBECH,

FULL APPLICATION: CHANGE OF USE FROM OFFICE (B1) TO A 7-BED HOUSE IN MULTIPLE OCCUPATION (HMO) (SUI GENERIS) FOR UP TO 9 PERSONS.

LISTED BUILDING APPLICATION: INTERNAL AND EXTERNAL ALTERATIONS TO A LISTED BUILDING TO FORM A 7-BED HOUSE IN MULTIPLE OCCUPATION

(HMO) FOR UP TO 9 PERSONS.,

David Rowen presented the report to members.

Members received a written representation, in accordance with the Public Participation Procedure from Kirsty Fullarton, read out by David Rowen, Development Manager.

“In my opinion, Wisbech's one distinguishing feature is its Georgian architecture. I believe that failure to recognize and respect its architectural heritage by approving these alterations will further chip away at its identity and contribute to its general decline into a soulless town with high levels of social deprivation. The character of Museum Square, which is currently a paved pedestrian area, will be irreparably altered by the inevitable increase in cars parked in the vicinity of the museum. The only people who benefit from HMOs are the absent landlords who own them. For tenants, the conditions are often crowded, and, during the current Covid pandemic, social distancing will be impossible”.

Members received a written representation in accordance with the Public Participation Procedure from William Wagstaff, read out by David Rowen, Development Manager.

“I write to register my concern that the over thirty comments written by residents and societies have not been addressed in the officer’s recommendation to grant this application. Would the officer confirm for example that the issue of local parking has been taken into consideration when making this decision? Also, I am alarmed that the decision for approval appears to have been made by the officer because there is no better proposal on the table (see last paragraph of Conservation Referral Comments document “It is disappointing that the house is not to be returned to a single dwelling, as it would have brought it closer to its historic appearance and plan form and would have enhanced its significance. However, the alterations now proposed are no more harmful than the current arrangement over all”). It should not be a fait accompli that an absentee developer can buy up Wisbech’s historic property and turn it into a modern-day slum for profit. The planning committee should send out a message that starting now that houses in the conservation area should be retained as good family housing”.

Members received a written representation, in accordance with the Public Participation Procedure from Marcus Aspden, read out by David Rowen, Development Manager.

“Change of Use

With regards to the change of use application, I feel the HMO will over intensely utilise the current property and the neighbouring areas. What control measures will be put in place to ensure parking facilities are not affected? The application does not provide details for dealing with refuse collections - how will these be controlled? I feel consent should not be granted without details and control measures in place.

Internal Alterations

The agent, in recent correspondence has stated the alterations and change of use and the works planned will improve the current condition and appearance of the property. As the council are aware, the Owner of a Listed Building has a duty to maintain and keep their property in repair, it should not be left to fall derelict. If necessary, the local authority or council should serve an enforcement notice on the owner to undertake repair and maintenance works. Allowing a property to fall into disrepair and then using this as a reason for a change of use application and alterations should not be considered in support of the application. On the 7th September FDC recommended Objecting to the application (notes posted on the website on 8th Sept). What has been submitted by the applicant to change the Council’s opinion to now recommend approval?”

Members received a presentation in accordance with the Public Participation Procedure from Ray Johnson of the Wisbech Civic Society in objection to the proposal.

Mr Johnson stated that the Wisbech Society strongly objects to the planning application to convert a fine example of a late 18th century family town house into a nine bed HMO. He expressed the view that Museum Square is the cultural heart of Wisbech and is a gem in terms of its architecture significance to the town with its unique historic setting with its Grade 1 Listed Church and church gardens, Grade 2* Listed Castle and Museum as well as many other Grade 2 Listed Buildings and monuments. Mr Johnson expressed the opinion that Museum Square is a sensitive area of the town, regularly used for public events, such as Rose Fair and other museum, civic and church events, and these events could be severely disrupted by the accumulated storage of household waste to the outside of the property or insensitive car parking, as there are no allocated car parking spaces to

the frontage. He feels Museum Square and adjacent Church gardens are a haven for residents and visitors to rest and admire the surrounding buildings and their setting which will be seriously affected by the potential for excessive noise and disturbance that a nine bed HMO can bring.

Mr Johnson stated that the town needs additional housing, but this should be of a quality and desirability that offers its occupiers a place to call 'home' not merely somewhere to sleep and asked is allowing a HMO to be established in the cultural centre of Wisbech the appropriate response to much needed housing, or simply an attempt by opportunistic developers, who he emphasised, are not locally based or invested in the towns society, to make profit at the expense of people?

He added that Wisbech is the Birthplace of Octavia Hill, who as well being a founder of the National Trust, was a social reformer and pioneer in improving housing conditions for the working classes and the application does not appear to have taken into consideration the progressive practices she introduced and possibly could be considered a disappointment to this amazing woman. Mr Johnson stated that although the Planning and Conservation Departments have applied the Planning Laws and guidelines precisely, he believes that they have been too rigid in their application and have not sufficiently considered the strong local feeling against this application with 44 written objections; and in failing to do so, have not used the leeway provided by the National Planning Policy Framework (NPPF), which delivered the Fenland 'Local Development Plan (LDP) in 2014'. He referred to the wording Policy LP18 of Fenlands Local Plan under the Historic Environment and Heritage Assets and Historic England's guidance regarding enhancement and conserving heritage assets and the contribution that the historic environment can bring to the area

Mr Johnson concluded that on the basis of the Fenland Local Plan and the advice given to Local Authorities by Historic England, the Wisbech Society strongly contends that it is clear that the proposed HMO within the cultural centre of Wisbech will seriously affect the setting of the building and the historic asset which is the Town's Museum Square with the proposal for an HMO in Museum Square negatively affecting its local character and distinctiveness while offering no wider social or public benefit.

Members received a presentation in accordance with the Public Participation Procedure from Mr Jeremy Baldwin, the Applicant.

Mr Baldwin stated that the building is not in disrepair and it is a large four-storey house of approximately 2000 sq. ft. internal area, which has been used as office accommodation for the past 20 years. He added that the Fenland Probation Service previously used the building as offices and an employee that worked there for 16 years has stated that the offices provided a work space for 7-8 staff and would typically host between 10-15 meetings with outside clients each working day, with all of the associated traffic load and foot-fall in and out of the building, and there was never any concerns over parking raised.

Mr Baldwin stated that the property is in a central location and is well suited to serve a growing and economically important element of the Town's community looking for a high quality "shared living" experience with the proposal bringing back into residential use a property which has been for 20+ years used as a commercial office building. He feels this is in keeping with the stated objectives and preferences of the Conservation Officer, who has been fully consulted as part of this application and who has visited and surveyed the property.

Mr Baldwin explained that there will be a sizable injection of investment to rehabilitate the property which although costly, will benefit the local economy, both in terms of materials supply and employment for local trades and the refurbishment and improvement of the property

externally will enhance the local street scene, improve the look of the square and the Conservation Area more widely. He explained that there are already 20 Licenced HMOs within 220m of 2 Museum Square and 3 of these are also Listed Buildings with one of these being a 30 seconds walk from 2 Museum Square next to the Fenland Library and the designation of 2 Museum Square as a Listed Building, should not be relevant in the assessment of the usage application, provided the Conservation issues are fully identified and respected as in this case.

