

# PLANNING COMMITTEE



**WEDNESDAY, 28 JULY 2021 - 1.00 PM**

**PRESENT:** Councillor I Benney, Councillor Mrs S Bligh, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor A Miscandlon (Substitute), Councillor P Murphy, Councillor M Purser, Councillor W Sutton and Councillor D Topgood.

**APOLOGIES:** Councillor D Connor (Chairman), Councillor M Cornwell, Councillor C Marks and Councillor R Skoulding.

Officers in attendance: Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Jonathan Allen (Legal Officer) and Elaine Cooper (Member Services).

**P27/21**

**F/YR21/0387/F**

**LAND NORTH EAST OF THE WOODLANDS, DAYS LODGE ROAD, FODDER FEN, MANEA**

**TEMPORARY SITING OF A LODGE (SINGLE STOREY, 2-BED) FOR 5 YEARS IN ASSOCIATION WITH EXISTING AGRICULTURAL CONTRACTORS BUSINESS AT THE SITE INCLUDING ERECTION OF A POST AND RAIL FENCE (1.2M HIGH MAX, NORTH BOUNDARY) (RETROSPECTIVE)**

Alison Hoffman presented the report to members.

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

Mr Slater advised members that the lodge building has been in situ now for 7 years and in that time it has been used for an office associated with the family business and as staff accommodation. He made the point that whilst it is accepted that the building remains unauthorised, in his view, if it was causing significant harm he would have expected the Council to have pursued enforcement action to seek its removal, but no action has been taken post 2015.

Mr Slater stated that the family business is an agricultural plant and machinery company, which provides, in his view, a vital service to local agricultural and drainage boards. He advised that Mr Fowler set up the company, but it is now run on a day to day basis by his son, with Mr Fowler still undertaking maintenance and servicing of the vehicles.

Mr Slater referred to the various IDB drainage boards that they carry out work for. He stated that in semi-retirement, Mr Fowler intends to continue to work a couple of days per week carrying out maintenance on the company plant and vehicles, which is carried out in the recently approved barn/workshop adjacent to the lodge.

Mr Slater stated that the proposed use of the lodge is as temporary accommodation to enable Mr Fowler to live on site for short periods whilst he maintains the company's vehicles. He made the point that the Design and Access Statement sets out that Mr and Mrs Fowler are now semi-retired and have sold their property, Woodlands, and are in the process of moving to the Norfolk Coast.

Mr Slater referred to the officer's report whereby the changes in circumstances with the selling of Woodlands and relocation of Mr and Mrs Fowler to the coast is seen as material to the application,

but at that time the sale of the property was not secured. He advised members that at no time have they been asked to provide evidence of a functional need in addition to that set out in the application submission.

Mr Slater made the point that Mr and Mrs Fowler are seeking a temporary permission to enable occasional occupation of the lodge in association with the business use in the barn for a period of 5 years, which will provide an opportunity for Mr Fowler to reduce his work to a full retirement, and at the end of this period the need for the accommodation can be reviewed in the light of the circumstances at that time. He stated that the maintenance work is partly seasonal, but there are also breakdowns and emergencies throughout the working year.

Mr Slater informed members that Mr and Mrs Fowler would look to occupy the lodge for several days at a time for the maintenance periods and on an as and when basis for minor works and emergencies, and, in his view, the occupation would not be more than 100 days in any year, which will reduce in the coming years. He expressed the opinion that there is an essential need for Mr Fowler to have access to accommodation on site to maintain the high level of service to the local agricultural community and drainage boards.

Mr Slater referred to flood risk, in that whilst it is accepted that the site and much of the surrounding area is in the Flood Zone, the operational need for Mr Fowler to be able to work from the barn is such that the lodge needs to be on site. He also made the point that the proposed use is for occasional occupation and for a temporary period.

Mr Slater highlighted to members that there are no technical constraints to the development, with officers confirming that the building itself is acceptable in terms of design, character and amenity. He made the point that the Parish Council does not object and there are several letters of support from local people confirming the important role that the business plays to local agriculture and drainage boards. Mr Slater asked members to approve a temporary permission for the proposal.

Members asked Mr Slater the following questions:

- Councillor Sutton asked Mr Slater what is the destination of the building after the 5 year period? Mr Slater responded that it is potentially demolished or as it is a modular building it could be picked up and moved to another location.
- Councillor Sutton queried whether a Certificate of Lawful Use should have applied if the building has been in existence for 7 years? Mr Slater responded that there was not the level of evidence required to demonstrate its use and the building needs to have been there for 10 years.

