

PLANNING COMMITTEE

WEDNESDAY, 31 MARCH 2021 - 1.00 PM



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

APOLOGIES: Councillor R Skoulding,

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

P79/20 **PREVIOUS MINUTES**

The minutes of the meeting of the 24 February were agreed as an accurate record.

P80/20 **F/YR20/0471/RM** **SITE OF FORMER EASTFIELD NURSERY, EASTREA ROAD, WHITTLESEY** **RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF** **APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE** **PERMISSION F/YR16/1017/O FOR THE ERECTION OF (UP TO) 169 DWELLINGS** **AND ASSOCIATED WORKS**

Gavin Taylor presented the report to members:

Members received a presentation in accordance with the public participation procedure from Councillor David Davies of Whittlesey Town Council.

Councillor Davies stated that as the Ward Councillor for Lattersey on Whittlesey Town Council he objects strongly to the proposed development as it currently stands. He questioned whether the issue concerning the water drainage from the site into the lake to the east of the development has been properly investigated as it is understanding that the owners of that land will refuse permission for that to happen and, therefore, the drainage strategy needs to be revisited.

Councillor Davies stated that the proposed foot path link into Diana Close/ Charles Road has raised many objections to date, there has been over one hundred from residents and it is still a major concern for them in this part of the ward. He added that most are elderly and are concerned about this foot path if it goes ahead, what controls will be put in place to stop it being used as a rat run for motorcycles and bikes and the possibility of anti-social behavior.

Councillor Davies stated that the original Taylor Wimpey plans did remove the footpath following a consultation with the residents, and he added that this is the only consultation that Taylor Wimpey have ever carried out. He added that this proposed footpath only goes to the perimeter of their site and to connect this footpath to Diana Close or Charles Road a new planning submission will need to be submitted and he questioned as to what will happen when someone falls and is injured due to the fact that the ground is uneven?

Councillor Davies reiterated the concerns from the residents regarding the footpath which needs to be revisited due to the number of resident objections and concerns.

Members received a presentation, in accordance with the public participation procedure, from Andrew Stimson, an objector to the application.

Mr Stimson stated that he is speaking on behalf of all residents who have objected to the footpath link, including himself. He made the point that there are many elderly and vulnerable residents in the area around Diana Close, who have lived here for many years, and are very worried and anxious about a footpath link and all the additional anti-social issues it will bring. He expressed the view that the area is already known for drug dealing and this has been witnessed and reported to the Police on numerous occasions over the past couple of years.

Mr Stimson stated that in June 2015 a public meeting was advertised and promoted at the Manor Leisure Centre in Whittlesey, to invite the views of the residents to the initial plans and design of the nursery development, with there even being a book for residents to record their comments and almost all residents who attended objected to the proposed footpath link which was shown on the initial drawings. He stated that to their credit, Taylor Wimpey removed this link and created a revised document called "Design and Access Statement" and this document is attached to the 2016 planning application, with residents being generally happy with the proposal, and they only had few other issues with the development taking place.

Mr Stimson stated that all subsequent planning updates, starting again in 2020, then showed the footpath link had been re-instated and this was during last year's lockdown when residents were shielding and no-one was aware of this change, as only 12 houses bordering the site were actually informed that planning was proceeding after a lull of 5 years. He added that a flyer was created and sent to all residents east of Bellmans Road inviting them to make any comments and this has led to well over 100 objections on this point alone.

Mr Stimson expressed the view that this issue has made the residents very concerned, many who moved here years ago for a quiet life in their retirement and he questioned whether anyone from Fenland District Council or Taylor Wimpey has taken time to speak to them? He stated that there is very limited natural surveillance from the new development according to the latest housing layout, no-one is looking out their window all day and night to keep an eye on the open spaces and there is none from the existing estates along with limited street lighting shown around the new public open spaces. He expressed the view that this will only make a link option a magnet for anti-social behaviour and a risk to public safety.

Mr Stimson added that if a link was created, then the easy access to the Nature Reserve would also attract more anti-social behaviour and drug dealing as there is no surveillance at all. He added that school children are more likely to go through the Nature Reserve to New Road School, simply because it will be quicker than Diana Close, Charles Road and Bellmans Road route. He stated that recently an incident occurred where a dog-walker was almost mugged in the Nature Reserve and he asked how would this safety issue be resolved?

Mr Stimson questioned as to what would happen if the issues highlighted by residents, over creating a link, are correct and the situation worsens? He stated that the Taylor Wimpey document presented at this meeting now states a 2m wide footway come cycleway which is different to the plans and not in the application. He added that this will also allow access to motorbikes, etc and create a rat-run to exit the development in a hurry.

Members asked Mr Stimson the following questions:

- Councillor Sutton referred to the anti-social behavior that Mr Stimson had referred to in Diana Close and stated that as the road is currently a direct end, it is an opportune location for anti-social behaviour to take place, however, if the road is made a through way it will get

used more which will alleviate some of the current issues. Mr Stimson stated that he appreciates the point raised, but it is a currently a very quiet area and there is one house at the very far end of Charles Road, who have noticed at strange times of days there has been unusual behavior and a result drug paraphernalia has been recovered. He added that the residents are aware of the local people who use the wooded area to dog walk and if the area is opened it will allow for a significant increase in the usage of that area. Mr Stimson added that there is no surveillance in that area or the nature reserve and the fear of the residents is the increase in anti-social behaviour.

- Councillor Connor stated that with regard to the footpath, he has spoken to Phil Hughes, the Council's Parks and Green Spaces Manager, who has agreed that the proposed footpath to be constructed by the Council will be in consultation with the Police and a representative from local residents should the proposal be approved. Councillor Connor added that a scheme will be put in place which stops all forms of motorized travel, but will encourage walking and cycling and there may be an amount of money available for CCTV installation to minimize anti-social behaviour and he would hope that this will go some way to alleviate some of the concerns raised by the local residents. Mr Stimson stated that he is sure this will help to reassure people going forward.
- Councillor Cornwell stated that there is always the risk of anti-social behaviour when there are dead end roads and he is aware that the area is very quiet and was so when he visited. He expressed the view that if the road is opened up it would provide further surveillance and would allow the local children in the area to walk to school using the southern entrance rather than having to walk around the main road and back through Bellmans Road. He asked that if enough mitigation is put in place would the residents support the footpath? Mr Stimson stated that most of the anti-social behaviour is taking place during the evenings. Councillor Cornwell asked whether all the instances are reported to the Police and recorded? Mr Stimson confirmed that they are reported, and crime numbers have been obtained.
- Councillor Cornwell asked for clarification as to whether the consultation with the Police has identified the instances which have been reported. Councillor Connor stated that no such detail has been received from the Police for consideration by the committee and he added that he had asked for a representative from the Constabulary to attend the meeting, but they were unable to. Councillor Connor reiterated that if there is CCTV installed, along with adequate lighting, following a consultation with residents, it will only improve the area from the current situation described by Mr Stimpson.
- Councillor Marks asked Mr Stimpson to clarify that the dog walkers are already walking over the field to the nature reserve? Mr Stimson stated that there are a group of dog walkers who use the open space on a daily basis.
- Councillor Murphy stated that he is aware that when he carries out his regular litter picks, he finds drug paraphernalia on a regular basis and it is not just found in one location. He added that he is aware that due to the pandemic, the Government are encouraging people to walk and cycle to exercise and this is something that along with Phil Hughes, he will continue to encourage in parks and open spaces. Mr Stimson stated that the open area has never been opened up and based on the recent instances of anti-social behaviour, the residents have pride in the local area and are concerned that the area will become a rat run and there is a very strong feeling of discontent among the local residents concerning the link footpath, which will change the area in their view.

Members received a presentation, in accordance with the public participation procedure, from Mr Forster, an objector to the application

Mr Forster explained that he has further documentation that he will be sending into the Planning Department for them to hold on file and whilst he does not object to the development, he does oppose the drainage strategy due to the fact that Taylor Wimpey have failed to consult with Guildenburgh Water, Middle Level Commissioners and other consultees on the overland options that are available. He added that since the 1970's the surface water from Bellmans has been

drained by underground pipe across the former nursery site into the only available drain which flows north to south from the former nursery site to the former London Bridge Site, which is now Guildenburgh Water, bypassing the main lake.

Mr Forster stated that the historical existence of this original drain is confirmed by several Middle Level Commissioners maps and that without any legal agreement with Guildenburgh Water, the owner of the former nursery site excavated a west to east ditch which discharged irrigation run off from their greenfield site into the Guildenburgh main lake, which, in his view, is in breach of the Land Drainage Act 1991 and the ditch is not a legally agreed watercourse. He expressed the opinion that the nursery also constructed an illegal irrigation lagoon on the site without any planning permission from the Council and without the approval of the Middle Level Commissioners, which also breached the Land Drainage Act.

Mr Forster stated that Taylor Wimpey proposed to block the existing natural drainage outlet to the south, so the surface water from two housing estates can be unnaturally forced to drain into the Guildenburgh main lake, by the west to east ditch which was constructed. He added that he has never been consulted by Taylor Wimpey for them to gain permission to discharge into his lake and he has made numerous attempts to suggest to them the overland route for drainage, but these suggestions have been ignored.

Mr Forster stated that at a meeting with Middle Level Commissioners in 2002 a representative from the Internal Drainage Board confirmed that the natural drainage route is to the north and this was then contradicted in a letter in 1997 which stated that the surface drainage water from Bellmans flowed from north to south. He expressed the view that conflicting information from various bodies has led to the Council and Middle Level Commissioners to believe that the natural flow is from south to north.

Mr Forster stated that in 1998 the lagoon failed to cope with flood water, resulting in the flooding of Guildenburgh House, and a second flood was also experienced on 24 December 2020. He expressed the view that the Land Drainage Act 1991 requires riparian owners to pass on the flow of water in its natural state without any interference to quantity or quality, and without obstruction, pollution or diversion which would affect the rights of others, with the previous owners of the nursery site having all been in breach of the Land Drainage Act and the Taylor Wimpey drainage strategy, in his view, breaches the Act in that it proposes to block off the natural drainage route and divert the flow in the Guildenburgh Water Lake, effecting the rights of the owners and users, adding that an independent water analysis of the Guildenburgh Lake has determined that the water is 500 times purer than the Government statistics for tap water and at least 100% purer than bottled water.

Mr Forster stated that the lake is an area of natural beauty and it does not deserve to be exposed to the risk of contamination and pollution from surface water drainage. He expressed the view that the technical content of the drainage strategy is flawed as the SUDS scheme only services the southern part of the development and surface water from the northern part would be discharged into the Guildenburgh lake untreated. He asked that if members are considering approval of the application, that the application be deferred until all parties have met for further discussions.

Members asked Mr Forster the following questions:

- Councillor Marks asked whether Mr Forster had raised his concerns with the previous owners concerning the discharge and was any legal action taken? Mr Forster stated that legal action could not be taken as his insurers were the same as the previous owners. He added that when his house was flooded, he could claim damages, but he was advised that no legal action could be taken. Councillor Marks asked whether that information relates to the early 1990's and Mr Forster stated that it did. Councillor Marks asked for clarification as to when the property flooded, and Mr Forster confirmed it was 1998.

Members received a presentation, in accordance with the public participation procedure, from Matt Collerson and Phil Brown, the Agent and Drainage Consultant for the application.

Matt Collerson stated that he is a Chartered Town Planner and Director of CC Town Planning and is speaking on behalf of Taylor Wimpey East Midlands who is the developer of the site. He stated that also speaking on behalf of Taylor Wimpey will be Phil Brown of JPP who will explain the drainage situation.

Mr Collerson stated he would like to highlight a few key points which he would like members to take into consideration in determining the application. He stated that he would like to highlight that this site was granted outline planning permission for up to 169 dwellings in 2019, subject to the approval of 4 reserved matters – appearance, landscaping, layout and scale - and the application relates solely to those reserved matters.

Mr Collerson stated that the site is allocated as a strategic housing site within the Fenland Local Plan and within the Council's latest monitoring report (Nov 2020) all dwellings are forecast to come forward within the next 5 years, as such this site is a key strategic site for the Council to maintain a 5 year housing land supply. He made the point that the number of dwellings has been reduced from the maximum permitted under the outline (169) to 158 dwellings comprising of 2, 3- and 4-bedroom homes and it was agreed at outline stage that there is no affordable housing requirement on this site.

Mr Collerson stated that the outline planning permission also secured Section 106 contributions towards education, as well as to the Wildlife Trust to provide improvements to the local Nature Reserve. He explained that concerns relating to matters such as highway impact, traffic congestion, lack of affordable housing and impact on local services have been raised by local residents and stated that these are all matters that were assessed as part of the outline planning permission.

Mr Collerson expressed the opinion that he has worked closely with officers over several months, making several revisions to the scheme to provide a layout that officers support and respond to consultees and local concerns. He added that the proposed dwellings are of a high quality design with a varied materials palette and together with the careful use of landscaping and boundary treatment, along with significant areas of open space and retained landscaping, will create a high quality living environment for future residents.

Mr Collerson stated that the scheme has been amended to provide a footway link from the site to the Charles Road area to the west, at the request of officer's to provide better connectivity and encouraging more sustainable transport options, with the applicant also agreeing to the payment of a financial contribution towards enhancing the footway link on the Council's land which will be secured through the Section 106 agreement. He stated that the concerns relating to surface water drainage will be outlined in more detail by Mr Brown and added that both the IDB and LLFA are satisfied with the proposed drainage strategy, with the drainage proposals having been prepared by an experienced and highly qualified engineer, independently assessed by Mr Brown as a drainage expert, independently assessed from a legal perspective as set out in the advice provided to officers and again have been accepted by the IDB and LLFA.

Mr Collerson stated that as set out in the committee report, the applicant has sought to address the owner of Gildenburgh Lakes concerns by proposing a scheme to monitor the quality of water at outfall source and this is considered by officers to be a pragmatic and effective way of monitoring water quality within the Lake. He stated that the scheme includes policy compliant levels of open space, along with the provision of play equipment and bird boxes, with the reserved matters submission having been accompanied by detailed landscaping plans and these have all been approved by the County Ecologist, Wildlife Trust, and the Council's Arboricultural Officer.

Mr Collerson stated that he understands the local concerns to this development, however, these have either been considered at outline stage or addressed through this submission as recognised by the fact that there are no technical objections and through the officer's recommendation. Mr Brown stated that he has a degree, with Honours, in Civil Engineering and is a Chartered Engineer and a Fellow of the Institution of Civil Engineering and a Fellow of the Chartered Institute of Highways and Transportation. He stated that his brief from Taylor Wimpey was to provide an independent opinion of the development with respect to storm water drainage and he added that it is his understanding that the consultees to the planning application, that include the IDB and Lead Local Flood Authority, do not object to the development or to the storm water strategy currently proposed and that the development complies with their requirements.

Mr Brown stated that he undertook a site visit on the 15 March with Taylor Wimpey and by reviewing the historic maps of the site, where the development site is shown as a field, and to the east the Gildenburgh Brickworks site has grown significantly to include rail links to the south, with the south eastern boundary of the site showing the current Taylor Wimpey site with the ditches that are there today showing a link between the quarry and a reservoir to the south east. He stated that the Taylor Wimpey site is currently undeveloped and no buildings or hardstanding of the former nursery remain and the drainage features to the south east corner are still in place and comprise the boundary ditches mentioned earlier and lagoon, which appear to be working as there is not flooding and draining occurring both to the south and to the east.

Mr Brown stated that, whilst the site visit was undertaken on a dry day, there was observed a small flow of water from the lagoon going south and east and having examined the topographical survey that was undertaken by MK Surveys in December 2018 it is clear that the outfall from the lagoon is both to the east and to the south, with ditch bed levels falling away from the lagoon, evidenced by a water flow observed on site. He added that these flows are not impeded to both Gildenburgh Water and to the pond to the south and the topographical survey does not extend to Gildenburgh Water or to this pond to the south.