Mr Baldwin stated that the proposal to use the house as an HMO has the support of the responsible Housing Officer who has met with the applicant and surveyed the building to ensure that the necessary amenity standards will be met and she is satisfied that this is the case. He added that parking is referred to in several of the objections registered, but it should be noted that there is a public car park 70m away from the property, less than a 2 minutes' walk which was not considered an issue when the property was used as offices; with the likely parking demand as an HMO being almost certainly less than when the property was used as offices with 7-8 staff and 15 visitors a day and the Council's own policy is for reduced parking in Town Centres with nil being considered acceptable in certain circumstances.

Mr Baldwin expressed the opinion that the suggestion that HMO's are a source of "anti-social" behaviour is a dangerous generalisation and should not be relevant in considering this application. He added that whilst there may be HMO's in Wisbech which are not professionally managed in his view these are very much in the minority and are not the yardstick against which other HMO's are assessed with the Council having a proactive management policy concerning the private rental sector and HMO's, and therefore this should not be an issue.

Mr Baldwin added that many the objections to the Planning Application are "Cut and Paste" letters with follow precisely the same format and content and the protests appear to be a "whipped-up", carefully orchestrated storm with little foundation in reality and even perhaps, "Nimbyish". He explained that not everyone can afford to rent other types of accommodation, and the proposed high-quality shared living alternative is genuinely very necessary in the Town with "shared living" accommodation being on the rise across the country, and 2 Museum Square is ideally suited for this use. He concluded that the proposal is centrally located, well designed, properly licenced, and affordable; it will be a benefit to the economy of the Town and fills an essential need in the rental market.

Members asked Mr Baldwin the following questions:

- Councillor Meekins asked Mr Baldwin to clarify the overhauling works to the front of the property that he had referred to and asked what further works will be carried out? Mr Baldwin stated that the Conservation Officer wanted to see detail of the overhauling of sash windows and that has been provided to her, along with the full details to tidy up the front of the building. He added that the rear sash windows will need slight repairs, but the front windows will only need to be repainted. He referred to the drawings in the officer's presentation which highlighted conservation approved grills and vent outlets which will maintain the character of the building.
- Councillor Meekins asked for clarity regarding the location of the fire escapes as the plans only show one fire escape. Mr Baldwin explained that the central staircase is the main means of escape, which conforms with building regulations and a fire risk assessment has been carried out which will form part of the licensing process for the HMO which is a secondary regulatory process to deal with.
- Councillor Marks asked that if planning permission is refused to turn the property into an HMO, will he look to change the property into a single dwelling? Mr

Baldwin stated that the application is for a marginal increase in the occupancy levels of the building and if refused it will just operate as a 6 bed roomed HMO. Councillor Marks asked whether there will be caretaker living on site? Mr Baldwin confirmed it will be managed professionally and high-quality shared living is increasing across the country and there is a constant demand for this type of accommodation.

Members asked officers the following questions:

- Councillor Skoulding asked for confirmation as to whether the local car parks referred to in the officer's report have any time limits associated with them? David Rowen stated he is unsure regarding any restrictions, but as residents there maybe the opportunity to apply for a dispensation when parking there.
- Councillor Mrs French clarified that there are no restrictions currently associated with the car parks, however, in the future this maybe something that is introduced as part of the Civil Parking Enforcement initiative to include permits and time restrictions.

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

- Councillor Meekins expressed the opinion that the refuse collection in the area is collected in bags, which will look unsightly and attract vermin. He stated that, within the building itself, there is one historic fireplace and he questioned whether this will be removed, retained or boxed in and preserved. Councillor Meekins referred to the plans and highlighted that on the second floor there are three bedrooms and a sitting area, but there is no inclusion of a toilet or washing facilities. He made the point that although there are two large car parks near the development, people will choose to park in the vicinity of their home, and in his opinion, this could cause an issue. Councillor Meekins stated that Museum Square is the cultural centre of Wisbech, with the Museum, Castle and Church in the vicinity of the HMO and he added that the property is going to well managed but, in his opinion, there is the scope for residents that will live there to be non-compliant with the house rules. He stated that he will be voting against the officer's recommendation.
- Councillor Cornwell expressed the view that members are always cautious when determining HMO properties in the Wisbech area, which is why some strict controls had been introduced previously and Mr Baldwin has confirmed that if the application is approved then it will need to be managed appropriately. He added that in his opinion the HMO is not situated in the right location, since it will be surrounded by Grade 1 and 2 Listed Buildings along with the Castle and Church and he questioned why the refuse cannot be stored and serviced from Love Lane.
- Councillor Lynn stated that he was worked in some of the HMO properties in the area and due to the size and nature of them, they have all had en suite rooms, whereas this proposal does not, in his opinion, have sufficient bathrooms and kitchen facilities for 9 people. He added that the officer's report states that the drainage from the property will egress into Love Lane and there are concerns as to whether that drain will be fit for purpose. Councillor Lynn expressed the opinion that the proposal for 9 people is too overcrowded with too few amenities and he cannot support the application.
- Councillor Sutton stated that he does not have an issue with the building being used as an HMO or the location of it but in his opinion if the proposal had been brought forward with bedroom 7 being used as a wet room and toilet for the residents of the upper floor, he would have supported the application. He suggested

that if the application could be deferred and bedroom 7 could be altered into a wet room officers could be given delegated authority to grant the application. Councillor Sutton stated that public comments cannot be taken into consideration unless they are for material planning reasons.

- Councillor Benney stated that he agrees with Councillor Sutton regarding his comments concerning letters of objection. He added that consideration needs to be given to the quality of life for the residents who live in this type of accommodation, with many of the people who come to Wisbech to work, being from other countries and he is concerned about the cramped conditions that 9 people would be living in and they should be entitled to live in good high-quality accommodation, which, in his opinion the proposal does not equate to. Councillor Benney referred to the comment made regarding the footfall when the premises was a Probation Office, and expressed the view that although at that time there was a high level of footfall, during office hours, with nine residents plus guests visiting the property at different times of day and night, there will be a significant increase in footfall. He feels that the real concern is not so much about the building, it is how people are treated, referring to the Fenland Local Plan Policy LP2, Facilitating Health and Wellbeing for Fenland residents and he questioned how nine people can flourish, living together, who may not know each other with residing in this type of environment not promoting a healthy lifestyle. Councillor Benney added that with reference to crime, Wisbech does have a slightly higher rate of crime than some other Fenland areas and this should be taken into consideration when determining the application. He referred to LP16 of the Local Plan and questioned how the proposal protects a heritage asset with it will also having an impact on the neighbouring properties with noise. He stated that there is no statement to support how the waste will be stored and added that if the waste is stored in bags this will lead to an accumulation of refuse which has not been taken into consideration. Councillor Benney stated that he has looked into other HMO properties in Wisbech and referred to F/YR16/1185/F which was also for a nine bedroomed HMO at 17 Leverington Road, which was refused, and it went to appeal, and it was dismissed. He concluded by stating that the application should be refused and converted into an HMO for 6.
- David Rowen stated that regarding the living standards within the property, that would fall under the licensing regulations for properties of this type which set out the amenity standards required with comments having been received from the Licensing Team who have stated that the amenity provision is acceptable.
- Councillor Sutton referred to the Leverington Road site which was refused on the grounds of lack of amenity space on all floors and the application was brought back before the committee with amended plans and the application was granted. He expressed the opinion that if room 7 was changed into a wet room and toilet so that each floor of the property has its own facilities it would resolve the issue.
- Councillor Cornwell referred to the comments made by the Licensing Team and stated that when reviewing information, they are working on a minimum standard to reach the conclusion that the proposal is acceptable. Members have intimated that they would prefer to see an additional toilet and wet room and this will then enhance the quality of life and meet the requirements of the Local Plan.
- Nick Harding stated that he has reviewed the appeal decision notice for Leverington Road proposal, which was for two bathrooms shared between 16 people, whereas this proposal has 2 bathrooms for 9 people and is therefore better designed.