Members asked officers the following questions:

- Councillor Mrs French asked if the building has been there for 7 years, what action has Planning taken over the last 7 years? David Rowen stated that enforcement is a reactive service and if it is not brought to their attention, enforcement does not necessarily know about it. Its presence has now come to light and there may have been a change of use of the building, which could be a potential or new breach of planning control, but there is an application in front of members today that a decision is needed on.
- Councillor Mrs French asked whether the buildings existence had been brought to the attention of the Council further down the line? David Rowen responded that knowledge of the building may have existed in 2014, but the building was viewed as ancillary to the use on the site and the decision was taken that it was not expedient to take any action.
- Councillor Murphy referred to Mr Slater stating that the building could be demolished or taken away after 5 years and asked if the Council can ensure this is undertaken, so its presence is not forgotten and it is not still in situ 10 years down the line. David Rowen stated that if the application is approved it can be conditioned, which would be monitored at the appropriate time. Nick Harding made the point that this does not prevent a further application being submitted to seek to retain the building and this would have to be

considered against policies at that time.

- Councillor Miscandlon asked that, bearing in mind that the building has been on site and used for residential accommodation for some time, have the rates been paid and if not, why not? Nick Harding advised that this is not a material planning consideration.
- Councillor Sutton made the point that Planning Committee had visited the area in 2013 and there was not, as far as he can remember, any building on site at that time, so 7 years seems to be correct. He asked whether the building came to light when the application for the workshop was submitted last year? David Rowen advised that it is not known how the building came to light or the background to the enforcement case, but timings do seem coincidental.

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

- Councillor Sutton stated that he knows Mr Fowler, but not well and they do not socialise. He knows that he runs a well-respected company and undertakes a lot of work in the area. Councillor Sutton notes that the current dwelling has been sold and given the dwelling is there and the proposal is for a specific period, he tends to give more weight to that business. He made the point that there will be a reduction in need and as long as the building is only there for 5 years, he gives this more weight than strict policy.
- Councillor Benney stated that he visited the site on Sunday and struggled to find it, so, in his view, the proposal would not cause any concern. He feels that if the proposal had more of a definable need it would have been approved, but questioned how you quantify a need for a business. Councillor Benney expressed the view that Mr Fowler is the anchor and his knowledge keeps the successful business operating and the best person to say what a business needs is the owner. He stated that he will be supporting the application.
- Nick Harding referred to the officer's report, which presents the proposal in the context of adopted local policies as well as national policies and dwellings in the open countryside should only be approved in limited circumstances and only where essential for a rural business. He made the point this is a rural business, but there is already a dwelling associated with this business, which has been sold off and if this application is approved the same situation could reoccur.
- Councillor Miscandlon asked if there are any safeguards in the conditions that can be placed on the proposal? Nick Harding stated that whilst conditions can be placed on the application, these can be applied to be varied or removed, and an application cannot be prevented which would need to be considered at that time. Councillor Miscandlon asked if a condition is placed on the proposal and an application comes forward to change that condition, it would have to come back before committee? Nick Harding stated that if the application is approved and someone applied to retain the cabin dwelling and there is a viable business then it is highly likely that there is a need for that dwelling for the business to be operated.
- Councillor Benney requested clarification that members are looking at an application that will last 5 years and after 5 years the building would either come down or if needed another application would be submitted and considered at that time. Nick Harding stated that is correct, but made the point that there is already a dwelling in existence to serve the business.
- Councillor Mrs French questioned what harm is a temporary building going to do to the countryside? Nick Harding made the point that Council policies and national policies seek to protect the countryside for its own sake. Councillor Mrs French expressed the opinion that if Councillor Benny had trouble finding the site then the proposal does not stick out "like a sore thumb".
- Councillor Sutton acknowledged that the officer's recommendation is the only one they could come forward with, but feels this application is unique as it is looking forward to a retirement. He thinks members can give more weight to issues that officers cannot and a business should be allowed to thrive and grow. Councillor Sutton stated he will give more weight to the needs of the business rather than policy.