Mr Brown expressed the view that the Terry Stafford drawings show an existing storm water pipe from the housing development off Bellmans Grove, immediately to the east of the Taylor Wimpey development and whilst the catchment details are not known, it is assumed to be the outfall from this housing development, with the outfall to the ditch to the north of the Lagoon at an invert level of 3.49m, lower than the recorded lagoon water level of 3.66m and lower than the bed level of the ditch between this outfall and the lagoon of 3.54m. He stated that the Taylor Wimpey design, produced by Terry Stafford, for Taylor Wimpey, shows the storm water for the development being collected from hardstanding areas and draining by gravity to the south of the site, to a SUDs Basin, with the SUDs basin predominantly a dry pond that has a flow restrictor, or flow control chamber, at the outlet.

Mr Brown expressed the opinion that the SUDs basin also provides a degree of treatment to improve the quality of the water leaving the development, which is achieved by allowing the water to flow across vegetated areas and into a sediment forebay just before final discharge offsite, with the sediment forebay giving the opportunity for suspended solids to drop out of the water during low flow conditions and with the right type of planting offering a final polishing of the water. He explained that the design further incorporates a significant amount of permeable block paving to all private drives and parking areas, which allows water to be collected and treated at source and properly constructed permeable paving can remove pollutants at source both by filtration and anaerobically and it also aids in the management of storm water flows as well, with all these drainage features designed to the normal standards expected.

Mr Brown expressed the view that following the historic drainage routes from 1926 it is clear that a drain linked the application site to what is now Gildenburgh Water and it is likely that the drain constructed was in response to the development of the brickworks to manage flows from what is now the Taylor Wimpey site. He believes the outfall points for the proposed Taylor Wimpey

development outfall to the same place as the previous nursery development, into the existing lagoon, and this in turn outfalls to the existing drains, with the proposed outfall level higher than the existing pond level, the Taylor Wimpey development does not change in anyway where the water flows at present or is likely since 1926.

Mr Brown expressed the view that the pond to the south appears to only have been in existence between 1958 and 1978 and looks to have been fed from the existing drain along the southern boundary and this pond was, therefore, never part of the original drainage system for the application site. He added that this pond has currently no outfall other than some infiltration at water level and, in his opinion, that as this is a later feature it cannot be relied upon as a viable outfall to replace the outfall to Gildenburgh Water.

Mr Brown expressed the view that the drainage design for the proposed development essentially matches the previous situation in that the existing lagoon receives the collected surface water and outfalls both to the south, to the pond, to the east and to Gildenburgh Water to the east. He stated that given the flow control measures that will be constructed, the Taylor Wimpey development will offer a degree of betterment with respect to storm water flow rates and best match green field run off rates and these will be less than the uncontrolled flow rates from the previous development.

Mr Brown expressed the opinion that the proposed Taylor Wimpey development offers well known and widely implemented techniques to improve water quality, certainly higher than the adjacent housing development to the east, and he would recommend to Taylor Wimpey that the planting in the SUDS basin and the sediment forebay are given careful design consideration to use planting that can offer the best enhancement to water quality.

Members asked Mr Collerson and Mr Brown the following questions.

- Councillor Cornwell asked Mr Collerson to clarify whether Fenland Officers have already agreed a proposal for the drainage on the site? Mr Collerson clarified that what he stated was that the application has been recommended for approval and the agreement is on that basis, but the final decision is for members to take.
- Councillor Meekins stated that he finds it strange that a plan has been submitted which shows surface water being drained into somebody else's property. He questioned whether this is a usual occurrence when developing sites? Mr Brown stated that where an established drainage outfall is in place, it already has drainage rights attached to it and, therefore, it is allowed if the connection already exists.
- Councillor Sutton asked Mr Brown to clarify what the ongoing maintenance regime will be for the SUDS area? Mr Brown stated that he would expect Taylor Wimpey to employ a maintenance company to look after the SUDS Basin in perpetuity including the grassed and planting areas. He added that the effectiveness of the SUDS basins relies on good maintenance.
- Councillor Marks asked Mr Brown whether he was aware of any paperwork or contract in existence with regards to the historic discharge of water in Guildenburgh? Mr Brown stated that there is a lot of documentation between the previous owners of the development and the Internal Drainage Board where rights have been established to allow those connections, but he is not aware of any formal agreement or contract in writing.
- Councillor Mrs Davis stated that Guildenburgh Water is a business, is run as a diving lake and she can appreciate the concerns of Mr Forster and she questioned what the difference in cost would be if an alternative solution was looked at? Mr Brown stated he did not know that information as that exercise had not been undertaken or costed by him. He added that there is an existing drainage network in place that works, the Taylor Wimpey development does not alter that network, it just connects to it and it still permits a flow to the east and south of Guildenburgh lake and the routes will not be blocked off, but will remain exactly the same as what is currently in place and what currently operates. He feels that the pollution control measures that will be put in place offer a higher degree of pollution control than what

is currently in place.

- Councillor Marks asked for clarity that no changes will be made including extra piping or larger pipes? Mr Brown stated that the pipe that links from the SUD station to the existing lagoon is set at a higher level than the current water level and there is no intention to drop the water level at all, with the only changes being to put some crossings in, but there are no other fundamental changes.
- Councillor Sutton stated that the amount of rainfall on that particular block of land will make no difference whether it is developed or not and the drainage through the soil, into any drainage, through the ditches, through into Guildenburgh Water will remain the same. He added that mitigation is in place in terms of the SUDs to give a mimicking of the natural drainage. Mr Brown stated that is correct.

Members asked officers the following questions:

- Councillor Murphy asked officers to confirm that a management company will be in place to look after the three open space play areas and asked whether the roadways will be wide enough to allow the refuse freighters access to service the properties? Gavin Taylor stated that the developer has been advised that they will need to secure a management company to maintain the open space. He added that the private roads are narrow, and, therefore, a bin collection point will be identified to allow our refuse team to access and manoeuvre and these arrangements have been agreed with the Council's Refuse and Recycling Manager. Councillor Murphy questioned why the collection points have not been identified on the map provided to members? Gavin Taylor stated the site development plan details the bin collection points at key areas adjacent to the adopted highway and is shown as grouped areas, which are pepper potted around the site.
- Councillor Mrs French asked the Highways Officer to clarify that if the application is approved are the roads going to be adopted and is there going to be a bond in place to ensure that this does happen? Alex Woolnough from the Highway Authority stated that he is currently in discussions with Taylor Wimpey regarding a Section 38 Agreement and added that they are keen for this to be entered into, which will include a bond to be in place.
- Councillor Marks asked whether the footpath could be constructed prior to commencement of the development, should approval be given, so it is not a rough access path on entry? Gavin Taylor stated that on the proposed condition 6 in the officer's report, it refers to the trigger for delivery of the footpath by Taylor Wimpey and sets out that it needs to be then secured until such time that the Council is ready to deliver their elements. He added that the footpath will not be useable until the Council have delivered their aspects of the development and the developer is proposing that they commence works at the north of the site and work their way down and, therefore, in the interim period would need to access services via the north. Councillor Marks asked whether the trigger period is determined by the number of houses built and Gavin Taylor stated that Condition 8 sets a trigger of 100 dwellings.
- Nick Harding stated that the grant of planning permission does not authorise a developer to undertake works that they are not allowed to do for other reasons. He added that the approval of a drainage scheme does not entitle a person to discharge their water into another person's land and into their facilities and it is not part of the planning application process to resolve issues of land ownership and drainage rights. Nick Harding added that with regard to the earlier comments made concerning the footpath link and concerns regarding anti-social behaviour and crime and disorder statistics, the officer's report states that the Police consultee was fully aware of the residents representations and they would have considered whether the development proposal would exacerbate crime and disorder in the area as a consequence of having the footpath link and the officer has concluded that the link would not be detrimental.

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

- Councillor Sutton stated that he noted from the update report the occurrences of crime and

anti-social behaviour from the 1 January 2019 in Bellman Road, Diana Close and Charles Road, and whilst he appreciates the concerns of the local residents, it appears that there is not the level of anti-social behaviour taking place that the residents have mentioned and it could be that there is a fear of crime, rather than crime taking place, with it being likely that the instances of crime are not being reported to the Police. Councillor Sutton stated that the application is a prime example of good planning and officers have worked exceptionally hard with the agent and should be congratulated. He stated that whilst he appreciates the concerns of residents, he will be supporting the officer's recommendation.

- Councillor Mrs French stated that the Council are working on a cycling, walking and mobility improvement strategy and within the strategy it will provide a high level intervention needed to create a consistent and connected network of cycling and walking routes in Fenland towns, which will enable residents to be able to link with places of education and employment. She added that this planning proposal will accord with the strategy and assist with issues of congestion on the local roads and make the roads safer. Councillor Mrs French added that the strategy encourages local people to commute to school, work, and college on foot or on bicycle, which is something that people are now wishing to embrace following the pandemic. She stated that she fully supports the application and is content with the comments made by the Highways Officer and added that the only concern she has is with regard to surface water discharge, which she hopes can be addressed. Councillor Mrs French stated that she appreciates the comments raised by Mr Stimson but agrees that the introduction of lighting will go some way to alleviate residents concerns.
- Councillor Benney stated that the drainage issues will need to be resolved prior to commencement of works. Whilst he appreciates the concerns of the residents, he feels that the residents may have a fear of instances of crime and by increasing the number of residents living in the locality, it will remove the tucked away feeling that the road currently has. Councillor Benney stated that he will be fully supporting the application.
- Councillor Mrs Davis stated that she wanted to congratulate the Planning Officers for the work and detail which has gone into the application. She added that the drainage issues are for others to resolve between them and she expressed the opinion that she can appreciate the concerns raised by the residents with regard to the footpath, however, the footpath will assist the children in the area for their route to school and added that steps are being taking to allay those concerns. Councillor Mrs Davis stated that CCTV could be considered by Taylor Wimpey going forward, but added that she will be fully supporting the application.
- Gavin Taylor stated that the applicant has proposed a financial contribution and added that the Council's transport have also indicated that there may be some alternative funding streams available and that work is ongoing.

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

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

(Councillor Cornwell took no part in the debate of voting on this item, due to loss of internet connection, and he left the meeting at this point and for the remainder of the meeting)

(Councillors Mrs Mayor and Councillor Miscandlon declared an interest, by virtue of the fact that they are both members of the Planning Committee at Whittlesey Town Council and were present when this item was discussed, and, therefore, took no part in the discussion or voting on this item)

P81/20

F/YR21/0022/VOC

SOUTH OF GOREFIELD HOUSE, CATTLE DYKE, GOREFIELD

VARIATION OF CONDITION 11 (1.8M FOOTWAY) OF PLANNING PERMISSION

F/YR14/0690/F (ERECTION OF 4 X 2-STOREY 4-BED DWELLINGS WITH DOUBLE GARAGE) TO REQUIRE THE DELIVERY OF A FOOTWAY SOLELY TO

THE FRONTAGE OF THE DEVELOPMENT SITE

Alison Hoffman presented the report to members:

Members received a presentation, in accordance with the public participation procedure, from Peter Moules, the applicant.

Mr Moules stated that the design and specification of the full Condition 11 footpath, as produced in conjunction with Cambridgeshire Highways (LHA), has continually grown and the cost now stands at £124,000. He added that the requirement is no longer for just a footpath, but for a considerable road improvement to remedy the longstanding drainage issues along the frontage of other houses of 39-45 Cattle Dyke.

Mr Moules stated that throughout the current application process, he has focused on the viability issues created by this demanding specification for the existing Condition 11 footpath and he is confident that he has succeeded in demonstrating that the £124K cost of the works is too much for the site to bear. He stated that, his own planning and that of other developers, has shown that the site cannot produce an adequate developer return if the full footpath is constructed and added that this explains why it has proved impossible to deliver the site during the past six years.

Mr Moules expressed the view that the Developer Appraisal Tool (DAT) has also shown that the developer return is too low and the deficit shown by the DAT translates to a £10K net profit on a Gross Development Value (GDV) of £1.45m and this is clearly a non-starter. He added that the S106 Officer has suggested that a higher marketing price is used to increase the GDV to improve the situation, however, he disagrees with this approach and stated that he uses land registry out-turn prices valued for the last three months in accordance with the standard property valuation procedures used by surveyors and, in his opinion, the figures are much more accurate than Rightmove aspirational figures, which are invariably discounted.

Mr Moules added that in any event, even if the S106 Officer's GDV figures are used, the developer return would remain too low and the Council's own Local Plan Viability Assessment (LPVA) methodology used to inform the emerging Local Plan shows an inadequate developer return if applied to this site with the full Condition 11 footpath and, in his opinion, the raw figures are quite startling. He expressed the opinion that in all the crucial areas the costings fail to meet the viability criteria required for site delivery and his off-site costs are 18.8% of direct build costs, whereas the LPVA anticipates 5% for a small greenfield site growing to 15% for a large greenfield site requiring a significant road system and the footpath accounts for most of this excess.

Mr Moules expressed the view that the LPVA uses a 17.5% developer return for its study modelling and accepts 15-20% as reasonable, and if the LPVA pricing maximum for North West Fenland is applied to the site, with adherence to the rest of the methodology, the developer return is between 6-7%, which is way below LPVA and DAT assumed levels and, therefore, the site cannot be delivered without some sort of compromise. He added that he is keen to move on and develop the site, appreciating that the village wants an early completion.

Mr Moules expressed his understanding that there were no houses constructed in Gorefield in 2020 and if a compromise can be agreed then the site can be started immediately. He stated that he is prepared to accept the inevitably low developer return and in the best-case scenario it is likely to be around 11% if a compromise can be found over the footpath, but he cannot risk going ahead at a forecast return of 6-7% with the full footpath; the site would not generate enough funds to cover the forecast 5-8% construction inflation anticipated for subsequent re-investment in any future site and as a result, there is every chance that the development will remain undeliverable for another extended period.

Mr Moules expressed the view that with regard to what is a fair and reasonable infrastructure

charge for a small site, the National Planning Policy Framework (NPPF), S106 and CIL guidance all recognize that viability is the key to providing infrastructure and the third obligatory test of the NPPF is that infrastructure be fair and reasonable and in proportion to the size and scale of the site is not optional and the test must be passed. He stated that the undeniable figures show that the full footpath is 44% of the quoted land value, 18.8% of the direct build cost, 50% of the net profit and these ratios are prohibitive, with the equation only being rebalanced by reducing a significant part of the footpath, i.e. that part within the Village 30mph zone.

Mr Moules stated the road safety input has only emerged during this application and if there is a road safety issue, it already exists and has done for many years. He expressed the view that the issue is certainly not dependent on the development of this site and there are eight additional dwellings further south along Cattle Dyke that have no access to a footpath, nos 39 – 45, but the Highway Authority having defined the problem has never attempted to resolve it and the reduced footpath he is proposing will provide a level of improvement.

Members asked Mr Moules the following questions:

- Councillor Marks asked for clarity over the savings which will be made if the footpath is reduced? Mr Moules stated that if the footpath is 140 metres long it will be £124,000 and if it is reduced to 40 metres the pro rata cost will be £44,000.
- Councillor Marks asked whether number 45 Cattle Dyke falls within the 30mph zone? Mr Moules stated that the vehicle access to number 45 is in the 60mph, but the front part of the dwelling which is the pedestrian access is in 30mph zone.