F/YR20/0710/F – Change of Use.

It was proposed by Councillor Sutton, seconded by Councillor Skoulding and AGREED that the application be deferred to encourage the applicant to submit amended plans to change bedroom 7 into a wet room for the health and wellbeing of the residents under LP2 of the Local Plan.

F/YR20/0711/LB – Internal and external Alterations to a listed Building

It was proposed by Councillor Connor, seconded by Councillor Sutton and AGREED that the application be deferred, in association with the previous application F/YR20/0710/F.

P45/20

F/YR20/0790/F

CURF FEN COTTAGE, CURF FEN DROVE, CHATTERIS; ERECT A 3 AND 4-STOREY (INCLUDING BASEMENT) REAR EXTENSION, AND SINGLE-STOREY SIDE EXTENSION TO EXISTING DWELLING INVOLVING THE DEMOLITION OF EXISTING CONSERVATORY AND SINGLE-STOREY EXTENSION, AND THE ERECTION OF A 6.5M HIGH (APPROX) STORAGE BUILDING INVOLVING THE CHANGE OF USE OF LAND FOR DOMESTIC PURPOSES

David Rowen presented the report to members:

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor Alan Gowler of Chatteris Town Council.

Councillor Gowler stated that he is one of the Town Councillors for Slade Lode Ward, in which the proposal site is situated with the location site being very rural and on the edge of the parish boundary between Chatteris and Doddington. He added that he sits on the Chatteris Town Council Planning Committee and when it was discussed at the committee all the members unanimously agreed that it was a good proposal and concluded that it would improve the current dwelling with the applicant being a well-known and respected member of the community. Councillor Gowler referred to LP16 of the Fenland Local Plan which he feels this proposal complies with. He added that the Town Council welcomed the application and would like to see it approved.

Members received a presentation in accordance with the Public Participation Procedure, from Ian Benney who advised the committee that he would be addressing them as an individual and not as a Councillor.

Mr Benney stated that he knows the applicant personally and has done so for many years, but he still has an opinion on the proposal and considers the application to be worthy as he feels that the extension to the property will make a positive contribution to the area. He expressed the opinion that from Doddington Road, the current dwelling looks to be out of place by its lack of scale and mass and added that he does not feel it will be detrimental to the street scene when it is a detached property with no near neighbours and will be set back from an unclassified road between Chatteris and Doddington which once built will blend in and enhance Curf Fen. Mr Benney referred to a newly built block of flats in Chatteris which was deemed to be out of character with other buildings in the area, had nothing in common with anything else in the vicinity and when it was being constructed, he thought it would be overpowering, however, now it has been completed, it sits nicely in the street scene. He stated that the only reason to refuse to application would be under LP16d of the Local Plan but in his view this reason is subjective and he would like to see the application supported and given approval.

Members received a presentation in accordance with the Public Participation Procedure, from Mr Robert Feast, the Applicant.

Mr Feast thanked the committee for giving him the opportunity to address them today and asked them to support his planning application. He explained that for most of my working life he has worked in the construction industry and worked his way up to site manager for large construction companies including Skanska and Langs but in recent years as a self-employed builder, and as well as being in the construction industry for the last 10 years, for 8 months of the year he has owned a pest control business. Mr Feast explained that he has Danish hunters who pay to come to England to shoot wood pigeons on farms protecting crops with the dead birds then sold to a game dealer where they end up in the food chain and he needs a barn to store not only his construction equipment, but all the equipment including the walk-in chiller for his hunting business. He stated that he has a JCB digger, a mini digger and numerous other pieces of plant and equipment some of which he currently has stored at a secure rented yard with the 4 acres plot his house stands on needing agricultural machinery to maintain the garden, orchard and grounds and he requires somewhere to store his tractor, grass cutter, trailer, industrial size sprayer and rotovators and he cannot store this equipment in a garden shed. Mr Feast explained that he has a large close knit family with 4 children and 8 grandchildren, who across the generations work with each other for help and support and along with his wife has looked after his parents, and when his father in law passed away in 2006 his mother in law who was suffering from dementia moved in with them rather than put her in a home and it was from my mother in laws inheritance that he has been able to buy their dream home at Curf Fen Cottage.

He explained that the proposed design will be like an old manor house style, he is a firm believer in re-cycling and he would not want to pull down the house as he has invested time and money renovating it to bring it up to a liveable standard, with the intention of including a sensory room within the property for his grandson. Mr Feast stated that he has two static caravans on the site which are currently being used by his two sons and the proposal includes two bedrooms for them to be able to move into.

Members received a presentation in accordance with the Public Participation Procedure, from Mr Matthew Hall, the Agent.

Mr Hall explained that all statutory consultees support the application and there are no objections. He made the point that it is a large site where the applicant wishes to have a large property and there is no overlooking or over shadowing and the nearest house is 100 metres away and nearest road is three quarters of a mile away. Mr Hall referred to the officer's report to 9.10 which shows an ancillary building with Mr Feast providing an explanation to officers as to why this would be required within the residential curtilage. He referred members to the presentation screen where slides were displayed to highlight images of the current site and the proposed site and views.

Members asked Mr Feast and Mr Hall the following questions:

- Councillor Marks asked Mr Feast to clarify who is currently residing in the static caravans? Mr Feast confirmed that his two sons currently reside in the caravans as the existing dwelling is only a one bedroomed property.

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

- Councillor Mrs Davis expressed the view that she cannot support the officer's recommendation as she feels that the application proposal is balanced and meets many aspects of the Local Plan Policy LP16. She added that she would prefer to see a larger standalone house rather than a house and caravans and stated that she applauds Mr Feast for wanting to keep his family together. Councillor Mrs Davis expressed the opinion that there are instances where there appears to be a lack of consistency in the determination of

applications and referred to a recent application where there was a large dwelling built under reference F/YR20/0338, which was a 6 bedroomed dwelling with a triple garage and swimming pool block, which at first was refused and the applicant continued to build the dwelling to second floor level and then submitted a retrospective application which was granted, but has had a large impact on neighbours in the vicinity, whereas the proposal before members will not impinge on anybody due to its rural location.