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

**Members did not support the officer's recommendation of refusal as they feel that whilst the proposal is in an elsewhere location more weight can be given to the requirements of the business rather than policy.**

**P28/21      F/YR21/0552/F  
UNIT 3, SANDBANK BARNS INDUSTRIAL UNITS, SANDBANK, WISBECH ST  
MARY  
CONVERSION OF EXISTING BUILDING TO FORM 1NO DWELLING (SINGLE-  
STOREY, 3-BED), ERECTION OF SHED AND GAZEBO TOGETHER WITH  
INSTALLATION OF 2.2 METRE HIGH BOUNDARY FENCING (PART  
RETROSPECTIVE)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Booth, a District Councillor.

Councillor Booth stated that he was at the latest meeting of the Parish Council when this application was discussed, where it was recognised that this is a local business and since Mr Frankham has taken on the business he has much improved the site as beforehand it had become somewhat derelict. He feels that members should be supporting this proposal as it is an established building and effectively a brownfield site, and if looked at from the NPPF and Government guidance point of view brownfield sites should be built on ahead of sites in the open countryside.

Councillor Booth questioned whether this was a site in the open countryside as the Local Plan does not specify any boundaries so it is a subjective assessment. He expressed the view that, whilst Sandbank is on the edge of the Wisbech St Mary, it is an established building that is already there and can be seen from quite a wide area, and the Parish Council are looking at submitting a privately funded highways bid to amend the speed limit along this road, with the limit to be changed past the entrance to this business so the Parish Council consider this area within the actual envelope of the village and not an elsewhere location.

Councillor Booth made the point that when the Local Plan was developed a number of years ago, the discussion around elsewhere locations was around areas, such as Bunkers Hill or Thomolas Drove, but this location is just on the edge of the village and there is development and residential properties adjacent to it. He expressed the view that these buildings were former agricultural units and if they had been left as agricultural buildings they would probably have permitted development rights to convert them into dwellings.

Councillor Booth expressed the opinion that there is no real visual impact from the proposal, which is identified in the officer's report at 10.9. He stated that there is a lot of foot traffic along this road and this is part of the reason why the Parish Council want to amend the speed limit because they recognise it is not in the open countryside and there are a lot of people walking along this road getting to the shops in the village.

Councillor Booth referred to the Police statistics, which do show a lot of anti-social behaviour and concern within this area, which backs up the applicant's argument of having a residential property next to his business. He made the point that members should remember that when the Local Plan was developed, it was set as a trail blazer and innovative Local Plan, one that supported business, one that supported growth and the officer's report dilutes that element of the Local Plan. He feels

that members should also remember the Council's strapline of Open for Business and by refusing this the Council would not be.

Councillor Booth informed members that the proposal received unanimous support from the Parish Council.

Members received a presentation, in accordance with the public participation procedure, from Mrs Windsor, an objector to the proposal.

Mrs Windsor expressed the view that the plan shown in the officer's presentation do not show what is on the ground. She expressed the view that Mr Frankham has addressed the need to live on site due to safety and stresses of the business with his family life, but at present he lives a 3-minute walk away.

Mrs Windsor feels the property is well equipped with security lights and cameras and she would expect a good alarm system, which can easily be monitored from Mr Frankham's present home. She made the point that she lives 20 minutes' drive away so tending to the needs of her horses and managing an equestrian property over the last 20 years can be difficult at times, but she still manages reasonably well.

Mrs Windsor referred to Mr Frankham stating that he wishes to expand his business and provide jobs for local people, at present he states he has 6 people working for him and planned to take on two more, but these plans were put on hold due to Covid, which has caused a lot of stress as it has done to many businesses. She expressed the view that if this proposal is approved, it will mean that the workshop areas for the planned expansion will be lost as would a large amount of storage space for timber, with present planning restrictions on the property meaning that timber cannot be stacked any higher.

Mrs Windsor expressed the opinion that there would also be a loss of parking on site due to the access needing to be maintained for residential vehicles plus staff vehicles, which all take up space for customer parking and could make the situation regarding deliveries more difficult. She did acknowledge that Mr Frankham has tried to address this issue by widening his access to the road in order to give more space on site as there is no turning point within the site for large vehicles.

Mrs Windsor referred to the Planning Portal where Mr Frankham states that he had a letter from Mrs Bennington regarding her comments which cannot be published but offered to pass them onto anyone who requested them. She stated that she has asked for these comments from Mr Frankham, but has been met with zero response. She stated that she did e-mail the Planning Officer to see if she could provide her with a copy of these comments, but was informed she could not due to GDPR as it was not in the public domain as it covered areas outside of the planning process due to details over boundary issues.

Members received a presentation, in accordance with the public participation procedure, from Mrs Hamilton, a supporter of the proposal.