Members asked officers the following questions:

- Councillor Mrs French asked Alex Woolnough, the Highways Officer, for his professional opinion on the application. Alex Woolnough stated that each application is looked at on its own merits, the development is within a walking catchment of village amenities and, therefore it is anticipated that the development will generate a number of pedestrian trips. He added that if the decision is taken to remove the link between the development footpath and the existing footpath, pedestrians will be forced to walk along the carriageway and, in his view, that proposes an unnecessary risk to highway safety and undermines the policy objectives as set out in LP13 and LP15 of the Local Plan.
- Councillor Miscandlon stated he recalls the original application and Highways were consulted at that time, with the developer putting forward the suggestion of paving it all the way along. Councillor Miscandlon expressed the opinion that highway safety is still an issue and, in his view, getting worse due to the speed vehicles travel at and he asked Alex Woolnough to clarify whether the proposal is a solution to a highways issue that has been generated by the traffic and the development proposal? Alex Woolnough stated that he agrees and as soon as pedestrians are forced to share the carriageway space with vehicles, it is, in his view, unacceptable, especially in times of darkness or poor visibility. He expressed the opinion that it is perfectly reasonable to expect a footway to be delivered as part of the development.
- Councillor Murphy asked Alex Woolnough to clarify that he is saying that anything the other side of the 30mph going into the 50mph zone is dangerous? Alex Woolnough stated that the principle of the 4 unit development, which is going to generate a number of pedestrian trips, and with a development of that nature, it is reasonable to secure a footway link that connects the development with the existing footpath arrangement within the settlement regardless of the speed of road that it sits on.
- Councillor Connor stated that in the officer's report it highlights that Gorfield Parish Council are in support of the application and have stated that at some time in the future they may be able to fund the extension of the footpath and, in his opinion, road safety is paramount in the view of the Parish Council. Alex Woolnough referred to the viability statement that Mr Moules had submitted and said that there is an alternative scheme available as an internal footpath that can be provided, which would avoid carrying out any works within the highway and this would reduce the footway link between the site and the existing footway that is on

Cattle Dyke.

- Councillor Murphy stated that he cannot see a Parish Council being able to fund a pathway at such a significant cost.

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

- Councillor Sutton stated that he has reviewed the history of the site, which show in 2011 three dwellings were approved and in 2014 four dwellings were approved, where a condition was added, which is why the application is before the committee. He expressed the view that he cannot support any proposal which effects highway safety and he will support the officer's recommendation.
- Councillor Miscandlon stated that if the application was built out in 2011, or 2014, it would not be back before the committee. He added that the developer was willing create the footpath in 2014 and since that time road conditions have deteriorated, adding that road safety is paramount, even if it means a developer gaining less profit. Councillor Miscandlon stated that he will be supporting the officer's recommendation.
- Councillor Mrs Davis stated she will also support the officer's recommendation and added that she finds it disappointing that developers agree to conditions to obtain planning permission and then state that they cannot afford it.
- Councillor Sutton stated that prior to December 2011, the plot would not have been worth very much, but in the present day each plot may be worth £100,000, and there are plenty of options available to the developer, who if they choose not to develop it further they could pass it on to another who would be prepared to include a pavement for safety reasons.

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

P82/20

F/YR20/0952/VOC

LAND NORTH OF ORCHARD HOUSE, HIGH ROAD, WISBECH ST MARY
VARIATION OF CONDITIONS 10 (SURFACE WATER DRAINAGE) AND 11 (LIST
OF APPROVED DRAWINGS) RELATING TO PLANNING PERMISSION
F/YR17/1217/F (ERECTION OF 76 DWELLINGS COMPRISING 29 X 2-STOREY 4-
BED, 6 X 3-STOREY 4-BED, 29 X 2-STOREY 3-BED AND 2 X BLOCKS OF FLATS
(4 X 1-BED AND 8 X 2-BED) WITH ASSOCIATED GARAGES, PARKING, PLAY
AREA AND LANDSCAPING INVOLVING THE FORMATION OF A NEW ACCESS
ROAD

Alison Hoffman presented the report to members:

Members asked officer's the following questions:

- Councillor Murphy asked for clarity with regard to the refuse collection arrangements due to the revised scheme not highlighting the bin collection points on the site layout. Alison Hoffman stated that she has proposed an additional condition detailing the location of the bin collection points to be agreed in writing prior to any occupation of the site.
- Councillor Miscandlon referred to point 5.1 of the report, which refers to a brick-built bus shelter, and asked whether it would impact the visibility splay? Alison Hoffman stated that the bus shelter was in situ at the time the application was considered in 2017 and she added that the developer has a consent that requires the provision of the visibility splays and the onus will be on them to ensure that they gain the necessary approval to undertake the works required to deliver those splays. She stated that she raised the issue with the agent for the scheme and it was indicated that discussions were ongoing, however, that fact was refuted by the Parish Council. Alison Hoffman stated that if the scheme cannot be undertaken by delivering that matter then they will have to come back with an alternative proposal.
- David Rowen added that Condition 17 is proposed, which sets out the visibility splays that are required to make the access acceptable and the onus is on the developer to achieve

that. He added that if the bus shelter has to be removed in order for that to be achieved, planning permission does not automatically give a right for third party land to do that and an arrangement would have to be made with the Parish Council and also the bus providers, so that an adequate relocation of the shelter can be considered.

- Councillor Connor stated that he would like to see conditions added to the application to include a vehicle wheel wash to alleviate mud on the highway and a condition to be added to stipulate the working hours permitted when construction is taking place. Alison Hoffman stated that a construction management plan was included as part of the scheme and that was secured as part of the 2017 consent. David Rowen stated that given that the proposal is a variation of condition application it would be unreasonable to impose conditions that go above and beyond those that have already been imposed. He added that the Highway Authority and Police do have powers with regard to mud on the highway and he added that with regard to operating hours, the Environmental Health Team do have powers which could be used if it needs to address any issues which may arise.
- Councillor Miscandlon stated that the agent and developer must be made aware of their responsibility to ensure that the roads are kept clean during construction

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

- Councillor Sutton stated that he carried out a site visit to review the bus shelter issue and he measured 2.4 metres back from the edge of the kerb and at 2.4 metres, there is clear visibility down the road. He added that although it is not ideal, it can be done and the road curves off to the right going into the village, so there will be no visibility issue.
- Councillor Mrs Davis stated that she will support the officer's recommendation and added that with regards to the bus shelter, if required a new shelter would cost approximately £3,000 and she expressed the view that she is sure the developer would install one if required.
- Alison Hoffman stated that she has reviewed the agreed construction management plan and there is an element of it which concentrates on the delivery vehicles and states that wheel wash facilities will be on site. She added that there is also a review and monitoring process built into the management plan.

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

P83/20

F/YR20/1013/F

LAND NORTH OF MEADOWCROFT, SILT ROAD, MARCH

ERECT A BUILDING FOR STORAGE OF VEHICLES AND MACHINERY IN ASSOCIATION WITH GROUNDWORKING BUSINESS AND PERSONAL USE INCLUDING 1.4 METRE HIGH (APPROX) TIMBER GATES AND 1.2 METRE HIGH (APPROX) POST AND RAIL FENCING AND FORMATION OF HARDSTANDING AND 1.5 METRE HIGH (APPROX) GRASS BUNDING

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor John Clark, in support of the application.

Councillor Clark informed members that he has known the applicant's family for many years and they are a local March born and bred family, adding that he has no pecuniary or non-pecuniary interest with the application or with the applicant. He stated that Mr Purse is a ground worker and is looking for somewhere secure to store his plant equipment and machinery, with the first thing that will be implemented prior to construction of a property is the groundworks to add the services.

Councillor Clark stated that he knows the site very well, as it is in his Ward, and he has received no complaints about the site and does not anticipate any if the application is approved. He

expressed the view that when you start a new business, it is very difficult to find suitable and appropriate accommodation to store equipment.

Councillor Clark stated that opposite Silt Road at 107 Upwell Road, members may recall a historic groundworks business which was operated with no problems that he is aware of and that business has not operated for several years since the owner passed away. He stated that the application before members could be seen as a replacement and added that recently planning permission was given to a business to operate at Whitegates Corner, who operate machinery with no issues or concerns either. He asked the committee to support the application with local knowledge he has afforded them.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent.

Mr Bevens stated that members will note from the officer's report the area where the proposed storage building is situated goes back to 2016 and what has not been helpful is that previous applications have looked to change the land use. He added that the proposed storage shed is to be used as ancillary use for the applicant's recently extended and approved bungalow, known as Meadowcroft and the associated detached garage.

Mr Bevens stated that it is not intended that the storage shed will be used for any Class B use and it is certainly not his client's intention to use it for anything other than to create secure storage for his machinery associated with his ground working business and separate machinery accumulated from hobbies, including a vintage tractor, horse box, carts and straw and hay relating to their horse passion. He stated that his client looked long and hard for suitable sites in March and the surrounding areas where he relocate to and store his machinery without general nuisance and disturbance and this site fits that description and there were no other suitable properties or sites.

Mr Bevens expressed the view that the client has invested a large sum of money in the extensions and alterations to the former bungalow, known as Meadowcroft, following a successful decision in 2018 and the vast majority of the works have been completed with the triple garage block currently being completed on site. He explained that having reviewed the previous applications and looked at the reasons for previous refusals, he has prepared site section drawings to show that the building will not stand out in the landscape despite its modest height increase.

Mr Bevens expressed the opinion that the site is well screened from long views into the site by the railway embankment to the east and the existing trees screen on the north and eastern boundaries. He added that the building is only some 2.7m higher than the railway line with a grey roof to help blend in with the skyline, and whilst the bulk of the external cladding is proposed to be green to reflect the existing trees near the site, additional landscaping is proposed to the western boundary to help screen the site from Silt Road and with the combination of existing hedge planting, the triple garage and the existing dwelling at Meadowcroft, there will be very little view of the proposed storage building.

Mr Bevens stated that he disagrees with the officer's suggestion that the storage shed is an 'alien feature' in a tranquil rural setting and added that the site lies next to the main railway line to the east, which is due to be expanded with more train use and continued freight use. He explained that Fenland is well known for its agriculture and agricultural sheds located in the open countryside and this building was designed to be fit for purpose and not trying to disguise it.

Mr Bevens that there were earlier conversations with the Council about domesticating the building, which, in his view, would have been wrong and if the building is set some 42m from the nearest window of Medway Cottage and the height of the building is no higher than a typical

bungalow, he does not see how the scale has the potential to result in significant disturbance to the amenity of Medway Cottage. He added that the Town Council support the application and the application has been submitted with a large number of letters of support from nearby residents and only 1 letter of objection from the owner of Medway Cottage, who does not live at the address, but some distance away and to the best of his knowledge the current tenant has not raised any objections to the proposal.

Mr Bevens stated that the applicant is happy to have appropriately worded conditions on the application, regarding landscaping and use of the building, to provide comfort to members as appropriate and once again noting that the building is for the storage of vehicles and machinery associated with the applicants personal use and his business, which he does not run from the address.

Members asked Mr Bevens the following questions:

- Councillor Mrs Mayor stated that this is an area where there are similar buildings throughout the area, and she does not have any concerns with the proposal.
- Councillor Miscandlon stated that the committee approved a similar proposal on the bypass for the rose growers and that was against the officer's recommendation for refusal. He added that the building does not stick out and has blended into the countryside and is no different from any other farm buildings. Councillor Miscandlon stated that JCB equipment is very costly to replace and he would not like to see the applicant to suffer any loss. He added that he will support the application.
- Councillor Meekins asked Mr Bevens to clarify whether the application is going to be used for the applicant's business? Mr Bevens clarified that his client has ground working equipment, which are associated with his business, but there is not a business operating from the site and it is solely to be used for storage in a secure premise. Councillor Meekins asked whether the yard at the application site is already being used to store his equipment? Mr Bevens stated that there is already equipment on site and also equipment associated with the build of the garage and the recent extension to Meadowcroft and as far as he is aware there has only been the one letter of objection, which is the owner of Medway Cottage.
- Councillor Murphy asked for clarity with regard to the temporary mobile home and stated that permission was refused in 2017 and questioned why it was still there and whether it was being lived in? Mr Bevens stated that he cannot comment on the mobile home as he was unaware of its status.
- Nick Harding stated that Mr Bevens has stated that a business will not be operating from the site and has advised members that the description of the application proposal is incorrect, however, if there is storage of commercial groundworks equipment then there is the introduction of a commercial use into the location. He added that storage of plant machinery that is used for groundworks is a commercial use and the administration side of the operation can take place in the residential property next door. Nick Harding clarified that the application site does not have the benefit of domestic use on it so a change of use is also involved.
- Councillor Marks asked for clarity with regard to the storage of vintage tractors on site and added that if it was only personal possessions being stored on site and not equipment associated with the business, would it make a difference? Nick Harding stated that it would be irrelevant as Mr Bevens has made it clear that the site is for the use of plant and machinery for commercial use. Councillor Marks stated if the applicant chose only to store the personal equipment would it make a difference? Nick Harding stated that then an application would be required to construct the barn in question and undertake hard standings and if the use of the land and building was primarily associated with the residential use of the property next door, a residential use of the site would need to be applied for.

Members asked officers the following questions:

- Councillor Mrs French stated that it is her understanding that the vehicles have been on site for a few years. David Rowen stated that a great deal of the activity currently taking place on the site is unauthorised and does not have planning permission. He added that this is something that the Council's Enforcement Team has been aware of, however, due to the renovations that are taking place next door at Meadowcroft, it has been made serving a notice challenging due to trying to ascertain what equipment is needed for the works for the property and differentiating what equipment is there in a commercial basis. He added that once the works to Meadowcroft are completed, it will be easier to serve a precise Enforcement Notice which will be far clearer.

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

- Councillor Mrs French stated that, in her opinion, the site currently is an absolute mess and she is aware of the frequency of plant equipment being stolen. She feels that if approved the site would be cleaned up and there is the need to support local businesses.
- Councillor Marks stated that he concurs with Councillor Mrs French and added that new businesses are finding it very difficult to find secure premises. He added that he will be fully supporting the application.
- Councillor Benney stated that the applicant should be fully supported and he needs to look after his property. He added he does not feel it will be detrimental to the area and it will blend into the area.
- Councillor Mrs Davis stated that the applicant should be supported. The site is out of the way, will not interfere with anybody and she will support the proposal.
- Councillor Mrs Mayor stated that the equipment is expensive and needs to be kept safe and secure and she will be going against the officer's recommendation and will be supporting the application.
- Councillor Sutton stated that the application has been before the committee previously and on both occasions, he voted against the application. He added that he is now aware that another application for a barn in Coleseed Road was approved under delegated officer's powers and had he known that previously he may have voted differently. Councillor Sutton referred to another application, which has been approved out of the village of Manea and, therefore, he is now minded to approve the application against the officer's recommendation.
- David Rowen stated that the application before members does differ from that on Coleseed Road. He added that a great deal of what is already on site is unauthorised and if members were to give weight by granting planning permission to tidy up a site, it would set a dangerous precedent. David Rowen stated that although the appearance of the proposal is similar to a barn, its overall use is not and he referred members to LP3 of the Fenland Local Plan and added that he is not sure how the application fits with that element of the Local Plan. David Rowen referred to the issue of crime and stated that it is not uncommon for plant equipment to be stolen from building sites, however, a building in this location will not necessarily stop the issue of theft.

Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed that the application be APPROVED against the officer's recommendation, with the conditions imposed on the planning permission to be agreed in conjunction with the Chairman, Councillor Mrs French, and Councillor Benney.

Members did not support the officer's recommendation of refusal of planning permission as they feel that the application does not adversely impact on the amenity of neighbouring properties, is not out of character with the open countryside and the proposal has also incorporated appropriate security measures to deter crime and be a safe environment.

(Councillor Purser 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)

P84/20

F/YR20/1138/O

LAND SOUTH OF 85-89 UPWELL ROAD, MARCH

ERECT UP TO 6 X DWELLINGS INVOLVING UPGRADE TO ACCESS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Gavin Taylor presented the report to members.

David Rowen presented a written representation on behalf of Councillor Fred Yeulett, as follows:

As a local member for March East, I agree with the Town Council and support this application. In my opinion the reason for opposing the recommendation in Section 12.1 of the agenda item 8, are not valid. There have been many recent developments on both sides of Upwell Road. In addition, twice as many residents are in support of the application than those opposing the application and the Town Council support the application. On Saturday morning I walked from Elwyn Road to Upwell Park along Upwell Road. I counted 14 backland developments which were of recent construction. Some, such as Mills Gardens and Strawberry Way, of much the same size and scope as the proposed development. The existing settlement pattern is mentioned in 12.1. Precedents have already been set in allowing recent development in the existing settlements and this proposal should be granted permission. Additionally, FDC has consistently failed to meet its house building targets in recent years. Granting permission for this application will help towards meeting these targets and meeting much needed housing demand.