- Councillor Sutton stated that he agrees with some of the points raised by Councillor Mrs Davis, but he does have concerns over Flood Zone 3, as whilst officers with delegated authority have passed applications within Flood Zone 3 previously, but there have always been mitigation measures in place. He stated that he has noted that the proposal has a basement added to it and questioned as to how there can be any mitigation with a basement included and if the basement had not been included, he may have supported the application. Councillor Sutton expressed the opinion, that he has no issue with the applicant wanting a bigger home for his family or with the inclusion of the shed, but the design is not a quality proposal and could be a better designed property in terms of look and usability for the applicant.
- Councillor Skoulding expressed the opinion that he will be supporting the application as he feels that the proposal is a nice design and whilst he respects the views of Councillor Sutton in his opinion, he can understand why the applicant wants to have his tools and equipment for his business in one place and for his family to live under one roof.
- Councillor Marks stated that he will be supporting the application as he thinks the site is of a good size and design and the proposal will tidy up one of the sites along the road and he would hope that the neighbour along the same stretch of road will also do the same thing.
- Councillor Murphy expressed the opinion that the officers' recommendation is correct as they have taken into consideration the Fenland Local Plan, which should still be adhered to, until the new plan is put in place. He added that the officers have correctly identified the site as being in an elsewhere location, which is out of character with the area and the design, scale prominence and layout are all detrimental with the design being three and a half times of the original dwelling and is against policy LP16(d) and chapters 7, 12 and 15 of the National Planning Policy Framework. Councillor Murphy stated that a planning application on the site was refused in 2017, which was smaller in scale than the proposal before members today and questioned why a larger sized dwelling has been applied for. He made the point that there are several representations of support for the application which have been submitted from individuals who are not local to the proposed site who will not be impacted by the proposal. Councillor Murphy stated that detail in the officer's report highlights the enormity of the dwelling which could be likened to a small hotel and he feels the application still has many outstanding aspects which need to be considered and the applicant needs to reconsider his application and discuss with officers the detail in the application to reach a satisfactory resolution.
- Councillor Mrs French expressed the view that although she does not know the area, but by looking at the plans, the site would be enhanced if the application was approved. She added that the design looks good and if approval is given the neighbours in the locality will be pleased to see the area tidied up. Councillor Mrs French referred to a comment made by Councillor Sutton regarding the proposed basement and stated that there is a technique in place called Modern Method Construction which includes building homes including basements in Flood Zone 3. She added that in her opinion, if somebody can afford a large property, which is not causing any issues or harm, then the proposal should be approved, and she will be supporting the application.
- Councillor Lynn referred to a comment made by Councillor Murphy, who stated that the proposal is in an elsewhere location and added that there is already a dwelling in place and, therefore, that cannot be cited as a reason for refusal. He expressed the view that the design of the house is down to the applicant to decide to ensure that it meets the needs and requirements of his family and business and should not be a reason for the proposal to be refused. Councillor Lynn agreed with the comments made by Councillor Sutton regarding his concerns regarding the basement being in Flood Zone 3, if it was going to be

a liveable area, however, the area is only going to be used for storage and modern dwellings are now constructed to be able to take this into consideration. He stated that he will be supporting the applicant on this occasion and voting against the officer's recommendation.

- Councillor Meekins expressed the opinion, that he does not normally like large houses built in the open countryside, but on this occasion a large dwelling will be a vast improvement to the dwelling already on the site. He added that along with the letters of support for the proposal it has also been fully supported by Chatteris Town Council. Councillor Meekins expressed the view that the design is nice and will improve the area and he will be supporting the application.
- Councillor Mrs Davis stated that regarding the proposal being in an elsewhere location, if there is already a dwelling on site, there can be an application for an extension and a rebuild. She added that she would rather see the family living in a dwelling in Flood Zone 3 rather than a static caravan.
- Councillor Marks added that although the proposal on the plans looks stark currently, in a few years it will blend into the countryside and will fit in nicely.
- Councillor Skoulding questioned as to whether the nearest neighbours are in support of the application.
- Councillor Connor stated that, it is commendable that the applicant wishes to bring his family together under one roof and added that the applicant has designed the property to meet his own needs. He stated that there are no other dwellings in the near vicinity, and it will not impact on any neighbours and he added that he will be supporting the application.
- Nick Harding stated that having listened to the applicant, who has mentioned the addition of the shed for the purposes of business use, it may be that the site does not currently have mixed use consent, which officers will need to look into and if required the applicant may need to apply for this separately.
- Councillor Sutton stated that he is not against the application in its entirety and added that although mitigation measures can be put in place to stop flooding the only way to stop it totally is to put a pump in. He added that the site could be so much better and in his view is out of proportion.

Proposed by Councillor Sutton, seconded by Councillor Murphy to refuse the application as per the officer's recommendation. This proposal was not supported on a vote by the majority of members.

Proposed by Councillor Mrs Davis, seconded by Councillor Lynn and decided that the application be APPROVED against the officer's recommendation subject to reasonable conditions being applied to include adequate screening and for the basement to be constructed in such a way as to mitigate the risk of flooding.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the application does meet some of the criteria of LP16 of the Fenland Local Plan.

(Councillor Benney declared an interest in this item as the applicant is known to him and he took no part in the discussion on this application and voting thereon).

(Councillor Murphy declared an interest by virtue of the fact that he is a member of Chatteris Town Council but takes no part in planning matters)

P46/20 PLANNING APPEALS.

David Rowen presented the appeals report to members.

Members asked questions, made comments and received responses in relation to appeal on F/YR19/0499/F as follows:

- Councillor Cornwell asked for clarity of the construction method used, David Rowen explained that the walls of the dwelling were constructed from tyres substantially with a skimmed rendered external finish, with the Inspector concluding that it was an innovative approach used and if it had been proven that it was a safe means of construction then he may have allowed it.
- Councillor Mrs French asked where the site was and David Rowen confirmed that it was in Bar Drove, near Friday Bridge.

The appeals report was noted

:

4.11 pm

Chairman

PLANNING COMMITTEE



WEDNESDAY, 11 NOVEMBER 2020 - 1.00 PM

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

APOLOGIES: Councillor Mrs K Mayor

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

P47/20 PREVIOUS MINUTES

The minutes of the meetings of the 23 September and the 7 October 2020 were approved.

P48/20 F/YR20/0363/F LAND NORTH WEST OF CEDAR LODGE, THE OLD DAIRY YARDS, WESTFIELD ROAD, MANEA. ERECT 1X4-BED SINGLE STOREY DWELLING, INCLUDING IMPROVEMENTS TO ACCESS.

David Rowen presented the report to members.

Members received a presentation in accordance with the public participation procedure, from Alan Melton of Manea Parish Council.