Mrs Hamilton stated that she has lived in Wisbech St Mary for over 22 years and has never seen the site looking so well kept and professional. She fully supports the applicant's decision to apply for planning permission as she is well aware of the security implications should a property not be attended at all times.

Mrs Hamilton expressed the opinion that she can see no problems with the location of the proposed dwelling as it does not interfere with any other properties or persons, it is set back off the road and out of the way, and as there are already a number of buildings it can only improve the look of the property further. She feels the roadway is well maintained and customer service and

safety are at the forefront of the applicant's business at all times, which should be commended.

Mrs Hamilton feels that due to the materials on this site, the possibility of damage due to theft or fire by individuals is high in this area and would, therefore, strongly recommend that there needs to be 24-hour security, which would also protect neighbouring properties by being affected by criminal activity. She made the point that the applicant has built a thriving business and wants to protect his livelihood and his family, and feels it makes sense that he would want to live on site and be able to conduct and support day to day running of the business whilst balancing family life.

Mrs Hamilton referred to the letter from an adjoining landowner, which she has read, and she is the neighbour of the applicant living directly across the field from this site and feels that there is no proof been identified regarding the boundary, with Mr Frankham always stating that should proof of boundary be submitted he would consider making appropriate changes. She stated that although she cannot comment or wish to be included in this dispute regarding this issue, she has in the past had a conversation with another person who has had issues with the same couple over boundaries and again they did not have any proof so she can only assume that this was not resolved. She feels that Mr Frankham has been keen to resolve any argument amicably, which she has experienced first-hand and was solved with care, respect and consideration to herself and the safety of her horses.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent, and Sam Frankham, the applicant.

Mrs Jackson stated the application is for the conversion of an existing building to form a single-storey 3-bed dwelling, which will allow the applicant and his family to live at his business premises known as Fenland Timber as they are currently living in a rented property which is to be sold by the owners. She expressed the view that this is a situation whereby the effectiveness of a local rural business is being threatened by the owner not being able to reside on site, with Fenland Timber being the only source of income for the applicant who is having to invest most of his waking hours into the business to support his family resulting in a poor work/life balance exacerbated by the fear of crime that threatens his livelihood.

Mrs Jackson expressed the opinion that allowing the Mr Frankham and his family to reside on site will provide a better work/life balance and reduce the risk of and fear of crime, and whilst she appreciates that there is not a specific policy requirement within the Local Plan, this is a genuine situation which could help save the ongoing functioning of a rural business that is not dissimilar to other occupational dwellings previously considered favourably by the committee. She feels that the promotion of an existing rural enterprise and health and well-being issues are material planning considerations and supported by policies in the Local Plan.

Mrs Jackson argued that these issues outweigh the concerns with regards to the locational aspect of the site, which is considered in the officer's report as being outside of Wisbech St Mary, and she feels that the proposal will have no visual impact on the surroundings given that it is the conversion of an existing building. She made the point that the proposal is supported by the Parish Council.

Mrs Jackson advised that a revised Flood Risk Assessment is currently being considered by the Environment Agency, which addresses their objection, and there are no other objections from technical consultees. She hoped members would be able to support this rural business by approving the application and they would be happy to accept conditions tying the property to the business.

Mr Frankham informed members that he started working for himself back in 2009 in a landscaping company and was still undertaking this when he moved into Wisbech St Mary in May 2014. He stated that it was always his dream of owning a timber yard and first started renting one of the units at the barns in 2015 to store his tools and trailer and then made the decision to start Fenland

Timber, which started as timber related jobs from the landscaping side to adding new services, such as bespoke sheds, animal housing or anything timber related.

Mr Frankham stated that within 18 months the business had gone from strength to strength, occupying another unit at the barns, and commencing the process of becoming a timber yard buying bulk quantities of timber for their own use, but also being able to sell to their ever-growing customer base. In 2020, with 8 employees, he was able to buy the barns from the landlord and everything fell into place, with work orders for buildings being at a high, demand for raw materials going up and generally becoming a well-known business in the area.

Mr Frankham advised members that with the success comes stress and long hours as it is a family run company with corporate ambition and he generally works between 12-15 hours a day 6 days a week with Sundays as appointment only. He made the point that he is renovating and upgrading the site after years of neglect, with upgrades to the drainage and surfacing of the property with more to continue with the buildings and outside space.