Members received a presentation, in accordance with the public participation procedure, from Mr Ted Brand, the Agent.

Mr Brand stated that there is only one reason given for the refusal of the application, which is that there is significant harm to the character of the area due to its incongruous location, but he feels that these are very subjective matters with no clearly defined rules, and often a matter of opinion. He added that before addressing this matter there is a second very important issue, that of consistency of committee decisions, with nine dwellings on a very similar backland site, further out of town, being approved by the Planning Committee, against officers' recommendations, in 2020 and officers appear to consider this application similar to that proposal and have been consistent in their recommendations and he expressed the opinion that the committee should consider consistency.

Mr Brand expressed the view that the proposal is a very similar backland location to the approved nearby scheme and the application site has far less impact on the character of the area, as the 9 dwelling site is very visible as you enter March along Upwell Road. He added that the application site has very little impact on the appearance of Upwell Road as it is screened from view by existing dwellings.

Mr Brand made the point that Policy LP16 of the Local Plan states that schemes should "not adversely impact on the street scene, settlement pattern or the landscape character of the surrounding area" and, in his view, this application has no adverse impact on the street scene or settlement pattern. He stated that regarding other issues raised by officers about the character of the area, in their recommended reason for refusal they state protection of high quality environment and he added that Upwell Road is a nice enough area, but, in his opinion, should not be considered a high quality environment.

Mr Brand referred to officer's stating that the scheme does not respond to the existing linear settlement pattern and, therefore, represents urban sprawl into the open countryside, but, in his view, this scheme is compact, out of sight and not urban sprawl, and whilst Upwell Road in this area could easily be considered urban sprawl, the scheme should not, and does not, reflect or add to this. He added that the officer's report mentions the appeal on a scheme in the same area as

the proposal, which was also given as a reason to refuse the 9 approved dwellings, but was obviously not considered by the committee to justify refusal.

Mr Brand expressed the opinion that officers have no objection, in principle, to this application, which provides much needed, good quality housing in a sustainable location, with there being no evidence to support the one reason for recommending refusal, character of the area, and he feels there is much evidence, which he has summarised, to show there is no adverse impact on the area and approval of the application would be consistent with the recently approved similar scheme.

Members asked Mr Brand the following questions:

- Councillor Sutton stated that Mr Brand has highlighted that there is no evidence to support the officer's recommendation, however, that is not quite true as there is an appeal decision. Mr Brand stated that he was referring to the approved scheme of 9 dwellings at Upwell Park, which is very similar and was determined by the Planning Committee last year, and officers at that time said the same thing which was because of an appeal decision, it should be refused, but the committee went against the officer's recommendation at that time and it was approved. Councillor Sutton stated that there is a difference in quoting an Inspectors decision for refusal on this site.

Members asked officer's the following questions:

- Councillor Mrs Davis referred members to agenda item 6, which was an earlier application determined at the meeting and expressed the view that this proposal is not dissimilar to it, and asked officers to clarify the difference between the two proposals. Gavin Taylor stated that each case is to be determined on its own merits and stated that agenda item 6 is in an entirely different settlement and added that the Council has approved backland schemes in the past and there is no policy as the National Planning Policy Framework (NPPF) suggests that officers should consider to rule out backland or garden land developments. Gavin Taylor stated that an application will be determined by officers on the merits of the case and a scheme for 70 houses would provide significant benefits to a parish and the district in terms of housing delivery and stated that a scheme of 76 dwellings is not comparable to a scheme of 6. He stated that there is a planning history on the proposal site and the history has been determined under the NPPF and the current development plan and the appeal decision supported the Council's decision. Gavin Taylor added that there are schemes around the area which are backland development and they will all have their own anomalies and considerations, but, in his opinion, the scheme at agenda item 6 is not comparable with the proposal before members.
- David Rowen stated that the location plan on page 66 of the agenda pack does not show that to the east of the site there is an existing in-depth development of School Close and Whites Drive, off Churchfield Way. He added that the reasoning behind the Wisbech St Mary scheme was that there had already been the expansion of development into the countryside with significant housing development. He added that there are significant differences between the sites and the planning history, and he reiterated that there is also a recent appeal decision, which is a significant material consideration.
- Councillor Miscandlon stated that he recalls the Wisbech St Mary application and stated that at the time it was felt that it enhanced and was a great benefit to the area.
- Councillor Purser stated that he does not have an issue with the application and added that there are several fields to the rear of the proposal site, where wildlife is being encouraged and he is aware that local residents would like to see a fence erected to protect and contain it.
- Nick Harding stated that members should be aware that the appeal decision is special, due to the fact that at the time of the Inspector looking at the case, the Council did not have a 5 year land supply and, therefore, the significance of that is known as the tilted balance. He added that the Inspector was giving more weight to the fact that planning permission should be granted in their consideration of the scheme, but the tilted balance was in play in favour of granting planning permission, the Inspector still made the decision to refuse planning permission.
- Gavin Taylor stated that, at the previous appeal decision, the Inspector had stated that allowing the appeal would leave two narrow strips on either side of the appeal site which could

potentially be considered as infill sites and the Inspector had stated that by allowing the appeal would make further applications for development on those adjoining fields difficult for the Council to resist.

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

- Councillor Benney stated that he cannot see anything wrong with the application and development cannot keep taking place in towns and more space is needed to move out to. He added that there is the demand for housing, the housing market is buoyant, and the delivery of houses is needed. Councillor Benney stated that he agrees with the comments made by Councillor Mrs Davis regarding the similarities of the scheme in Wisbech St Mary, albeit a different size and scale. He stated that there is plenty of land to build on and homes are needed for people to live in and six houses will give six homes which are much needed, and he will support the application.
- Councillor Mrs French stated that the application was refused on appeal in 2017 and much has changed since that time. She added that in 2019, nine dwellings were approved by Planning Committee and she stated that she would agree with officers if the proposal was past Upwell Park and added that there has been no infill policy in place since 2009. Councillor Mrs French referred to the statement from Councillor Yeulett where he had mentioned the amount of backland development and she added that under delegated authority, officers have approved many applications.
- Councillor Sutton referred to the Inspectors appeal decision which even when presumption was in favour, the Inspector still felt that the committee had made the right decision. He expressed the view that officers have made the correct decision again and following a very strong steer from the Inspector, in his view, that needs to be respected.
- Councillor Miscandlon drew members attention to the fact that the application does not accord to various parts of the NPPF and the Fenland Local Plan. He added that although the refusal was in 2017, the appeal was refused in 2018, which is a lot later than people think. He added that Councillor Sutton is correct as there was not a 5 year land supply at that time and the appeal on the Inspectors advice was that the properties should not be built and he will be supporting the officers recommendation to refuse the application.
- Councillor Benney stated that he appreciates the officer's comments concerning the appeal decision, but each application is treated on its own merits. He expressed the view that the Inspectors decisions are not consistent, and he added that the application will provide 6 much needed homes and he will support the application.
- Gavin Taylor stated that there is a 5-year housing land supply in place, and whilst the housing delivery test has not quite been met there is not a significant gap before the tilted balance would apply. He added that with regard to the comment concerning the changes that have taken place since the last decision, the characteristics of the site and its surroundings, the lack of change to the development plan policies and the fact that the latest appeal decision was made under the latest NPPF, the conclusion is that there has not been much change apart from the 9 dwelling scheme that was proposed. Gavin Taylor referred to some of the NPPF policies that Councillor Miscandlon had alluded to and stated that some of the policies he had highlighted referred to flood risk and adverse impacts on biodiversity and added that whilst they are not recommended reasons for refusal by officers, if they are matters of concern, then they would need to be expanded on if they were to form part of any refusal reasons.
- David Rowen referred to the statement from Councillor Yeulett, which had made reference to backland development in Strawberry Gardens and Mill Way, which are both located towards the town centre in areas where there is in-depth development and are not in the back of linear development or encroaching out into the open countryside. David Rowen stated that with regard to the appeal decision in 2018, the significant material consideration for members to consider when determining the application is the appeal decision before them and he reiterated the importance of the decision made by the Inspector. He added that if the application was refused by members and resulted in the submission of a further appeal, any future Inspector would refer in the first instance to the findings of any previous

appeal decision.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor 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 Benney, seconded by Councillor Mrs French and decided that the application be APPROVED against the officer's recommendation with delegated authority to be given to officers to impose appropriate conditions.

Members did not support the refusal of planning permission as they felt, whilst acknowledging the Appeal Decision, that each application is judged on its own merits, under LP16 of the Local Plan there is a requirement to deliver good quality housing, which members feel this proposal is, the application will be a good quality environment in which families can live and grow and the proposal will not bring demonstrable harm to the countryside by the building of six houses.

5.30 pm

Chairman

PLANNING COMMITTEE

WEDNESDAY, 21 APRIL 2021 - 1.00 PM



PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis, Councillor Mrs J French, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser and Councillor W Sutton, Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor C Marks and Councillor R Skoulding,

Officers in attendance: Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Jo Goodrum (Member Services & Governance Officer) and Jennifer Seaman (Sernior Development Management Officer)

P85/20 PREVIOUS MINUTES

The minutes of the meeting of the 17 March were agreed as an accurate record.

P86/20 F/YR/20/0585/F FORMER COACH HOUSE, LONDON ROAD, CHATTERIS, ERECT A 2-STOREY 4- BED DWELLING INVOLVING DEMOLITION OF STORE BUILDING.F/YR20/0586/LB FORMER COACH HOUSE, LONDON ROAD, CHATTERIS.DEMOLITION OF A CURTILAGE LISTED STORE BUILDING,

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Weetman from the Chatteris Past, Present and Future Society in objection to the proposal.

Mr Weetman expressed the view that the applicant's Heritage Consultant, Mr Donoyou, may have inadvertently misled this committee in December when he told members that "the reason the ceilings are barrel vaulted is because they have a zinc ventilation shaft at the top and historically the building could have been used for poultry rearing or other animal stock", but he is perplexed as to why such a description does not appear in Mr Donoyou's historic building analysis, written in 2018 and re-submitted in support of this application on 30th March, and he stated that the very detailed, eleven-page report didn't refer to the building's use as a poultry house or to ventilation shafts. He stated that in his society's initial response to the application, he provided copies of advertisements for the sale of Fortrey house and he added that these clearly describe the building as a coach house, with stables and a two-storey granary. He added that those adverts date from 1894 and 1946 and neither mention the building's use as a poultry shed and added that Members should be very clear that this is a Grade II Listed Coach House that is of vital significance to the main heritage asset at 22 London Road and that no evidence has been found, that it was ever used as a poultry house.

Mr Weetman stated that in Mr Donoyou's 2018 report, it refers to the barrel-vaulted ceilings as an "impressive" and "striking architectural feature" of the coach house and added that it goes on to say that a "barrel-vaulted ceiling in a late 19th century utilitarian structure is both an unusual and notable feature of this curtilage building" and he questioned as to whether Mr Donoyou was wrong

in 2018 or is he wrong now? He stated that the applicant has repeatedly implied that Historic England has no objections to the demolition of the building and its opinion is a gross mischaracterisation of Historic England's responses, which say that while the building falls outside of its prioritisation criteria for casework and he added that Historic England say that the Council should defer to the advice of its Conservation Officer.

Mr Weetman stated that the Council's Conservation Officer has clearly laid out important reasons as to why the application should not be granted if the Council wishes to make a decision that is consistent with its legal obligation in accordance with the Fenland Adopted Local Plan and the National Planning Policy Framework, as well as the Council's legal duty to protect listed buildings. He expressed the opinion that if the Council wishes to make a decision that does not comply with the Council's Local Plan and the National Planning Policy Framework, councillors are clearly leaving the Council vulnerable to a judicial review by one of the four national societies that have strongly opposed this application to demolish part of Chatteris' heritage and further diminish its "at risk" Conservation Area.

Mr Weetman stated that he does not intend to fully re-hash the planning points raised by the Conservation Officer and the advice provided by the Planning Officer, except to remind councillors that the application must meet all four of the criteria set out in Paragraph 195 of the National Planning Policy Framework. He added that if any one of these criteria has not been met, the application must not be granted and, in his view, it is hugely doubtful that the applicant has provided sufficient evidence that they have met any of these criteria at all, let alone each and every one of them.

Mr Weetman explained that, in particular, one of the criteria says that it must not be possible to save the building through marketing of the property, but a neighbouring resident has made an offer to purchase the building for use as an art studio and educational facility and this would result in significantly greater public benefit than a single dwelling. He stated that the applicant provides no evidence that they have fully explored this opportunity, so the applicant has already failed the test set out in the National Planning Policy Framework and has also failed to sufficiently explore the non-residential uses for the building, and the efforts to find charitable funding seem half-hearted at best.

Mr Weetman stated that the Conservation Officer, and the Planning Officer's report, both outline exact reasons why each and every one of the other tests in the National Planning Policy Framework have not been met, and, in his opinion, granting the application would be a clear breach of the Council's legal obligations and it may also be a breach of the Members Code of Conduct, since there has been no significant change in the circumstances of this property since Fenland District Council refused a 3-bed conversion at the site due to the damage it would cause to a designated heritage asset. He explained that the Council's Planning Code of Conduct is clear that approving such a follow-up application may be an indication of, in the words of the Code of Conduct, "perversity and maladministration" in the planning process and stated that the fact that the previous application was not determined by this committee does not seem to be a mitigating factor in this regard.

Mr Weetman stated that he would like to point out that there has been an alternative option available to the applicant throughout this process, whereby the developer could have asked Historic England, for a relatively small fee, to consider de-listing the coach house at 22 London Road or to modify the listing to explicitly exclude the coach house and if the coach house is as insignificant as the applicant claims, this process would have been concluded within 12 weeks. He stated that if the applicant had taken this action when I suggested it at the December meeting, the process would have been concluded by now.

Mr Weetman explained that given that this would have been a much quicker process, and given that it would have avoided asking councillors to contemplate ignoring countless planning policies

and breaking the law in the process, members must surely wonder why the applicant hasn't decided to do this? He expressed the view that the applicant has not tried to de-list the coach house, because it is in fact historically significant and instead of doing the right thing, the applicant is forcing members into an untenable position and members shouldn't allow it.

Members received a presentation in accordance with the public participation procedure, from Kate Wood, the Agent and Richard Donoyou, the Heritage Consultant.

Kate Wood stated that Richard Donoyou would present on behalf of them both and she would answer any questions that members may have. Mr Donoyou referred to the presentation screen which showed a slide of the existing street scene and then a further slide of the conversion street scene and stated that, when the application was previously refused, one of the main reasons cited for refusal was that the view of the Council's planning officers was that the proposal would have a negative impact on the relationship of the conversion to the existing house and the street scene in general and it was said to be not in the public interest. He stated that the application was accompanied with a financial analysis of the conversion scheme cost and the market value and the scheme would not make any profit which he accepted in 2019, and since that time an independent viability assessment has been carried out, which has been reviewed by a Fenland Senior Planning Officer.

Mr Donoyou added that if consideration is given to the preference suggested by the Council's Conservation Officer, which is for a one bedroomed unit, a development of such a type would result in a loss of over £100,000. He stated that it is pleasing to note that members of the committee have had the opportunity to carry out a site inspection and he referred to a speaker from Save Britain's Heritage, who spoke at the meeting in December, who had made reference to a possible judicial review if the application was approved and when questioned by members he had admitted that he had never visited Chatteris, but still felt empowered to make a threat of a judicial review.

Mr Donoyou stated that after four months, Save Britain's Heritage have still not inspected the building or visited Chatteris and, in his view, it should be noted that anybody can seek a judicial review on any decision made by a Local Authority, including the applicant. He referred to the point that had been made with regard to the demolition of a third of the listed building at 22 London Road, but having looked through the officers reports and in coming to that decision, there is no mention of judicial review, even though the building is specifically listed and queried whether there has been any threat of legal proceedings from any party, following that decision.