Mr Melton highlighted to members 5.4 of the officer's report which refers to the submission from the Cambridgeshire County Council Rights of Way Officer, and he expressed the opinion that it is a very ambiguous statement that has been made, as it states that the Definitive Map Team have no objection, but in the recommendation, it forms a reason for refusal. In his view, the Highways Officer and Definitive Rights of Way Officer have not visited the site and have only come to their conclusions by reviewing Google Maps.

Mr Melton referred members to LP15 of the Fenland Local Plan which states that development should be well designed, safe and have convenient access for all and made the point that the Planning Officer has already mentioned that the original suggestion was for two dwellings, but the applicant sought advice from officer's and reduced the proposal to one property. He stated that the main concern of the Parish Council is concerning the segregated pedestrian pathway, but he has visited the site and has driven down the roadway and, in his opinion, there is adequate room for a vehicle and pedestrians and that while it is a public right of way, which is not owned by the County Council, it is very unlikely that there will ever be a constant flow of traffic or pedestrians.

Mr Melton stated that a couple of years ago the Council approved an application, which was 100 yards away from the proposal before them today and this dwelling was between the two bends without adequate width or access and it was granted against the Parish Council's recommendation. He referred to the officer's report which refers to a single dwelling in a growth village with every planning permission granted helping towards the Council's housing targets and,

in the opinion of the Parish Council, the refusal is not justified and the Highway Authority do not direct planning refusals, they only advise.

Members asked Mr Melton the following questions:

- Councillor Mrs French asked Mr Melton for clarification regarding ownership of the public right of way? Mr Melton stated that nobody appears to know who owns it, but the County Council have advised that they do not own it and Manea Parish Council do not own it, but with the help of the applicant and the Parish Council's own team and by paying the County Council a sum of money each year, they do maintain it for the public to use. Councillor Mrs French stated that there is a new Public Rights of Way Officer at the County Council, and the intention is for all Public Rights of Way to be upgraded across Fenland. She added that if the application was approved what effect would it have on the Public Right of Way? Mr Melton stated there is an access off the road which leads to a field with horses and to three buildings and to the rear of the new estate, which some of the properties have access off. He added that there has never been an issue in Manea with the roadway and there has never been an accident. and if the need arose for pedestrians to step out of the way, due to an oversized vehicle they can step onto the verge, which is not an uncommon factor in rural areas.
- Councillor Cornwell asked Mr Melton if he was able to confirm the Parish Council's views on all the other developments that have taken place in this area as it appears it is the last remaining plot in the vicinity. Mr Melton stated that as far as he is aware the Parish Council have had no objection to any development in this area.
- Councillor Miscandlon asked Mr Melton why the developer has not looked to work with the Council to overcome the highway issues that have plagued the site for many years? Mr Melton stated that through the appeal process for previous applications the Highway Authority have not been prepared to engage. He added that in his position as the Parish Clerk he has been attempting to work with the Highway Authority on road safety issues for the past two years, but he does not think the Highway Authority have made any attempt to visit the site, either on foot or in a vehicle and have only referred to Google Maps.

Members received a presentation, in accordance with the public participation procedure, from Councillor Charlie Marks.

Councillor Marks stated he is the Ward Councillor for Manea and this site has had numerous applications refused in the past and he expressed the view that this proposal should be granted as it mirrors the need of the village of Manea, with little or no adverse impact. He added that the applicant is known to him in a business capacity and is also known to him regarding an issue with a public right of way which borders his land and over the years, due to poor maintenance by Cambridgeshire County Council, villagers had been using his land instead of the designated footpath, however, this issue has now been dealt with by the repair of the footbridge and reinstatement of the path. He stated that he knows the land that the application refers to, as his daughter kept her horse on it for 18 months.

Councillor Marks referred to the reasons for refusal in the past and the reasons contained within the officers report which appear to be in the main, a highways issue regarding no segregation for pedestrians walking down the lane where vehicle movements also take place, but he has walked down the lane on numerous times and cannot remember any occasion where he has met any other pedestrians. He expressed the opinion that most pedestrians use the footpath less than 75 metres further on towards the S bends which takes them straight onto the open field behind Westfield Road and the lane is used by people visiting a hair salon at the end of it and to access the small number of dwellings that are situated down there.

Councillor Marks referred to the concerns regarding accessing Westfield Road from the lane, but he has used the lane in many different types of vehicle without any issue regarding vision. He made the point that the road to the right is a straight road and in a 30mph area and drivers heading

into the village are already reducing their speed for the right hand bend and drivers travelling from the High Street are driving under 30mph having just come out of the S bend. He added that a previous application was granted planning permission 2 years ago which was located on the S bend which the Parish Council did not support but was approved.

Councillor Marks concluded by stating that the application has negated the concerns made by the Highway Authority by placing passing places on the lane and for all off site vehicles to have parking provision during the building works. He expressed the opinion that it is a good application and referred to a previous point made by Councillor Sutton in that the Committee should always look favourably to an application if it is supported by a Ward Councillor as they have the local knowledge of their area.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent.

Mr Hall stated that members will note that there is one reason for refusal of this application, which is regarding access concerns, but the existing access already serves several dwellings and a further dwelling which is partly constructed. He explained that where the access joins Westfield Road, it is a 30mph road and the visibility splays of 2.4 metres by 43 metres can be achieved at the junction, with the proposal being to widen the top of the access with Westfield Road and provide a permanent tarmacked surface 10 metres by 5 metres.

Mr Hall stated that in 2014, the Highway Authority commented on a single plot which is 25 metres north of the proposal and said ideally that the track should be a minimum width of 5 metres by 10 metres distance from Westfield Road and have the visibility splays of 2.4 metres by 43 metres and both of these recommendations on that application form part of the proposal in the current application with the Highway Authority having confirmed that there is no 5-year accident data available for the junction. He stated that if planning permission is granted then temporary facilities can be placed on the application site, clear of the access as there is adequate room for storage of materials and that there is adequate room on the frontage of the site to include a passing bay which can be agreed with officers and if required can be brought forward.

Mr Hall highlighted to the committee on the presentation screen, a map of the Old Dairy Yard and pointed out a plot which is 25 metres from the proposal site, which received planning permission in 2014 for a single dwelling and at that time it was recommended for refusal by the Officer and by the Highways Authority, but was approved by the Planning Committee. He added that the Appeal Inspector has stated that the proposal will not harm the character of the area and there are not concerns with regard to overlooking, over shadowing with the site being large enough to accommodate a single storey dwelling in Flood Zone 1.

Mr Hall added that following discussions with the Highway Authority, it is his understanding that they would not be able to propose a favourable recommendation due to the fact that the owner of the Old Dairy Yard is unknown and on various deeds of the Old Dairy Yard there is always an indemnity taken out to ensure that all persons accessing off the Old Dairy Yard will keep the access. He stated that the Public Rights of Way Officer have not raised any objection and are not against any improvements.