Mr Frankham informed members that he is running the business on a day-to-day basis and fitting in the renovation around work that he is doing 12-15 hours a day, so does not have a lot of home time with his family and he feels that if he lived on site he could see his family more often. He also gets nervous when he leaves the site as he has expensive materials in the yard and all of his tools and machinery that he has worked hard to buy are left unattended overnight.

Mr Frankham made the point that the business is his family's only source of income as his wife also works within the business.

Members asked questions of Mr Frankham as follows:

- Councillor Sutton referred to one of the previous speakers mentioning conifers being taken down and asked Mr Frankham to confirm where they were? Mr Frankham advised they were on the inside of his fence boundary, it is a civil dispute but the fence belongs to him and whilst there were some conifers on his side, which belonged to him, they were removed to free up more space on the site.

Members asked officers the following questions:

- Councillor Sutton expressed the view that if this building had still been a redundant agricultural building it would more than likely have been approved under Class Q. Given that is the case and the stance to support businesses, he thinks he would tend to put weight to this. He referred to Class ZA, with his understanding of this is that B1 and B2 use can be converted into residential, and he understands that the premises are B1/B2 so, in his view, the applicant could have applied under Class ZA, which would likely have ticked all the boxes under this, but these two use classes conflict with the NPPF and the Local Plan. Councillor Sutton made the point that on the visit to the site, he saw a static caravan, some stabling and a container on land adjacent to the site and asked if this has planning permission? Alison Hoffman stated that the adjacent site was granted a Certificate of Lawfulness for equestrian use and she believes the structures did form part of this process. She stated that with regard to the application site a change of use was granted for a B2 use and the permitted development rights quoted relates to B1 use. It is her understanding workshop 3 was a new build element, although a change of use application, there was an anomaly during the processing of that application and she would imagine if the option under permitted development had been available the applicant would have gone down that route. There is also the added element with permitted development in that officers have to look at how they sit alongside existing uses. David Rowen added that it is easy to say agricultural or commercial buildings can be converted under the General Permitted Development Order as permitted development, but there are a number of considerations that limit that and in terms of agricultural conversions members would have seen from the number of appeals decisions concluding that development is not permitted. He stated that the buildings are not

agricultural and they would not been accepted under Class Q anyway and Class ZA does refer to B1 use only and some of the issues that would need to be taken into account with Class ZA are impact of noises from commercial premises.

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

- Councillor Mrs Bligh referred to crime and in Wisbech St Mary there is the fear of crime as a lot of the crime is opportunistic so the fact that there is no data suggests that it is not a high crime area but the applicant wants to be on site to avoid the opportunistic crimes that can come out of nowhere to protect his only source of income.
- Councillor Benney acknowledged that it is difficult to have a work/life balance when you run a demanding business and the applicant has spent time improving the buildings and making the business successful. He stated that he has no faith in the Police statistics and with rural security, whilst you can put alarms and cameras up, the thing that really deters people is a presence on site as they never know when you are going to walk out your door and with this type of business out in a rural area the best way to safeguard it is to live on site. Councillor Benney expressed the view that members do not want to be hearing that Mr Frankham has had his business broken into and his family upset, but want him to prosper. He stated that he did not see the site before Mr Frankham owned it, but can see that it is looking very tidy and clean and if living on site helps to address that work/life balance that should be supported. Councillor Benney feels that LP2, rural well-being, is a reason to support the application and members should be helping somebody who is helping himself. He reiterated that the only way to safeguard the business is to have someone living on the site as it is the best deterrent to have.
- Councillor Mrs Bligh referred to approval of the Barrett's Bridge application for exactly the same reasons going against officer's recommendation for security purposes. She stated that the Police say there is no crime, but there is crime and having someone on site is the best security a business can have and when the business is your only source of income she can understand the fear of crime. Councillor Mrs Bligh drew members attention to the support this application has received from the local community, which shows there is no actual harm this proposal is going to cause.
- Alison Hoffman acknowledged that members seem sympathetic to the proposal, but pointed out that there is an outstanding consultation response from the Environment Agency and asked that if members were mindful to consider favourably the application it would be good to have a steer as to how members view the flood risk issues noting that a revised Flood Risk Assessment has been submitted, but it is not known if this meets the requirements of the Environment Agency but does highlight the ground the flood levels could reach and does make provision for safe refuge. David Rowen added that if members are minded to grant the application then there are two options; firstly, that members give greater weight to granting the application than the flood risk issue or secondly, to potentially delegate to officers to resolve this issue satisfactorily.
- The Legal Officer advised members that if they are minded to go against the officer's recommendation where there is clear planning basis for this to make sure members have all the facts in front of them when weighing up that assessment in terms of how much weight they would give to each element and what might outweigh the planning considerations and Flood Risk Assessment.
- Councillor Mrs French asked when the deadline for the consultation with the Environment Agency ended? Alison Hoffman responded that it was yesterday.
- Councillor Miscandlon expressed concern that this proposal is for a single-storey building in a high flood zone and he would not wish to put this family, if the application is granted, in any danger and there should be flood mitigation measures put in place.
- Councillor Murphy stated that members have always been told that they need to consider applications on what is in front of them and it is through no fault of the Council that the comments of the Environment Agency have not been received.
- Councillor Mrs Mayor made the point that the plans do show that one of the bedrooms is built higher to provide a refuge point if there is a flood.