Mr Donoyou stated that he has considered the legal position of the application in relation to the four tests that had been outlined following the December meeting and made the point that the building was offered to Cambridgeshire Historic Buildings Trust and they had responded by stating that the Coach House had insufficient architectural merit for them to be really interested in it and the requirement for a one bedroomed unit even at a nominal cost, would in their opinion, not be financially favourable and, therefore, declined all interest. He stated that he has been made aware that a local resident has offered to purchase the building, but he reputed that fact and added that the owner of the building has never been contacted and neither has his agent and he added that to bring the building into a usable condition would cost in the region of £100,000.

Mr Donoyou expressed the opinion that enough has been done to fulfil the four tests as detailed in paragraph 195 and added that the reason that there has been no progress with the building is due to the constrictive requirements of the Conservation Officer. He added that an application was submitted to convert a building which was refused and stated that the objective is to work together to provide a scheme which will work and allow the renovation of a Listed Building at number 22 and to enhance a derelict site in the Chatteris Conservation Area.

Mr Donoyou added that it is in everyone's interest to overcome the issue of unused buildings and

asked the committee to consider the scheme carefully and referred them to the presentation screen to view a further slide. He stated that if the committee feel that they cannot approve the proposal he asked them to consider the submitted conversion scheme and advise him further with regard to the possible resubmission of the scheme.

Members asked Mr Donoyou and Miss Wood the following questions:

- Councillor Miscandlon asked for clarity with regard to when they were made aware of the legal position and the requirements concerning the maintenance of the Listed Building to bring it back into use? Miss Wood stated that the owner knew of the legalities when he purchased the building and Mr Donoyou confirmed that the purchase took place in 2018. Councillor Miscandlon stated that due to the timescales the building has deteriorated over three years and Mr Donoyou stated that the building is regularly photographed, and, in his opinion, there has not been a significant deterioration of the building.
- Councillor Mrs Davis asked whether any attempts have been made to get the building delisted? Miss Wood stated a building cannot be delisted if it is not on the list. She added that if attempts were made to delist the building in this case, then number 22 would also have to be delisted, which is a Listed Building that is valued and that advice was provided by Historic England.
- Councillor Cornwell asked for clarity with regard to the ownership of the building from 2018 and asked what protective measures have been put in place for the building since that time? Mr Donoyou stated that the building and site have been made secure and as a result of that there has been no vandalism or unauthorised entry and remains in a similar state, since when it was purchased. Councillor Cornwell questioned that the holes in the roof, the slipped slates and the poor condition of the staircase are in exactly the same condition, without any deterioration due to weather since 2018? Mr Donoyou confirmed that the staircase was unusable in 2018 and the Council's Conservation Officer has stated that the upper floor of the granary section was not inspected due to the condition of the staircase. Councillor Cornwell asked for clarity with regard to the roof and Mr Donoyou stated that the roof has not been raised as an issue by the planning officers and they have not insisted on adding an Urgent Works Notice to a Listed Building. Councillor Cornwell expressed the view that if the building had been maintained better over the last three years, it may now be in a better state of repair for any conversion. Miss Wood stated that in 2018/2109, the application was for a conversion and it was always in the owners interest to maintain the building to facilitate the conversion and to keep the costs to a minimum in order to provide the conversion works, but since that time the application has been refused and an alternative has been looked at with regard to demolishing and replacing the building, but if the proposal is refused, then consideration will have to be given to turning the site into a three bedroomed dwelling as per the previous proposal and now that more information is available in terms of the viability assessment which brings forward a change in circumstances since the previous refusal. She added that it is not in anybody's interest to let the building fall into disrepair.
- Councillor Meekins referred to Mr Donoyou stating that the reason that the application was refused in 2019 was to do with the appearance of the building, however, he thought that it was due to the extensions that were being applied for. Mr Donoyou stated there were a number of reasons for the refusal and made the point that there was a proposal of a small rear extension and officers had advised at one point that the proposal would be acceptable, but then it was added as a reason for refusal, with the reasons for refusal including the relationship of the conversion scheme and the small extension with the Listed Building and the impact of the Listed Building on the street scene. He added that the illustration provided is a true and honest reflection and most people they would not have been aware that from the street scene point of view that the building had changed in any way at all and, therefore, he was surprised to hear that the conversion scheme was deemed to be not in the public interest and compromised its relationship with the listed building. Mr Donoyou added that the building cannot be converted and make a large financial loss at the same time, with the development for renovation and conversion of the coach house needing to be financially at

a break-even position and the conversion scheme has to be one which will not make a financial loss.

- Councillor Benney stated that the presentation appears to bring forward a conversion scheme and he asked whether, if the proposal was not approved, would a conversion scheme be something he would like to consider? Mr Donoyou stated that the site was purchased with the intention of a development within the yard and the conversion of the Listed Building and the Coach House, but it appears that he is unable to produce a scheme which satisfies the planning officers requirements and at least to break even financially, hence, the proposal before members today. Mr Donoyou added that if the committee could advise him to submit a conversion scheme, then he will be happy to work with the planning officers in order to submit an application and for the economics of the scheme to be independently examined. He stated that the Coach House will not make as a conversion any profit at all and will only form part of the development.
- Councillor Murphy questioned whether it would be possible for the application to be deferred in order for a conversion scheme to be submitted? Nick Harding stated that would not be feasible as it would be a fundamental different proposal to the one that is before the committee.

Members asked officer's the following questions:

- Councillor Cornwell asked Nick Harding to provide the committee with advice on how to determine the application. Nick Harding stated that the committee cannot indicate that it would go onto approve a subsequent application for a conversion scheme as the detail of the conversion scheme is not yet known. He added that any further application received will be reviewed in conjunction with the Council's adopted planning policies and any other national guidance available. Nick Harding added that with regard to the 2019 application, that was refused for the conversion, it did include some alterations to the roof of the building as well as the rear extensions, so it was not a simple scheme, which, in his view, influenced the reasons for refusal. He added that the applicant could resubmit the previously rejected scheme or alternatively the applicant could enter into pre application discussions with officers to reach a suitable conversion scheme that meets both requirements of the applicant and would also accord with the appropriateness of a listed building.
- Councillor Benney asked whether it is possible that the Coach House could be delisted or is it something that just will not happen? Nick Harding stated that the full criteria, which is identified in the National Planning Policy Framework has no reference to the question of delisting or not, because they are there on the basis that the property in question is Listed and therefore the issue of delisting is a separate matter. He added that application to delist would involve both properties and he is not in a position to prejudge any conclusion that would be drawn by Historic England. Claire Fidler, the Conservation Officer, added that Miss Wood is correct in what she has stated with regard to the fact that the Coach House cannot be delisted by itself, but the applicant could apply to Historic England and ask them to clarify the listing of number 22, with the potential result that Historic England and the Secretary of State would deem that the Coach House was not of significance to the principal dwelling, so that the listing would then be clarified.
- Councillor Meekins stated that it is his understanding that if the application were approved the committee would be breaking the law by approving demolition of a Listed Building and if that is the case, does each committee member deem themselves liable. The Legal Officer, Chris Gordon, stated that by granting planning permission you would not be breaking the law, however, it would not look favourably on the Council. Nick Harding stated that should there be a legal challenge to any planning permission granted then individual members of the Planning Committee would not be liable, it would be a corporate decision that was made and if the challenge was accepted by the judge the outcome would be that the consent approved by the Council is quashed and then it would come back to Planning Committee for redetermination. He added that the judgement from the court would identify from what areas in the law the committee had gone awry in and the purpose for reconsidering the applications would be taken in a way that addresses the short comings of the original

decision made.

- Councillor Mrs Davis asked for clarification with regard to the delisting point. Claire Fidler stated that somebody could apply to Historic England for clarification on the listing as it stands and then Inspectors might determine that the Coach House does or does not contribute to the significance of the principal dwelling, and then exclude it from its curtilage, however, it would still be within the setting of the Listed Building and an application would need to be considered for demolition against section 16 and 66 of the law in terms of how the demolition would affect the setting and, therefore, the significance of the principle dwelling.

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

- Councillor Cornwell stated that a solution needs to be reached, so that the building can be protected, and the Council fulfils its duty under legislation. He added that, in his opinion, it would be better that the application be refused in accordance with the officer's recommendations, but with the expectation that negotiations between the applicant and officers takes place so that the site is developed with the retention of the Coach House and its conversion and protection for the future.
- Councillor Benney stated that his concern is that a blot will be left on the landscape. He added that, in his opinion, the site should have been included when the six bungalows were developed, but the proposal cannot be passed in its present form, but neither does he want to refuse the proposal. Councillor Benney stated that Mr Donoyou appears to be considering resubmitting the original plan for a conversion and questioned whether the proposal could be deferred to give the applicant the opportunity to investigate the options available to him. He stated that a one bedroomed property on the site is not viable and it could remain empty for years and he emphasised that he wants to see a positive outcome on the site. Councillor Benney stated that the applicant should be given the opportunity to investigate the possibilities of delisting the building and if that is not possible then he could withdraw the application and there would not be a refusal on site and a new scheme could be submitted by working with officers.
- Councillor Miscandlon stated that it is not in the developer's interest to leave a derelict building at the front of his prestigious site that is being developed. He expressed the opinion that the application should be refused so that the developer can reconsider the options and come back with a positive application.
- Councillor Murphy stated that he agrees with the comments raised by Councillor Cornwell and Councillor Benney. He queried that should the applicant come back again with another application would he be charged? Councillor Murphy expressed the opinion that Listed Buildings and archaeological buildings need to be reviewed regularly, so that there is an awareness of them, their condition and the significance of them.
- Councillor Connor stated that a compromise does need to be reached and stated that the developer should be allowed to investigate the delisting possibilities and if this cannot be achieved, then he should be encouraged to work with officers to bring the site to a satisfactory conclusion.
- Councillor Mrs Davis questioned whether the committee could request that the application be withdrawn in order to allow the applicant to resubmit a further proposal without incurring costs? Nick Harding stated that the committee does not have the ability to give the applicant a zero fee application as the fees are prescribed in the legislation. He stated that with regard to the comments made by members concerning a further deferment of the application, he would advise the committee against that, due to the fact that if the delisting exercise is not successful then the situation will still be the same as the development proposal still does not meet all the criteria as set out in the National Planning Policy Framework. He added that if the delisting exercise is successful, the applicant can always decide if the committee were to refuse the application, to withdraw the application before the decision notice is issued and the applicant would not then have a notice to show that their application was refused.
- Councillor Mrs French stated that in 2015, the building was placed on the at-risk register by

the Council. She made the point that six years have now passed and she questioned why the Conservation Officer is not looking at buildings at risk.

- Nick Harding stated that the responsibility of the maintenance of the buildings lays with the owner.

F/YR20/0585/F

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

F/YR20/0586/LB

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

(Councillor Sutton stated that he would take no part in this item as in his opinion he felt he was predetermined)

P87/20

F/YR20/0910/F

1 MAIN ROAD, PARSON DROVE, WISBECH. CHANGE OF USE FROM GARAGE TO PART TAKEAWAY AND PART STORAGE BUILDING FOR SHOP INVOLVING DEMOLITION OF SINGLE STOREY BUILDING TO REAR; INSTALLATION OF EXTERNAL FLUE AND RETROSPECTIVE INSTALLATION OF AIR SOURCE HEAT PUMPS

David Rowen presented the item to members:

Members asked officers the following questions:

- Councillor Murphy asked for clarity over the opening hours of the premises and David Rowen stated that if members were to approve the application, then delegated authority could be given to officers to clarify the point.

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

- Councillor Sutton stated that, in his opinion, it is good to see an extra service coming into a village rather than being withdrawn.
- Councillor Meekins stated that he agrees that there are too many facilities being withdrawn from villages and he welcomes the proposal, which will enhance the village of Parson Drive.
- Councillor Miscandlon stated that the take away food premises do serve healthy food options and should there be a cause for concern in the future then steps can be taken to look into this further.
- Councillor Cornwell stated that it is important that the rural villages receive the services they need and remain viable. He added that any provisions of food and routes to school, he would like to see form part of the new Fenland Local Plan.

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

P88/20

F/YR20/1048/F

NORTH WEST OF MEPAL AD PLANT, IRETONS WAY, CHATTERIS.CONSTRUCT AN EXTENSION TO EXISTING ANAEROBIC DIGESTER PLANT (5 X DIGESTER TANKS, 3 X INDUSTRIAL/PROCESS BUILDINGS, 10 X CO2 STORAGE TANKS, CONCRETE HARDSTANDING AREAS AND FLOODLIGHTS INCLUDING 7 X MOUNTED ON 5.5M HIGH COLUMNS)

Jennifer Seaman presented the report to members.

Members received a presentation, in accordance with the public participation procedure from Jane Eyeington, in objection to the application.

Ms Eyeington stated that that whilst she fully understands the need for 'green energy', this should not be at the expense of everything else, including the environment that has been here thousands of years. She added that she would like to raise concerns with regard to all ecological effects having been investigated in depth, including the effect on bats, and, in her view, sufficient surveys have not yet been carried out as required under the law, to avoid harm to the bats, which, in her belief, should be done before planning permission is granted.

Ms Eyeington expressed the opinion that the Anaerobic Digester (AD) plant is not in keeping with the Fenland environment and is spoiling the outlook of the countryside. She added that the original planning application, was for a larger plant and this was rejected, and questioned whether planning laws have changed and asked whether it was felt acceptable to increase the size of the current AD plant, with any increase making a bigger impact and an eyesore even worse.

Ms Eyeington added that the original AD plant was supposed to provide planting to landscape the border, providing cover and this was to be maintained, which has not been done and, therefore, not providing the screening required in the original planning consent. She added that even since raising this point, nothing has been done to rectify the problem and expressed the view that this does not bode well for installation and maintenance of the new boundary planting for the extension.

Ms Eyeington highlighted that the screening proposed must be of a mature planting, with evergreen included, otherwise the plant is fully exposed for 6 months of the year and stated that it must also ensure it is fully maintained. She stated that the lighting on the existing and new proposed extension is, in her view, excessive and whilst she understands the need for security, the plant is manned 24/7, with a multitude of CCTV cameras and questioned the need for so many lights. She added that the revised lighting plan, puts in more lights, not less, and the height is still 18 ft and the excessive lights around the plant is causing lighting pollution, having a detrimental effect on the environment and wildlife.

Ms Eyeington stated that there has been no LUX report on the intensity of the lighting, which affects all wildlife and bats, which should be undertaken before permission is granted not after. She added that she understands that the new extension to the plant will be using mainly straw and highlighted that straw is already used by the existing plant, and the waste left over from the site is dumped on the field next to her property, which she stated will only increase with the extension.

Ms Eyeington stated that the AD plant seem to take no responsibility for this waste as it is on the associated farmers land and she added that she has been advised that this waste would be removed within 3 months, and it has not happened, as it is still there. She stated that the A142 is a busy single carriage way road, which the plant uses for access and, in her opinion, any increase in traffic, especially slow tractors and heavy goods vehicles, will cause the whole local area problems.

Ms Eyeington explained that she has had very large vehicles turning up at her door, intended for the plant, which has caused inconvenience for her family as they then need to open her gates to allow them onto her paddock to turn around and, therefore, signage is needed so there is no access via her track, and better information given to delivery drivers so this does not happen.

Members received a presentation, in accordance with the Public Participation procedure, from Mr Steve Ripley, the applicant.

Mr Ripley explained that the AD plant will produce transport fuels and will produce bio methane, which will be certified green methane. He added that going forward, he will be using straw at the

plant, which is a residue from the production of wheat and the straw will have a high concentration of energy in it and its digestibility is lower.

Mr Ripley stated that the process will use heat, biology, and enzymes in an anaerobic environment to fully digest and the process has to be thinned down considerably by using processed water. He added that the technology used will be a leading example of renewables and once produced the bio gas will be separated from the bio methane in order to capture the carbon dioxide, which will then be chilled to turn it into a liquid and then that will be sent to the food and beverage sector.

Mr Ripley stated that there will be the need to employ additional people and explained that the project will ensure a reduction in emissions by using residues and capturing the CO₂, which does not become carbon neutral, it becomes carbon negative and is a massive step forward.