Members asked Mr Hall the following questions:

- Councillor Benney stated that in previous applications the County Council had asked for road improvements along the Old Dairy Yard but the costs of that would be prohibitive to the development. He asked Mr Hall to clarify the comment he made with regard to the widening of the first ten metres of the Old Dairy Yard so that there is room for two cars to pass and then the inclusion of the passing space to be introduced if permission was granted. Mr Hall stated that at the top of the access of Westfield Road it will be improved to be 5 metres by 10 metres this is achievable as the land at the top of the road is owned by the applicant and

with regard to the passing bay, the site frontage is about 35 metres in width and the applicant is happy for this to be included and can easily be accommodated and officers have agreed its location.

- Councillor Miscandlon asked whether the first ten metres which are going to be improved are as a result of the Highways recommendation in 2014? Mr Hall stated that is correct. Councillor Miscandlon queried why if the Highways Authority deemed it as acceptable in 2014, they are not in support of it now? Mr Hall stated that it is his understanding that they felt with that application in 2014 and with the proposal today that the remainder of the access is inadequate and with the application in 2014, they did not propose a passing bay. He added that with the 2014 application, the applicant at the time, did not own the property at the top of the road, whereas this applicant does and can therefore implement the change and the visibility splay.

Members asked officer's the following questions:

- Councillor Mrs Davis asked officer's why there was no Highways Officer at the meeting? David Rowen stated that an officer was invited but was unable to attend but had confirmed that he had no further comment to add to that already provided in the application. Their opinion is that the access is a substandard arrangement to serve an additional dwelling. Councillor Mrs Davis added that it is unfortunate that he has been unable to attend.
- Councillor Cornwell asked for clarification that all the landowners adjacent to the footpath appear to have access rights to it and asked whether his understanding is correct? David Rowen stated that in terms of the access rights, it is more of a legal issue, however, it appears that the properties have access and use the Old Dairy Yard and presumably have a right of access across the track. Councillor Cornwell added that it includes the applicants site together with all the others, which is a confusing situation as there is another footpath at the back of the property that runs from Westfield Road at the back of the plots, to the fields at the back, and joins up with the Old Dairy Yard at the bottom. He added that to his knowledge both of the footpaths have existed for 70 years and he expressed the view as to why there has never been a problem in the past when people have wanted to build there and now suddenly since 2014, it has become an issue. David Rowen added that there has been a consistent stance from the County Council since 2014 regarding the concerns of over intensification of the use of the Old Dairy Yard with additional development coming forward and he stated that the situation has arisen historically, with it being a question of whether the exacerbation and the intensification of the use of the Old Dairy Yard is acceptable or not, the Highway Authority are against it as is the previous Planning Inspector who both consider it as unacceptable. Councillor Cornwell stated, so even though approval was given in 2014, an additional dwelling is now considered as wrong? David Rowen quoted from the 2015 appeal decision which stated "With regard to the house further north on Old Dairy Yard the fact that the Council deemed it appropriate in highway terms does not mean further development should be accepted. The appeal proposal would exacerbate the cumulative harm to pedestrian and highway safety from the increased vehicular use of a public footpath as a substandard access ". David Rowen added that the Inspector had regard to what was already in Old Dairy Yard together with a planning permission which was granted in 2014 and concluded that the addition of a further dwelling would be unacceptable and that stance has not changed since the date of that appeal decision.
- Councillor Miscandlon stated the right of access in that lane has historically been a bone of contention and the people that live and work down there have always had the right of access through all of the time that he was the Chairman of the Planning Committee.
- Nick Harding stated that Members need to separate the issue of the planning application and the right of access. He added from a planning decision point of view we are not interested into rights of access as that is a private matter. He added that if planning permission was granted it does not convey to the applicant or subsequent occupiers of the site, the right to use the access and it is something that they need to secure by other means than that of a planning application.

- Councillor Cornwell asked that if the right of access is not a planning issue, how does it become a material element for County Highways when they do not own the area? Nick Harding explained that an adopted road in a rural setting, can mean that the Highway Authority does not necessarily own the land underneath, the highway right of way in a public right of way perspective is the ability to go across the top of that land and what is underneath could be owned by a third party. The comments in this application are with regard to the width of the access given its length, the fact that it is shared with pedestrian traffic on whether the access is considered to be safe or not and the Highway Authority have stated over a number of years that it is not satisfactory as have the Planning Appeal Inspectors.
- Councillor Cornwell made the point that the access is not an adopted road, it is a public footpath and it is not owned by anybody and therefore the County Council are raising highway safety matters on land that does not belong to them. Nick Harding stated that because there is a public right of way and vehicular traffic in the lane, there is a risk of pedestrian and vehicle conflict and that is why there is interest and it is relevant for the County Council to comment.

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

- Councillor Benney stated that he cannot find any issue with the site, it is a country road in a rural setting and if Mr Hall is prepared to work with the applicant to add a passing place, it will be made safer than it is today. He added that by granting the application it will make a safer road for everyone to use. Councillor Benney stated that the comments made by Mr Melton are correct in that there is room for both pedestrians and vehicles to pass, it is a straight road, has no blind corners and, in his opinion, it would be remiss not to grant the application as it is a good proposal. He added that both the local Parish Council and the Ward Councillor are in support of the application and he will be going against the officers' recommendation and supporting the application.
- Councillor Mrs Davis expressed the view that she agrees with several points raised by Councillor Benney and added that she is disappointed a Highways Officer is not in attendance to answer members questions. She expressed the opinion that she believes the application should be granted with the inclusion of the passing bay and the condition to include the provision of the necessary storage on site.
- Councillor Cornwell stated that the application should be supported as it is a sustainable site and it is already surrounded by other properties. He added that he likes the fact that the agent has put forward solutions to make the access safer on to Westfield Road, which include the passing bay to increase the level of safety for the mixed use in the area and he will be voting against the officer's recommendation.

Proposed by Councillor Benney, seconded by Councillor Skoulding and decided that the application be APPROVED against the officer's recommendation subject to delegated authority be given to officers to apply reasonable conditions to include assisting the developer with the design specification for the passing bay and also to include the storage of all materials on site.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposal would not create a harmful impact in relation to highway safety as it is in a rural area and safety measures, such as a passing place will be added to the benefit of the people of Manea and for the people who use it.

(Councillor Marks declared an interest in this item as the applicant is known to him and he took no part in the discussion on this application and voting thereon)

P49/20

F/YR20/0824/F

16 PARK STREET, CHATTERIS, DEMOLITION OF REAR ANNEXE AND WORKSHOP AND ALTERATIONS AND REFURBISHMENT OF EXISTING

DWELLING TO FORM A 4-BED DWELLING. F/YR20/0854/F
25 VICTORIA STREET, CHATTERIS ERECT 3 X 2-STOREY DWELLINGS
COMPRISING OF 1 X 3-BED AND 2 X 2-BED INVOLVING DEMOLITION OF
EXISTING BUILDING WITHIN A CONSERVATION AREA,

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor James Carney of Chatteris Town Council.

Councillor Carney stated that Chatteris Town Council believe that both applications should be seen in a favourable light and with regard to the Park Street application, which is in a prominent position along Park Street, the Town Council are pleased to see that the original frontage would be restored and in keeping with the rest of the street. He expressed the view it is a fine old house and it is encouraging to see the main part of the house being retained adding that at the rear of the house through the archway are the workshops which were an addition at a later stage and do not form part of the main fabric of the house.