Members asked Mr Ripley the following questions.

- Councillor Cornwell asked Mr Ripley to clarify whether it is new technology which is being introduced at the site? Mr Ripley stated that it is not new, but it is refined and specific to the nature of the work being carried out at the plant. He added a great deal of research development has been carried out and it is all to do with pre-treatment of the raw materials which is assisted with enzymes designed to assist with the nature of the biomass. Councillor Cornwell stated that the plant is using a waste product rather than a prime product which is being used on the original site. Mr Ripley stated that the product being used is a residue and it is consistent product and in plentiful supply. He added the product when broken down will release carbon back into the atmosphere. Councillor Cornwell asked whether there will be an odour from the new processing system? Mr Ripley stated that maize is approximately 30% dry matter and having been preserved and fermented there will quite a sweet smell omitted from it, whereas straw is approximately 90% dry matter and is basically odourless. Councillor Cornwell asked for clarity that the waste is going to be transferred into pellets? Mr Ripley stated that it is pellets that will be used in horticulture as a peat replacement.
- Councillor Mrs Davis asked for clarity with regard to vehicle movements in and out of the site and asked for confirmation that it is 4 heavy goods vehicles entering and exiting the site each day?. Mr Ripley confirmed that this was correct. Councillor Mrs Davis asked for information as to how the pellets are transported? Mr Ripley stated that the pellets are transported via a lorry and the straw used is brought in by lorries as well.
- Councillor Mrs French asked Mr Ripley what his intentions are to ensure that his business is considerate towards the neighbouring properties? Mr Ripley stated that he is planning to have a meeting with Ms Eyeington and discuss the development and work out solutions to any problems that can be foreseen.
- Councillor Miscandlon referred to light pollution and stated that the upward glare from the lighting at the plant is quite significant and he asked Mr Ripley what mitigation is being put in place to correct the issue? Mr Ripley stated that he has just been made aware of the issue and he stated that there are several factors to be considered, safety, security, and observation. He added that the Police have advised him that from a security perspective the lighting is important at the plant and he stated that good lighting is important with regards to safety and observation. Mr Ripley stated that he is going to undertake a study to investigate the lighting aspect and it is his understanding that there are areas of the site where timers can be placed on certain lights and will be motion activated, which will assist with the issue of light pollution and save electricity. He explained that he is also going to review the lux level of the existing lighting and see if it can be toned down slightly and added that he is also going to look at the necessity of some of the lighting. Councillor Miscandlon stated that he appreciates the necessity of the lighting from the perspective of the Police, but added that the light beam does not need to shine so high into the sky and added that shades can be fitted to alleviate and control the issue.

Members asked officers the following questions:

- Councillor Sutton asked planning officers to clarify a condition with regard to working hours

for the plant where the officer's report states that the operating hours are Monday to Sunday from 7am to 7pm and he questioned whether the condition should be altered to reflect the deliveries to the site, as well as the operating hours of the site, as the plant is a 24 hour operation. Jennifer Seaman stated that condition 17 specifically deals with deliveries to the site, which is 7 to 7, Monday to Sunday and she added that it is an applicant specific request that the working hours be 7am to 7pm on the extended site. She added that the existing site can operate 24 hours a day, 7 days a week and confirmed that deliveries are restricted from 7am to 7pm.

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

- Councillor Cornwell stated that he is intrigued by the process and where it is. He added that he is relieved that the site is not going to be serviced by tractors and trailers and is pleased to hear that Mr Ripley is going to be a good neighbour. Councillor Cornwell expressed the view that he is concerned with the effect of the vegetation from the exit point from Greys Farm onto the main road, which does cause poor visibility out on to the main road and is also concerned with regard to the closeness of the pre-determined mini town close to Chatteris which will be developed in time, but he added that the utility provision and services are already in place and he will support the application as it also includes an element of new technology.
- Councillor Sutton stated that he is also pleased to hear that the company wish to work with their closest neighbour, and it is a positive step. He added that the surrounding trees and bushes will cover up the area and the site will be not be visible. Councillor Sutton stated that he is pleased to hear that the applicant will review the lighting at the site and he added that officers have worked with the applicant to bring the proposal forward and he will be supporting the application.

Proposed by Councillor Miscandlon, seconded by Councillor Cornwell and agreed that the application be APPROVED as per the officer's recommendation.

(Councillors Connor, Mrs Davis and Miscandlon, registered in accordance with Paragraph 2 of the Local Code of Conduct on Planning Matters, that they had been lobbied on this item)

P89/20

F/YR20/1230/O

LAND EAST OF, 25 - 27 RUSSELL AVENUE, MARCH.ERECT UP TO 3 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RELATION TO ACCESS ONLY) INVOLVING DEMOLITION OF DOUBLE GARAGE AND HIGHWAY WORKS INCLUDING FORMATION OF A FOOTPATH

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation procedure, from Mr Craig Brand, the Agent.

Mr Brand stated that the outline application seeks permission in principle to develop the site, with details of the necessary access improvements only committed and the submitted indicative site layout plans and house designs are for illustrative purposes only. He added that the applicant is happy to reduce the proposed maximum number of dwellings to 2, to match the existing semi-detached houses in the vicinity.

Mr Brand explained that the site is 1 of 4 potential development sites adjacent to the playing field surface road and garden land development has already been approved at the rear of 30 and 32 Russell Avenue and he highlighted on the presentation slide to the committee where the development fronts onto West Close. He stated that committee approval led to 7 and 8 West Close gaining permission for their gardens and this was demonstrated in slide 2.

Mr Brand added that the committee report concentrates on the terrace proposal even though a semi-detached illustrative design was also submitted and he stated that the officer's report highlights what it deems to be the failings of the terrace scheme by being only separated by 10m from the existing dwellings whereas the semi-detached proposal has a 15m separation between dwellings as shown in Slide 3. He explained that in 9.2 of the officers report, the Inspector of the 2015 appeal found there would be no harm from the semi-detached proposal to the living conditions of neighbouring properties and the reason for dismissing the appeal was the perceived harm the development would cause to the character of the post war estate and the playing field.

Mr Brand stated that March Town Council recommend approval of the application with the improvements to the access road shown and they are happy that the development would comply with Policy H2 of their Neighbourhood Plan and would be in keeping with the settlement pattern and character of the estate. He added that the dwellings, surrounded by the playing field which are bounded by high hedges and close border fencing, along with outbuildings in their gardens, have little or no views of the open space and, therefore, views of the new houses would be negligible from the surrounding properties and there would be no harm to them as they are a distance away.

Mr Brand stated that in general playing fields in March and public open spaces have housing in closer proximity and he used Southwell Close as an example. He expressed the view that the proposal would cause no harm to the playing field, but would provide a strong presence that the existing surrounding housing would deter anti-social behaviour.

Mr Brand referred members to slide 4 which shows a layout introducing landscaping to the playing field boundary, which, in his view, will significantly reduce the harm perceived by the Inspector to the playing field and houses that surround it. He added that the final layout, scale, and appearance of the proposal to be determined by a reserved matters application would overcome the Inspector's reasons for refusal.

Mr Brand added that since the right to buy scheme began the estates original uniform identity has been eroded by alterations to the houses external appearances due to extensions, new dwellings and flats have been constructed and approval of the application would be another progression in this changing identity of the original post war estate. He added that there are no technical issues with access as Highways have approved the layout with a widened 5m road and separate 1.5m footpath.

Mr Brand stated that he would ask that the committee agree with him that the development will not harm the character of the area and will provide much needed homes. He added that the final detailed design can be controlled at reserved matters stage to ensure that the building scale and mass will respect the playing field and its surrounding area.

Members asked Mr Brand the following questions:

- Councillor Mrs French asked Mr Brand for clarity about the existing footpath which goes into the field and does not support traffic and asked whether the footpath he had referred to is a new proposed footpath? Mr Brand stated that he will be widening the existing footpath by a metre either side that is already in existence. Councillor Mrs French stated that the access does not belong to number 25 and it used to belong to the Council. Mr Brand stated that the area is on the County Council Highway's List of Adopted Roads and is indicated as being a footpath. Councillor Mrs French expressed the view that is a public right of way and it does not give permission for users to drive down there.
- Councillor Miscandlon stated that on the presentation screen, Mr Brand had pointed out the distance between number 25 and 27 and that of the proposed development, which was 15 metres, where he had questioned the original decision by the Planning Inspector. Councillor Miscandlon added that the drawing that had been displayed was for the two houses and not the three and, therefore, the 15 metres is greatly reduced between 25 and 27 and the proposed development for the three properties. Mr Brand stated that he is

seeking outline consent for the principle of development and stated that since he has seen the officer's report, the applicant is prepared to reduce the proposal down to two dwellings, which would be a distance of 15 metres.

Members asked officers the following questions:

- Councillor Murphy stated that Mr Brand had explained that the presentation had shown a proposal for two dwellings, but the application is for outline permission for up to three dwellings. David Rowen stated that the application is for up to three dwellings and, therefore, members would need to consider that if they were minded to grant planning permission contrary to officer's recommendation that three dwellings can satisfactorily accommodated within the site.

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

- Councillor Mrs French stated that, in her opinion, the officer's recommendation is correct. She added that she has known the site for over 30 years and added that the neighbouring properties have objected as they feel the proposal will invade their privacy. Councillor Mrs French stated that her concern is with regard to overlooking and that they propose to use the road for vehicles to drive down and it has never been used for that purpose before. She added that children use the area to play and she congratulated the officers for their work and recommendation on the application.
- Councillor Mrs Mayor expressed the view that she has concerns over the access and stated that if the land is not in the applicants ownership, they should not be using it as an access and she will be supporting the officer's recommendation.
- Councillor Mrs Davis stated that she will be supporting the officer's recommendation and added that she does not like to see applications brought forward when the access road is not even in the applicant's ownership. She added that she also has concerns that further development on the opposite side of the field may come forward which should be taken into consideration.
- Councillor Sutton stated that he has no issue with regard to the road, however, the application was refused some time ago. He added that Mr Brand has referred to West Close which was built some time ago as a cul-de-sac, however, that was an infill development and the proposal being determined today is totally different. Councillor Sutton stated that he has noted that the application was discussed three times by March Town Council, before they recommended the proposal for approval. He added that he concurs with the comment made by Councillor Mrs Davis with regard to her concerns over further development and he stated that he will also be supporting the officer's recommendation for refusal.
- Councillor Mrs French added that the photo presented by Mr Brand, which was referred to as West Close, was not in fact a photograph of West Close. She stated that West Close was built at the same time as the rest of Russell Avenue was built and she stated that the houses that Mr Brand had referred to are up the alleyway where the Council's allotments were and the access is on the left hand side. Councillor Mrs French reiterated the fact that she cannot support the application and added that children use the footpath and it is not a road.
- Councillor Sutton stated that two of the dwellings that Mr Brand had referred to are in West Close and were approved in outline planning permission in 2004 and full in 2005.

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

(Councillor Cornwell took no part in the debate or voting on this item, due to the fact that he had lost internet connection)

SHOP AND 3-BED FLAT TO RETAIL SHOP, HOT FOOD TAKEAWAY AND 3 -BED FLAT INCLUDING FORMATION OF AN ADDITIONAL SHOP FRONT AND INSTALLATION OF EXTERNAL FLUE AND AIR CONDITIONING UNIT TO REAR OF TAKEAWAY

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Emily Warner, the agent.

Ms Warner stated that the UK High Street has witnessed significant changes in the past decade, and the impact of the Covid-19 pandemic has only served to exacerbate this. She added that the National Planning Policy is clear that planning decisions should support town centres by taking a positive approach to their growth, management and adaptation and she added that town centres should be allowed to diversify in a way that can respond to rapid changes.

Ms Warner explained that the current property at 10 High Street is too large to successfully operate as a newsagents given the national decline in newspaper sales, which means that the current floorspace is much underused and the application responds to the changing needs of Aspinall's to enable the longstanding business to continue trading from this established location, but in a size much more suited to their needs and the proposal will also enable a hot food takeaway provision to provide some diversification and contribute to the provision of a dynamic town centre, as sought by the Local Plan. She explained that the resulting mix of uses will support both the daytime and night-time economies, will bring additional employment opportunities and will serve to enhance the vitality and viability of the High Street.

Ms Warner referred to the officer's report, where in September 2020 the Government introduced new legislation to amalgamate some of the current use classes including shops, financial and professional services, offices, restaurants and cafes into a single new Class E, therefore, deregulating changes of use between them, with the overarching aim being to support High Street revival and economic recovery. She added that the property could potentially change in its entirety, without any planning permission, to another non-retail use or for example, a pizza restaurant, and the limitations of the Local Plan in terms of protecting and limiting the uses in the Primary Shopping Frontage are, therefore, superseded and notwithstanding this, this proposal would result in the retention of a retail use and this part of the High Street would remain predominantly in retail use.

Ms Warner explained that the proposals include sympathetic external alterations to the façade of the unlisted building to facilitate the sub-division and stated that a separate advertisement consent for the new signage has already been approved by the authority. She stated that the Council's Conservation Officer has raised no objection to the proposed alterations, subject to a condition, and confirmed there would be only a neutral impact on the character and appearance of the Conservation Area and no impact on the setting or significance of the adjacent listed buildings.

Ms Warner stated that the application has also been submitted with full details of the flue system for the extraction and dispersal of odorous smells and this will be installed before the use commences and following the submission of a noise assessment which is to be secured by condition. She stated that the Council's Environmental Health Officer raises no objection on this basis and the applicant is agreeable to the revised operating hours as requested by the Town Council, again which will be secured by condition.

Ms Warner explained that the Local Highways Authority has raised no objections to the proposal, advising that the trip generation and transport impacts for the existing and proposed uses are comparable and the site is located in the Town Centre which provides the maximum opportunity to make journeys using modes of transport other than the private car. She stated that there is also

the ability to park on street and within public car parks within walking distance.

Ms Warner stated that it has been demonstrated that the principle of development is acceptable and that the development would not give rise to any adverse impacts on heritage assets, residential amenity, or the highways network. She advised members that there are no outstanding technical objections and asked the committee to accept the officer's recommendation and vote to approve the application.

Members asked Ms Warner the following questions:

- Councillor Sutton stated that he has noted from the officer's report that the current flat kitchen to the rear of the property is going to become a storage area and there is going to be a kitchen diner where the current diner is. He added that in effect there are two different users of the ground floor and first floor, which could create some noise issues and he asked whether any noise mitigation has been considered, such as an insulated ceiling? Ms Warner stated that the storage area will only be used very infrequently, however, noise mitigation is something that could be looked at. She added it had not been raised as a concern by the Environmental Health Officers.
- Councillor Benney asked whether Building Control will confirm that the building is fireproof and sufficient sound proofing is in place in accordance with regulations? Nick Harding stated that the introduction of a takeaway constitutes change of use in respect of building regulations and, therefore, there is the expectation that the building regulations application will be forthcoming in order to resolve noise and fire safety issues.

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

- Councillor Murphy stated that over time he has seen the property altered and added that the proposed changes will make for a viable business and he welcomes the application.
- Councillor Cornwell stated that if there is a market for this type of business in the High Street it should be supported. He added that looking at the site plan, the layout appears to be convoluted and unusual and he is concerned that immediately adjacent to one of the red boundary markers there is something on the plan identified as 'ruins' and asked for an explanation of the term in the context of the application. David Rowen stated that he is unaware that any of the operations proposed for the application would materially affect anything. Ms Warner clarified that the word ruins in the context of the application and confirmed that there are no archaeological issues which have been confirmed by the County Council. She added that the word ruins are often noted when there are essentially buildings in ruin form on an earth plan and she added that in that location there is a building which has very much fallen.
- Councillor Benney stated that the trade of newsagents is a dying trade and the premises do need to find another use. He added Chatteris does not have many empty shops currently thankfully and although it is sad to lose little shops, they are no longer viable and, in his opinion, the application should be supported.

Proposed by Councillor Murphy, seconded by Councillor Sutton, and agreed that the application be APPROVED as per the officer's recommendation.

(Councillor Purser took no part in this item due to the fact that he lost internet connection)

P91/20 PLANNING APPEALS.

David Rowen presented the appeal report to members.

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

F/YR20/0232/F

- Councillor Connor asked whether there were any associated costs involved with this application? David Rowen confirmed that no cost claim was submitted as part of this particular appeal.
- Councillor Sutton stated that he finds it disappointing that somebody out of the area can overrule the decision made.
- Councillor Mrs Mayor stated that the site is in her ward and there is an issue with regard to highway safety. She added that initially that area and the outbuildings were in the ownership of one person and they had one car and used that entrance. She added that now people are parking in the gateway and cars are overhanging the footpath and there is now an issue being caused. David Rowen stated that officers were of the view that the application should be refused and that was the decision that was taken. He added that it is a judgement that was made by that particular inspector in this particular case and sometimes that judgement goes against the Council and officers are also very disappointed.
- Councillor Miscandlon stated that he is also very disappointed that the inspector did not take into consideration the flats at 44 to 46. He agrees with Councillor Mrs Mayor with regard to the cars overhanging the pavement and that issue has also been reported to the Police. He added that the parking outside is also time limited, however, this is not being adhered to.
- Councillor Sutton asked whether there is the opportunity for representation to be made to the Inspector to address the fact that the committee are very disappointed about the decision. Nick Harding stated that a letter could be written to the Inspectorate to request that the decision is reviewed.
- Councillor Mrs Mayor stated the property was in one family's ownership and they resided above the shop and the area above the shop is now going to be flats of which there is no parking for them.

Proposed by Councillor Sutton, seconded by Councillor Mrs Mayor and it was AGREED that the Head of Planning write to the Inspectorate to raise the concerns highlighted by the committee.

(Councillor Mrs French had left the meeting prior to the commencement of this item)

4.38 pm

Chairman

PLANNING COMMITTEE



WEDNESDAY, 5 MAY 2021 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs M Davis, Councillor Mrs J French, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy, Councillor M Purser and Councillor W Sutton, Councillor A Miscandlon (Substitute)

APOLOGIES: Councillor M Cornwell, Councillor C Marks and Councillor R Skoulding,

Officers in attendance: Alison Hoffman (Senior Development Officer), Jo Goodrum (Member Services & Governance Officer), Sheila Black (Principal Planning Officer), Carol Pilon (Corporate Director and Monitoring Officer), Nick Thrower (Senior Development Officer) and Chris Gordon (Legal Officer)

P92/20

F/YR20/0963/F

LAND NORTH OF ELBOW COTTAGE, ELBOW LANE, CHURCH END, PARSON DROVE.ERECT A SINGLE-STOREY 2/3-BED DWELLING INCLUDING CONVERSION OF EXISTING STABLES TO PLANT ROOM

Nick Thrower presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Tim Slater, the Agent.

Mr Slater stated that he is representing the applicant, Mr Crowson, and his family as an advocate for, in his view, the specially designed and stunning bungalow proposal before the committee. He added that he is aware of the general policy provision that apply in this location in terms of principle of development and flood risk, as reflected in the planning history in the officer's report.

Mr Slater stated that in developing the concept for the design he has sought to address these in an innovative and design led way and there are 2 key elements to their argument. He added that in Paragraph 79 of the National Planning Policy Framework it does provide a pathway to achieve new development in isolated locations, provided that it is exceptional and it is contended that the design of this home is ground breaking in 2 key aspects design concept and dealing with flood risk.

Mr Slater stated with regard to design, the proposal is designed specifically to meet the needs of Mr Crowson's son James, who needs a quiet and isolated location, and with the home designed around his needs in terms of mobility and space requirements. He added that the scheme was designed inside out with the form of the home following its function to address the applicant's sons individual needs, a quiet and isolated location, sufficient space to not feel closed in, a simple palate and design on interior to avoid sensory overload and a chillout/sensory room.

Mr Slater added that the external appearance of the building is unrepentantly striking and will be finished in a bright blue render. He added that it is noted that the officer concludes that the proposal is not sympathetic to local distinctiveness, but in his opinion the design and built form of Elbow Lane is not particularly distinctive and the site is visually separate from the development along Elbow Lane, with the approach being always to deliver a sculptural architectural form and as such it is not intended to replicate the surroundings, but to be distinctive in its own right.

Mr Slater stated that in relation to flood risk, the issue of dealing with development in flood zones is very important in planning, but of particular significance to Fenland and a number of the coastal districts of Lincolnshire and Norfolk, which the Environment Agency identify as being at particular risk. He is aware that members of the committee are frustrated at the blanket approach to flood risk planning advocated at a national level and are looking for a design solution that can allow development in parts of the district that lie within Flood Zone 2-3 and otherwise would fall foul of national policy.

Mr Slater expressed the view that the jacking system proposed to raise the home in the event of flood is genuinely innovative and added that he is aware of the Larkfleet example. He stated that this proposal is innovative through evolution as the home is significantly larger than the experimental home built in Bourne and the technology has moved on in the intervening years.

Mr Slater expressed the opinion that the personal circumstances associated with the application, the medical condition of the applicant's son in combination with the medical needs of the applicant, is a material consideration in decision making, with the weight to be attributed to material considerations is a matter for the decision taker and whilst he notes that the officer has not given this significant weight he asked the committee to give weight to the particular medical circumstances of this family. He stated that it is considered that the proposal is consistent with material policy that can allow special homes in isolated locations and in combination with the very unfortunate medical circumstances of the family, he would hope that that members can support this much needed and innovative proposal.

Members asked Mr Slater the following questions:

- Councillor Benney stated that the proposal has not been accompanied by any technical figures to state that the land would be suitable for a hydraulic jacking system and he expressed the view that, in his opinion, it appears to be an expensive way of mitigating the risk. He asked Mr Slater to clarify whether the technical data has been provided to demonstrate that the jacking system will work in the area and to confirm the associated costs to deliver the jacking system? Mr Slater stated that he does not have the details of the cost, but with respect to the engineering of the jacking system, he is sure that it can be achieved and it is a case of building a raft foundation where the jacking system will sit and he is sure it can be done but is unaware of the costs.
- Councillor Meekins stated he appreciates the medical conditions of both the applicant and his son and added that he notes that inside the property there will a low level muted colour scheme to avoid sensory overload, however, the external colour scheme proposal is going to be a vivid blue colour scheme, and he asked whether there is a reason why it needs to be that colour and not a more sympathetic colour? Mr Slater stated that potentially it could be any colour, however, the applicant has chosen blue, but if members are concerned over this aspect of the proposal, then another colour could be considered.
- Councillor Connor asked Mr Slater to clarify whether the proposal is viable if he has no detail of the technical data or associated costs? Mr Slater stated that he has been advised by the architects that it is a viable scheme.
- Councillor Miscandlon asked whether there has been any investigation into the depth of the earth before bedrock is reached in order to facilitate the jacking system? Mr Slater stated that it is his understanding that the rafting system does not need to hit bedrock as the jacking system effectively sits on a raft. He added that if it is a matter that members wanted more information on then they could look to defer the application.
- Councillor Mrs Davis asked Mr Slater to confirm why there has been no sequential test and why is the applicant so insistent on this particular location, bearing in mind that it is in Flood Zone 3? Mr Slater stated that in terms of viability of the project, the applicant owns the site and if he is to deliver it, it does need to be at this location. He added that the reason that they have gone for the unique jacking system is because there is no need for the sequential test and a house can be delivered which is safe for the duration of its lifetime within an area of land in Flood Zone 3. He added that the applicant wishes to build a property in an

isolated location to assist with the needs of his son and a built up location would not suit the personal requirements of the family.

- Councillor Purser asked for clarity that the proposal site is very isolated and stated that he had noted that the distinct colour of the proposal could be seen as a distraction to passing traffic, however, due its remoteness this may not be the case. Mr Slater stated that he agrees and he does not foresee any issue with passing traffic, with the prerequisite for a Paragraph 79 house is that it needs to be in an isolated location.

Members asked officers the following questions:

- Councillor Benney asked officers to confirm that if the application was passed in its present form, with the hydraulic jacking system, would it then give the land status in terms of development and could another application be submitted, once the principle of development had been established on the site, with another simpler scheme to deliver, which could not be refused because development rights had already been given on the land? Nick Thrower stated that the granting of consent for a residential dwelling on the land would give the site a residential use and it could not be precluded the possibility of an application coming back in the future with an alternative proposal for mitigating the flood risk. He added that the application before members is based on the jacking proposals, which form part of the application, and should a further application be submitted with alternative flood mitigation the decision on that day would be based on that proposal with the alternative schemes . Nick Thrower explained that a subsequent application could not be prevented from coming back with an alternative scheme for flood mitigation if the application before members was granted consent based on the principle of a residential development on the land.
- Councillor Connor asked for clarity that if the application was approved against the officer's recommendation and it proved to be non-viable, it is his understanding, that a condition could not be added to the application. Nick Thrower stated that the approved plans are based on the information supplied under the current scheme and it would not be possible to require the jacking system to form part of any subsequent planning application on the site. Sheila Black stated that the agent has already made reference to a Paragraph 79 house as opposed to an elsewhere location house and part of that is innovative and if it is approved, members are probably looking at how innovative the house is. She added that if the applicant comes back without the jacking system then the question would be is it still innovative enough or is it just a house that does not fit Paragraph 79.
- Councillor Meekins asked whether any details were available concerning the research that had been carried out following the Larkfleet Homes scheme? Nick Thrower stated that the consent was granted in 2016 with a test bed property implemented in 2019 and, therefore, any results from that as a trial would be sensitive information and there is no evidence to substantiate that the jacking system would work.
- Councillor Mrs French stated that the actual cost of the building is not a material consideration, if the application is approved and then the applicant comes back and states that the proposal is no longer viable, then it is a different planning application. She stated should the application be approved and then it is deemed as not cost viable, she would hope that the applicant would not come back with a proposal for a dwelling due to the fact that planning permission has already been approved. Councillor Mrs French added that the proposal involves modern residence solutions and in the Fens lots of the land is in Flood Zone 3 and under National Guidelines there is a steer to build and sometimes Flood Zone 3 is the only place to do it. She expressed the view that if the application is approved, and the applicant decides that their proposal is not viable, then it is unfortunate, but they should've carried out extensive research prior to submission of the application.
- Councillor Mrs Mayor questioned if it was in the remit of the Planning Officer to ask for engineering details concerning an application such as this? Nick Thrower stated that a detailed engineering specification was not asked for on the jacking system and he added that he would expect that to form part of the building regulations process as planning is more related to land use. He stated it is something that could be requested, but the proposal that is before members details the system that is going to be used and if it does not work it

will not pass the building regulations and if it is too expensive it will not be undertaken. Nick Thrower stated that officers had concluded that it was not a material consideration to understand the engineering system in order to make a recommendation on the application.

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

- Councillor Murphy stated that the proposal is a very expensive way of getting an application passed. He added that the application goes against all policies and recommendations and he will support the officer's recommendation.
- Councillor Meekins stated that at paragraph 10.22 it states that the 'design and access statement states that the external appearance of the building is considered to be intentionally striking, such that the bungalow will be visible within the open landscape and that this will raise design standards in the area and enhance its setting.' In his opinion a bright blue bungalow in the open countryside will not enhance the landscape and enhance design standards. Councillor Meekins stated that there is not enough information concerning the jacking system and, in his view, officers have made the correct recommendation and he will be supporting them.
- Councillor Sutton stated that the issue concerning whether the jacking system will work or not is of no consequence to the committee and that is down to whoever may build the property. He expressed the view that the design is not innovative, it is in an elsewhere location and he will support the officer's recommendation.

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

**P93/20 F/YR21/0015/F
LAND SOUTH OF 20, PRIMROSE HILL, DODDINGTON. ERECT A DWELLING
(SINGLE STOREY, 3-BED)**

This item was withdrawn from the agenda.

**P94/20 F/YR21/0059/F
LAND SOUTH OF 63, CREEK ROAD, MARCH. ERECT 1 DWELLING (2-STOREY 3-
BED)**

Nick Thrower presented the report to Members.

Members received a presentation, in accordance with the Public Participation Procedure, from Shanna Jackson, the Agent.

Mrs Jackson stated that the proposal is for the construction of a new dwelling on land that is currently occupied by an existing outbuilding, with it being used, pre-Covid, as a gym by the applicant and he would travel on a daily basis from his house in Wimblington. She expressed the view that the proposal site is in the built-up settlement of March where the principles of development are supported by the policies in the Local Plan and the National Planning Policy Framework.

Mrs Jackson explained that the site is located in the town centre where residents will have the opportunity to walk or cycle to the amenities in the market town and, therefore, it represents sustainable development which should be seen as a significant benefit as it will result in new housing in a town centre location. She added that concerns have been raised with regard to the appearance of the development and the impact on the character of the area, however, the proposal represents residential development in a residential location and, therefore, in principle would appear to conform with its surroundings.

Mrs Jackson added that there are many existing structures positioned to the rear of the existing

dwelling and, therefore, the dwelling would not look out of place, making the point that the proposal has been specifically designed to be three quarter style in order to have less of a visual impact, so that it does not compete with the other two storey dwellings in the area. She explained that, following the survey work carried out on site, it was noted that a small bin collection lorry could access the site, which already services the neighbouring properties to collect the refuse and recycling bins and she added that with this in mind there is no need for future residents to drag a wheelie bin for collection.

Mrs Jackson referred to some concerns that have been raised with regard to parking and highways safety and made the point that the highway authority have raised no objection to the proposal on technical grounds and the parking spaces have been set back to allow for a six metre clearance from the other side of the road and measure 2.55 metres, with this arrangement being accepted across the board and is the same arrangement that is found in supermarkets. She expressed the view that the point raised with regard to increased traffic as being unreasonable, given that the site is already frequented by the applicant and is an area which is already trafficked by existing users, with the traffic generated by the existing gym being offset by the dwelling and the vehicular movements will be easily absorbed into the existing situation and the Highway Authority have raised no issue.

Mrs Jackson stated that there are no technical objections to the development, there is community support for the proposal and the application is a sustainable form of development which represents a benefit to the area by introducing a new dwelling in a town centre location and she asked members to consider approval of the application.

Members asked Shanna Jackson, the following questions:

- Councillor Mrs French asked whether the road is a public right of way? Mrs Jackson stated she is not sure that it is an official public right of way, although it is used by residents. Councillor Mrs French stated that she noted from the officer's presentation that it showed a number of parked vehicles at the top and she asked whether the piece of land was in general use for the residents of Creek Road or is it residents land which backs onto Nene Parade. Mrs Jackson stated that she is aware that residents along Creek Road do use the access, but she cannot confirm whether they are their vehicles. Councillor Mrs French stated that is an important factor to consider because should the application be approved it may restrict other people from parking. Mrs Jackson stated that the land in question is owned by the applicant and, therefore, he would have control over the land, making the point that it is not an official parking space.

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

- Councillor Mrs French stated that the proposal site is in Flood Zone 1 and she referred to the flooding episode in December 2020. She expressed the view that as the proposal site backs onto Nene Parade she has concerns over the noise disturbance and vibration of building the property as Nene Parade is falling into the river and the Highway Authority along with the County Council have to spend a significant amount of money in order to protect it. Councillor Mrs French stated that she is also taking into consideration the residents' concerns.
- Councillor Miscandlon stated that he has noticed from the presentation that the piece of land is grossly overgrown and in a dilapidated state, and he cannot see it used as a parking space. He added that the officers have made the correct recommendation and expressed the view that the owner of the land should be looking to tidy his piece of land up as it is an eyesore.
- Councillor Mrs French stated that she agrees with the comments made by Councillor Miscandlon and added that she is surprised that there have been no complaints from the residents. She added that the Council do have the authority to serve a notice on the landowner to request that the area is tidied up. Councillor Mrs French reiterated her concerns over Nene Parade road falling into the river and added that the issue has been

ongoing since a burst pipe in November. She expressed the opinion that the officers have made the correct recommendation.