Councillor Carney stated that on a previous occasion he has been inside the property and it is clear that the buildings to the rear do not add to the attractiveness of the dwelling and therefore, the Town Council do not feel that the comments raised by the Conservation Officer are valid, stating that the buildings detract from the street scene and the Conservation Area as you do not actually see the old workshops from the street itself. The Town Council are very pleased to see the proposal for the main building is to be kept and restored and have noted the comments made with regard to the lean to at the back of the building, which has different types of glass in it and a representative from the design company visited the Town Council to present on the proposals and it was asked whether the old glass could be used in some form or restored, but if that was not possible could it be gifted to the museum.

Councillor Carney added that regarding parking there were no concerns raised by the Town Council, as there would be parking through the archway and to the rear of the house and there is on street parking in the Town Centre.

Councillor Carney stated that regarding the Victoria Street aspect of the application, the developer has stated that regarding parking there are four spaces in place plus two additional spaces for visitors and made the point that there are other developments in Chatteris which have been approved which have no on-site parking at all. He expressed the view that the proposal has been designed to replicate other properties along Victoria Street and this has been welcomed by the Town Council as it will not be out of keeping with the rest of the street and area.

Councillor Carney added that the point regarding the site requiring an archaeological investigation may be raised later, but overall, the Town Council are of the opinion that the proposals will be an improvement on what is currently in place.

Members asked Councillor Carney the following questions:

- Councillor Lynn asked Councillor Carney to clarify whether he had stated that the applicant had stated that they would be willing to keep some of the parts of the site that are historical and give them to a museum to reuse them? Councillor Carney stated that, in relation to the Park Street site, the developer has stated that the main part of the house will be kept as it is, with improvements to the windows and front door. He added that amongst the application there is some scope to try and use some of the salvaged materials. Councillor Lynn stated that he would hope the developer will contact the Heritage Team to review this further including discussions concerning the workshop. Councillor Carney added that the Town Council did not have any objection with the workshop being taken down and if there is scope for material to be reused then the developer will do. He referred to the last page of

the Conservation Officer report, where they have stated that the principle of development in reuse is supported.

- Councillor Cornwell asked for clarification that Chatteris Town Council are not interested in saving the workshop and Councillor Carney confirmed this was the case.

Members received a written representation, in accordance with the Public Participation Procedure, from Mr Lawrence Weetman, an objector to the proposal, read out by David Rowen, the Development Manager.

“As chairman of Chatteris Past, Present & Future - the civic society for Chatteris - I would like to draw councillors' attention to the remarks submitted by the Archaeological Officer. Councillors should note that several apparently medieval human remains were found during a nearby archaeological dig that took place in 2011. That discovery was just 20m east of the proposed site, to the rear of 19 Victoria Street. Additionally, the proposed development will be on the site of the former medieval Chatteris Abbey. Due to the archaeological sensitivity of the area, and the likelihood of a burial site being present at this location, we believe that an archaeological dig must be required if councillors are minded to give approval for this application”.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Tony Welland, the Agent.

Mr Welland thanked the committee for allowing him to speak in support of the application and also to Chatteris Town Council for speaking in support. He stated that the application relating to 16 Park Street, which is not a Listed Building but within the Conservation Area, is for permission to demolish the old workshop to the rear of the main house and not for replacement windows or shop front, but the proposals would facilitate the refurbishment of the property that has seen little if any repair to it the last 50 years. He accepts that this needs to be done sympathetically to enhance the Conservation Area and setting of adjacent Listed Buildings and stated that he does not require permission for this aspect of the proposal and, therefore, the officer comments regarding layout and parking are not relevant to the application before members.

Mr Welland stated that he wholeheartedly agrees that there is an opportunity to improve this part of Chatteris Conservation Area and this is what he is trying to achieve, supported by the Town Council. He advised that he sought advice originally through a pre app to convert the existing building into flats which included the rear range of workshop buildings, however, when he looked in detail at the former workshops, which had never been used for living accommodation, he realised that, to bring the building up to building regulations standards it would be cost prohibitive and almost impossible to achieve.

Mr Welland expressed the opinion that the solution offered by officers is not at all practical and ignores the harsh reality of economics, with the timber first floor being in poor condition, the ground floor is brick over earth, there are no stairs and the ladder used for this has missing rungs, the external flank wall has brick bonding issues due to later repairs and the gable wall is unstable and bowing out due to the introduction of 3 window openings, the windows need major repairs or replacement, there is no roofing felt or ceilings or insulation and, therefore, the out building the Conservation Team are looking to retain and refurbish would need to be demolished and completely rebuilt, but their proposal would at best create two compromised dwellings akin to flats with no private amenity or garden space for a family townhouse or the dwelling behind. He stated that he does not think the town needs this sort of accommodation, which is also the view of two local estate agents, and he does not believe it would be in the long-term interest of the Conservation Area, with the only practical and viable use for the retention of 16 Park Street being as a single dwelling

Mr Welland stated that regarding the application off Victoria Street, he has designed a scheme that reflects the comments made at the pre application stage with a detached frontage plot off Victoria Street and a L shape pair of dwellings mid plot with Plot 2 having a gable fronting the parking area to reflect the linear development suggested by officers which provides an interesting focal point. He has

retained the existing entrance which was used for the previous business use and has allowed for 2 parking spaces per plot which is acceptable to the Highway Authority.

Mr Welland stated that he is proposing a mix of two and three-bedroom homes to meet local need with designs that reflect the character of Chatteris and there are no significant overlooking issues for a central town location with all three new homes having good size gardens and private amenity space and will be built to a high standard of finish. He concluded that the two applications allow for the regeneration of a run-down town house which will improve the Conservation Area and setting of adjacent Listed Buildings and for the removal of an existing commercial use in favour of three, low energy sustainable homes in the centre of Chatteris and added that in discussion with the Town Council, should the applications be approved, the side window to the main house and the small pieces of glass used in the conservatory will be gifted to the Chatteris Museum to celebrate the Angel Family who previously lived at the address and any materials that can be reused will be.

Members asked Mr Welland the following questions:

- Councillor Benney asked why the proposal includes the retention of the old office in the middle of the plot, whereas if it was removed it would provide an additional parking place or a bigger garden for one of the dwellings? Mr Welland stated it was going to be retained and used for the garden shed of number 16.