- Councillor Mrs Davis expressed the view that she does not believe that the dilapidated building is being used as a gym. She added her main concern is the dog leg in the road and access for emergency vehicles, which could be an issue. Councillor Mrs Davis stated that she will support the officer's recommendation.
- Councillor Sutton stated that should the application be approved; he cannot foresee any issue that the building works would impact on the ongoing problems in Nene Parade. He expressed the view that if approved, a precedent would be set and, in his opinion, a further 3 or 4 dwellings could be built on the site. Councillor Sutton expressed the view that it needs to be recognised that there are some locations which are just not developable, and, in his opinion, this is one of them. He added the only way to turn around is in somebody's driveway as access is so tight and he expressed the opinion that officers have made the correct recommendation and he will be supporting them.
- Councillor Purser stated that he agrees with the concerns raised by Councillor Mrs French with regard to Nene Parade and stated that the lane is not wide enough for emergency vehicles to access should the need arise and he will support the officer's recommendation.

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

(Councillors Mrs French and Purser registered that they are members of March Town Council, but take no part in planning matters)

(Councillor Mrs Mayor took no part in the debate or voting on this item due to having lost internet connection)

P95/20

F/YR21/0060/F

LAND WEST OF, 25 LINDEN DRIVE, CHATTERIS. ERECT A SINGLE-STOREY 3-BED DWELLING WITH DETACHED GARAGE

Alison Hoffman presented the report to members.

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

Mr Hall explained that the applicant for the site is 77 years old and has owned the land for a significant number of years, prior to selling the majority of the land, which is now Linden Drive, and then re purchasing the application site land in 1998, with the site having always been under private ownership and has never been owned by the Council. He stated that the application members are considering, had previous approval for two bungalows and garages in 1998 and he has reviewed the application which was refused in 2018, which was for two dwellings set close to boundaries, reworking the proposal and reducing it to a single storey three bedroomed bungalow in similar appearance to others on the estate.

Mr Hall added that there have been a number of letters of support received and no letters of objection. He made the point that the Council have recently granted permission in principle for a dwelling at 10-14 Bedford View in Manea on a piece of land, which was agreed in 2005 as a public play space, but was never used for that purpose and that proposal has two storey dwellings either side and is only approximately 9 to 11 metres wide, where this proposal being determined is in excess of 20 metres.

Mr Hall referred to the officer's report and stated that the applicant is happy for conditions to be applied with regards to landscaping and materials. He added that members will note that all of the existing properties have a driveway but do not have a turning area and reverse out onto the road.

Mr Hall stated that discussions have taken place with numbers 25 and 26 Linden Drive, with both properties having written a letter of support and have been kept fully informed and following the discussions the garage has been moved. He stated that the proposal is for a single storey dwelling with no overlooking concerns, the site is in Flood Zone 1, there are no highway objections and adequate parking provision.

Mr Hall stated that there are no objections from the Conservation Officer, or any other consultees and Chatteris Town Council are in support of the proposal along with much local support from the residents in Linden Drive.

Members asked Mr Hall the following questions:

- Councillor Meekins stated that within the officer's report it makes reference to a map of the area and behind the proposal site there is a square area, which is unmarked and has no access to it, and he questioned whether it is a parcel of land in the ownership of the applicant? Mr Hall stated that the land directly behind the proposal site, which is shown as Chatteris on the plan, is not owned by the applicant and it is his understanding that the land is owned by 16 London Road.
- Councillor Meekins referred to the amenity land and asked whether those individuals who have using the land have been trespassing on the land belonging to the applicant? Mr Hall stated that some members of the Planning Committee were on the committee in 2014, when the application was previously discussed and he added that at the time the application was delayed, whilst a land search was carried out to ascertain whether the land was in the ownership of the Council or in the ownership of the applicant and, in his view, the land has always been in private ownership and never in the ownership of the Council. Councillor Meekins stated the photograph of the site shows the land to be in an overgrown state and he asked that should the application be refused, is it the intention of the applicant to tidy the site? Mr Hall stated that there is a 6ft high fence at the back of the site which has been erected as a deterrent as people have been using the area as a cut through. He added that the site was a grassed area, however, the applicant found the area too large to maintain and has been paying other people to cut the grass, which has now been scraped off to negate the requirement for ongoing maintenance. Councillor Meekins asked if the grassed area will be reinstated should the proposal fail? Mr Hall stated that he would hope so.
- Councillor Murphy asked Mr Hall to confirm why the residents at number 24, 25 and 26 are all in agreement with the proposal? Mr Hall stated that he has been present when discussions with the applicant have taken place with the residents at number 25 and 26 and they are not against the application. He added that number 25 did set out distances where he wanted the dwelling to be sited away from his bungalow as he has a conservatory based on the south elevation and they wanted the fence that is in place to be maintained. Mr Hall added that the resident at number 26 has written to the Council to state why she wants the application approved, but he has not met the residents at number 24.
- Councillor Miscandlon stated that he recalls the application from 2014 where the application site at that time was in a very good state of repair and he expressed the opinion that he is disgusted that the site has been allowed to fall into such a state of disrepair. He expressed the view that the residents possibly want the site to be developed so the eyesore is removed as it currently looks like a ploughed field. Mr Hall stated that the applicant has been paying for maintenance of the area to be cut and he expressed the opinion that he thinks the applicant has got fed up paying for it to be maintained.
- Councillor Mrs Davis referred to the fence which had been erected at the back of the land and asked Mr Hall to clarify that it had been erected to act as a deterrent as a cut through? Mr Hall stated that in the letter of support from number 26 it refers to people who have been using it as a cut through on foot. Councillor Mrs Davis asked whether this was access from Linden Drive into the land owned by number 16 London Road? Mr Hall

confirmed that was correct and that a relation of the applicant erected the fence.

Members asked officer's the following questions:

- Councillor Sutton stated that he recalls the site from 2014 and he agrees that the area has deteriorated. He asked officers to confirm that if it was designated amenity land, why was it not adopted previously? Alison Hoffman stated that having looked back at the planning history on the site, that information is not available and she added that the lack of adoption does not override the availability of the land as a visual amenity and also as a public amenity space. She added that it maybe that the developer retained it, however, the planning use of that area is shown as an open green space. Alison Hoffman referred to the letters of support that had been received and added that she notes that the resident at number 25 has no objection and states that the applicant has kept them fully informed and discussions have taken place and agreements have been reached with regard to the fencing and landscaping. She added that the resident at number 26 has identified issues concerning waste, appearance of the land and anti-social behaviour that has been undertaken on the site and the other letter is a standard proforma letter of support.
- Councillor Mrs French stated that an application was passed in 2014, with a condition that area is going to be public open space and now seven years later this has come forward. She added that going forward any planning application that comes forward where there is public opens space involved needs to be carefully considered and conditions added that are in perpetuity.
- Councillor Miscandlon stated that the application was not approved in 2014, it was refused, with the open space being part of original Linden Drive estate approval. Alison Hoffman stated that she has looked back at the planning history for one of the withdrawn applications and has noted that there is an officer communication to the Agent at that time, which states that 'there is a complicated planning history dating back to 1988 and legal agreements relating to public open space contributions and noted that the original agreement in 1988 did not require the provision of public open space and, therefore, this will not be the case should the development prove to be acceptable on the site'. Alison Hoffman stated that the key aspect to consider regardless of the use of the site is whether the development that is proposed is acceptable and in the officer's report it states that notwithstanding the loss of the visual open space area it does have an impact on the residential amenity and the visual amenities of the area by virtue of the layout and constraints of the site. She added that it would appear that the Linden Drive Development was 1988 and the land was not secured as public open space at that time.
- Councillor Murphy expressed the opinion that there is no impact on the local residents as the residents that live in the closest proximity are in agreement with the proposal and there are 17 other people who reside in Linden Drive, who are also happy, and he cannot see any reason why the committee should oppose it.
- Alison Hoffman stated that the planning considerations need to be factored in and it is the opinion of the officer that the scheme will cause harm to the residential amenity. She added that residents have written in advising of their support to the proposal and in many cases it may appear that a bungalow is preferable, rather than what is currently on site, however, it would be remiss of officers to recommend a scheme for approval merely on the basis that local residents see no objection to the proposal, whereas professionally, officers consider that real harm will occur to the residential amenity and visual amenity.

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

- Councillor Benney stated that he has known the area and the site all of his life. He added that the residents in Linden Drive all strive to keep and maintain their properties in a very good condition, but the one thing that would cause him concern if he resided in the road, would be if the land behind the application site was ever brought back into use. Councillor Benney expressed the view that if he lived in Linden Drive, he would be more than happy to see a bungalow built at the bottom of the road to ensure that that the road maintained its status of a cul de sac. He added that there are no letters of objection and only letters

received in support of the proposal and he will support the application.

- Councillor Miscandlon stated that he fully sympathises with the applicant and the wish to put a bungalow on the site. He added that the bungalows in the road are beautifully kept and they are a credit to the owners, with the piece of land at the end being a green amenity space and it was used as such for many years. Councillor Miscandlon added that the amenity space is needed, but there is also the need for the space to be blocked off to stop the possibility of a road going through into the open field.
- Councillor Sutton stated that there appears to be a big focus by members on the letters of support and objections received and the committee must remember that letters of support and objection are not a material consideration when determining planning applications. He added that the two neighbouring properties may be quite happy with the proposal, however, any future occupiers may have a different opinion.
- Councillor Benney stated that Huntingdon Road Recreation Ground is in proximity of Linden Drive, which is full of amenity space for residents.
- Councillor Murphy stated that the piece of land in question has never been a public open space and has been left dormant for many years and will never be an open space again. He expressed the view that a bungalow will complete the road.
- Councillor Mrs Davis questioned the width of the space between the fence and number 25. Councillor Sutton stated that the width is 7.2 metres and Mr Hall stated that the distance from the side wall of the bungalow to the face of number 25 bungalow will be a fraction shorter than 10 metres.
- Councillor Meekins stated that the proposal of a bungalow is shoe horning a property into a confined area. He added that if you have a piece of land which is a private amenity, then the owner, also has the responsibility of keeping that private amenity space in a decent condition, which does not appear to have been happening. Councillor Meekins added that if permission is not granted then consideration should be given to the fact that landowners have a responsibility for the upkeep of their land. He added that it is pure speculation to say that by erecting a bungalow it will stop development on the field belonging to 16 London Road and this proposal cannot be determined on something that may or may not happen in the future.
- Sheila Black stated that it has been acknowledged that it is not a large piece of open space, it is a piece of green space, which is acknowledged in the officer's report. She added that when determining the application, members need to be satisfied that due to the constraints of the site, the siting of the bungalow is going to be prominent and members need to be certain that they are satisfied that the siting of the bungalow will not impact on the nice character of Linden Drive and will fit into the existing streetscene and that residential amenity will not be affected. Sheila Black added that it has already been mentioned that there will be an impact on number 24, due to vehicular movements, and an impact on the two dwellings at the back, both visually and by being hemmed in.

It was proposed by Councillor Sutton, seconded by Councillor Meekins to refuse the application as per the officer's recommendation. This proposition failed on a majority vote by members.

Following advice from the Legal Officer, it was proposed by Councillor Benney, seconded by Councillor Murphy to approve the application against the officer's recommendation, which was AGREED with the use of the Chairman's casting vote.

Members approved the application against officer's recommendation as they feel the development makes a positive contribution to the street scene and does not adversely affect the amenity of neighbouring users and future occupiers.

(Councillors Benney and Murphy registered that they are members of Chatteris Town Council, but take no part in planning matters)

(Councillor Benney declared that the agent has been previously been used by him, but was open minded on the application)

P96/20

F/YR21/0199/F

106 CAVALRY DRIVE, MARCH.ERECT A 2-STOREY SIDE EXTENSION, FORMATION OF A PITCHED ROOF TO EXISTING GARAGE AND REMOVAL OF EXISTING CONSERVATORY.

Alison Hoffman presented the report to members:

Members received a presentation, in accordance with the Public Participation Procedure, from Shanna Jackson, the Agent.

Mrs Jackson stated that the application is for the erection of 2 storey side extension and the formation of a pitched roof above the garage, with the proposal following a previous application for an extension, which have been completed and the previous application also included a pitched roof over the garage, but this aspect had been removed following concerns raised by the officer at the time with regard to it being out of keeping with the area. She stated that the dwelling is not a Listed Building and the site is not within the curtilage or the setting of a Listed Building or a Conservation Area, therefore, there are no strict guidelines governing the site and there is no complete uniformity amongst properties within the area.

Mrs Jackson expressed the view that the flat roof at the dwelling is in need of replacement, hence the pitched roof application and typically a flat roof would have a 10 -15 year life span and a tiled pitched roof typically is 60 years. She stated that the applicant wishes to invest in his property to ensure it remains a quality property, which he can continue to reside in and the new pitched garage roof will not only function better and result in a higher quality property, but will also be visually appealing and add to the character of the property and these additions outweigh any concerns of the roof not matching the one next door.

Mrs Jackson made the point that that proposal had initially received the officers support, but once further investigative work had been carried out on the planning history of the dwelling, the positive recommendation was changed to the refusal. She stated that there are 12 letters of support from local residents and support from the Town Council and, in her opinion, the formation of the pitched roof on the garage will not appear incongruous and will enhance the character, function and quality of the dwelling, which will benefit the occupiers.

Members asked Mrs Jackson the following questions:

- Councillor Sutton referred to Mrs Jackson stating that the life expectancy of a flat roof would be ten years and he asked whether she would agree that there are materials available nowadays for flat roofs where a longer life expectancy would be the case? She stated that she had sought guidance and had been advised that a typical industry standard flat roof would have a 10 -15 year life expectancy, however, a tiled roof would certainly outlive a flat roof in terms of its functionality and performance.
- Councillor Miscandlon stated that he is aware that the installation of a recent flat roof, has a guarantee of a minimum of 20 years, however, he agreed a pitched roof will last longer. He added that although it is not in a Conservation Area, there are certain criteria within the area which standardise the buildings within that area and he asked Mrs Jackson whether she would agree that the proposal is out of character Mrs Jackson stated that there are other properties which are the same, however, there are bungalows within the street scene and a dwelling with a 2 storey side extension and, in her opinion, the character is not as strict as is made out. Councillor Miscandlon stated that he is not against a pitched roof.

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

- Councillor Mrs French stated that there are a mix and match of designs on the Cavalry

estate. She added that if the applicant wishes to add a pitched roof to his dwelling, she cannot see any problem with the proposal, and she will be going against the officer's recommendation and will support the application.

- Councillor Sutton stated that if you isolated numbers 98 – 108, then the proposal would stand out, but taking the proposal in context of the wider area, it would not be highlighted quite as much. He stated that number 80, a similar designed dwelling, with a similar forward projection, does have a pitched roof and questioned whether the proposal should be looked at in isolation or in a wider perspective.
- Councillor Benney stated that a pitched roof does have a longer life expectancy, can be insulated well, and negates noise pollution. He added that the bungalow opposite the application site has a pitched roof over its garage and there are other dwellings on the estate that also have pitched roofs. Councillor Benney expressed the opinion that if the proposal is approved, the neighbouring properties may choose to do the same. He expressed the view that when first developed housing estates are all uniform in their design, but in time alterations are made to the individual dwellings, which adds character to the area and this is what the applicant is choosing to do to their property.
- Councillor Mrs Davis stated that she agrees with the comments made by Councillor Benney and she will be voting against the officer's recommendation.
- Councillor Miscandlon stated a pitched roof will enhance the property and will make it individual. He added that he can see other properties deciding to do the same and he will also be voting against the officer's recommendation.

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

Members did not support the officer's recommendation of refusal as they feel the proposal makes a positive contribution, is not detrimental to the street scene and does not have an adverse impact on neighbouring properties.

(Councillors Mrs French and Purser registered that they are members of March Town Council, but take no part in planning matters)

P97/20

F/YR21/0229/F

LAND NORTH OF, 39 MARCH ROAD, RINGS END.ERECT A 2-STOREY 3-BED DWELLING INVOLVING DEMOLITION OF OUTBUILDING.

This item was withdrawn from the agenda.

3.38 pm

Chairman