Members asked officers the following questions:

- Councillor Benney asked for clarification regarding the controlled parking that officers had referred to in Park Street as he was aware that there was a 30 minutes restricted parking area and asked whether this was what officers were referring to? David Rowen confirmed that this was he was referring to.
- Councillor Cornwell asked whether the doors that front onto Park Street are wide enough to allow a vehicle through? David Rowen confirmed that they do appear narrow, but he was unsure of the width. Councillor Cornwell referred to the allocated parking for Park Street as being through the archway. David Rowen stated that the plans for 16 Park Street do not indicate any parking spaces and it is assumed that because the two sites are in one ownership, 16 Park Street can utilise the access from Victoria Street and park in there, rather than try to take vehicles from Park Street itself.
- Councillor Mrs French stated that there is no controlled parking at this time and added she does think it is a material planning consideration for this application.
- Councillor Mrs Davis added that obscure glass was mentioned and asked where this was going to be? David Rowen added it would need to be included at first and second floor levels due to the inclusion of ensuite bathrooms proposed and some consideration will need to be given from a practical point of view to the bay window to safeguard the privacy of the occupants in the living room area.
- Councillor Benney added that the width of the driveway is narrow, but he is aware a small car can access it.

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

- Councillor Cornwell stated that he is normally reluctant to say that history should be ignored, however, regarding the old workshop, the advice of the Town Council appears to be that they are not worried about protecting it. He added that Victoria Street, in his opinion, appears to be somewhat over developed and he will be interested to hear the views of other members.
- Councillor Murphy stated that the building has always been an old building and nothing of heritage status with it having deteriorated over several years and requiring renovation. He added that people have complained over several years that nothing has been done and expressed the view that the report contains a large response from the Conservation Officer, which, in his view, needs to stop and developers should be left to develop the areas instead of bringing expensive ideas and ways of bringing the buildings back into use. Councillor Murphy stated that Chatteris has many redundant buildings which are becoming an eyesore

because nobody can afford to renovate and repair the buildings because of the costs put on them by the Conservationists and he sees no reasons for the refusal of the application. He stated that he likes the style and appearance of the proposal and he cannot see why it has been recommended for refusal especially as the town of Chatteris want to see this go ahead and it should be approved.

- Councillor Meekins expressed the opinion that it is a shame that the two applications are being determined together and he expressed the opinion that the Park Street application is a good application which he will support although it requires work. He stated that he also feels that Victoria Street is over developed, and it would be better suited to two dwellings rather than three.
- Councillor Sutton expressed the opinion that he respects the comments of Councillor Murphy, however, there cannot be a policy in place where there is no consideration for old buildings. He stated the officer's recommendation is correct and he agrees with the comments made by Councillor Meekins and Cornwell that Victoria Street is over developed, and he will be supporting the officer's recommendation for both proposals.
- Councillor Benney stated that the old workshop at the back of 16 Park Street is falling down, the brickwork is poor and if it is taken down to rebuild it, the footings would not be suitable and the whole building appears to be falling apart. He stated that the building has reached the end of its life and to remove it would be the best course of action. Councillor Benney expressed the opinion that by making it a 4 bedroomed house with a long narrow plot with a garden, it will become a quality dwelling, rather than a block of flats which would be over development. He stated that an archaeological dig has been requested and he expressed the opinion that it should not be added as a condition as it would be a costly exercise. He stated that a body was found in one of the adjacent plot previously, which was dealt with appropriately and reburied and it dates to the Middle Ages and there is not the requirement to carry out archaeological digs, which will add additional costs to the proposal for the developer. Councillor Benney stated he agrees with Councillor Murphy that Chatteris has too many old buildings that are trying to be conserved and instead of doing that there should be the want to concentrate on the buildings that really need looking after, with this proposal bringing 16 Park Street back to life and it will no longer be derelict or full of vermin.
- Councillor Miscandlon stated that he agrees with the comments made with regard to Park Street and stated that although it is in a Conservation Area, it will be brought back to a useable standard. He referred to the comments made by Councillor Benney and stated that when the foundations for the workshops at the rear were laid surely there was an archaeological dig carried out at that time. Councillor Miscandlon referred to the comment made by Councillor Meekins regarding the parking issues in Victoria Street and, in his opinion, that can be resolved. He stated that three dwellings could be classed as over development as the dwellings would be cramped, but there could be two very nice dwellings constructed on the site.

F/YR20/0824/F

Proposed by Councillor Sutton to refuse the application as per the officer's recommendation, however there was no seconder to the proposal.

Proposed by Councillor Murphy, seconded by Councillor Benney and decided that the application be APPROVED against the officer's recommendation, with delegated authority being given to officers to apply appropriate conditions in consultation with Councillor Murphy and Councillor Benney.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the style and appearance of the proposal will enhance the area and will not adversely affect the amenity of neighbouring users and future occupiers and the demolition of the rear annexe and workshop and proposed changes to the front elevation would not be

detrimental to the character and appearance of the Chatteris Conservation Area and adjacent Listed Buildings.

F/YR20/0854/F

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

Proposed by Councillor Murphy, seconded by Councillor Lynn and decided that the application be APPROVED against the officer's recommendation with delegated authority being given to officers to apply suitable conditions.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the style and appearance of the proposal will enhance the area and will not adversely affect the amenity of neighbouring users and future occupiers, the car parking facilities are not deemed inadequate and the design, scale and siting of the proposal would not be detrimental to the character and appearance of Chatteris Conservation Area.

(Councillors Murphy and Benney declared an interest by virtue of the fact that they are both members of Chatteris Town Council but takes no part in planning matters)

P50/20 PLANNING APPEALS.

David Rowen presented the appeals report to members.

Members asked question, made comments and received responses regarding the appeal on planning application F/YR20/0107/F as follows:

- Councillor Mrs French asked what the associated costs were regarding the appeal decision? Nick Harding stated that the costs were £1650 and added that he was disappointed with the costs award as the Inspector agreed the access was substandard, however, he appeared to penalise the Council with those costs even though he agreed that the access was substandard and was a reason for refusal.
- Councillor Sutton asked whether the cost award was negotiated? Nick Harding stated that he reviewed the invoice and there was nothing that he could contest.
- Councillor Mrs French expressed the view that she did not think that the Council had acted unreasonably in this case and she asked whether there was any right of appeal when costs are awarded? Nick Harding stated that the only right of appeal that the Council would have would be to make a legal challenge to the decision made and given the costs involved in this appeal it would not be financially worth doing. A complaint could be made to the Planning Inspectorate regarding a poor decision, but that would not make any difference to the award of costs.
- Councillor Cornwell asked for an explanation regarding what the material differences are in this case compared to the earlier discussion with regard to the planning application in the Old Dairy Yard in Manea? Nick Harding stated that the application that members considered earlier was the pedestrian vehicular conflict that would possibly take place along the length of the track to the application site, whereas in the appeal decision it was the adequacy of the visibility splay where the track met with the adopted highway. David Rowen added that there is also a significant difference in that the Old Dairy Yard was a Public Right of Way which Causeway Close was not.
- Councillor Marks asked how the costs awarded are calculated? Nick Harding stated that in order to contest the appeal, the applicant, employs somebody to make the appeal, provide the evidence and it is that consultants invoice that the Council pays. Councillor Marks asked whether there is a ceiling figure? Nick Harding stated that there isn't and added that he assesses the invoices and reviews the time that they have indicated that they have spent on

dealing with the appeal is fair and reasonable and if he is of the opinion that it is unreasonable then he will challenge the amount of the invoice, but in this case he could not identify any points of argument.

3.14 pm

Chairman