- Councillor Mrs Bligh referred to the Barrett's Bridge application again, which she believes was also single-storey and exactly the same situation as this proposal.
- Councillor Benney stated that, although no fault or a reflection on officers, members have an incomplete report in front of them and committee is regularly receiving desktop and incomplete reports. He feels that consultees are not responding and not visiting the sites, which is a worrying trend. Councillor Benney stated that he would be happy to support the application today with officers being permitted to apply conditions and resolve the flood risk issues. He stated that he did read that a mezzanine floor was going to be put in and if a bedroom is going to be built higher he feels this addresses the flood risk issues.
- Alison Hoffman referred to David Rowen mentioning that there were two options available, but stated there is also a third option to put a condition on the application, if members are minded to approve, to comply with the Flood Risk Assessment as submitted given that it does seek to address the points raised by the Environment Agency. She made the point that the Environment Agency's lead in time for a consultation response is longer than the Council gives them and all the agencies are dealing with unprecedented number of applications and officers do have to take a leap of faith in scheduling applications to ensure a timely response and Mr Frankham was keen to get some closure on the application to know how to take the site forward.
- Councillor Sutton expressed the view that it seems unfair that the Council has to abide by the Government's response deadline in determining applications, but other consultees are not under such restrictions. He made the point that the committee needs to be consistent and when it is not consistent it has been punished by the Planning Inspectorate and he feels that it would be inconsistent for the committee not to approve this application just as it would not be consistent for the officer's recommendation not to be one of refusal. Councillor Sutton made the point that a similar application was passed in Manea and in Wisbech St Mary, and if this was refused the applicant could genuinely say what is the difference. Whilst these applications do not meet the criteria of demonstrable need to live on site it is a benefit to those businesses, bigger than members may realise and whilst he does not like to go against officer's recommendation, he will be supporting the proposal.

**Proposed by Councillor Sutton, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation, with conditions being delegated to officers.**

**Members do not support officer's recommendation of refusal of planning permission as they give greater weight to supporting a business than policy and do not feel it is in elsewhere location, with Wisbech St Mary Parish Council stating this location is part of their village.**

*(Councillor Mrs Bligh registered that, she is the ward member for Parson Drove and Wisbech St Mary and also Clerk to Wisbech St Mary Parish Council, but takes no part in planning applications. She stated that Mr Frankham is known to her, but they do not socialise)*

**P29/21**

**F/YR21/0600/RM**

**LAND NORTH OF 135, FRONT ROAD, MURROW**

**RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO APPEAL DECISION APP/D0515/W/18/3202467 (F/YR17/1148/O) TO ERECT 4 X DWELLINGS (2-STOREY 4-BED) AND THE FORMATION OF A NEW ACCESS**

Alison Hoffman presented the report to members.

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

- Councillor Mrs Bligh referred to the policy within Parson Drove Neighbourhood Plan for a footpath and, in her view, the footpath does not need to be a formal one, it could be a gravel

track or a line on the road as this is the last part of Back Road to be developed, it is used by dog walkers and is a single-track road. She asked whether a condition could be placed on the application for a designated walkway to be provided rather than a constituted footpath which would “tick the box” of the Neighbourhood Plan? David Rowen stated that this is a Reserved Matters application and officers have to look back at what the Outline permission set out, the Planning Inspector when giving permission gave consideration to the footway and the emerging Neighbourhood Plan and concluded that it was unreasonable and unnecessary to provide anything. He advised that whilst members could impose a condition regarding a footpath, that condition would potentially fail to stand up in terms of reasonableness if it was challenged by the applicant. Nick Harding added if that pathway remains private, there are the on-going liabilities of people’s safety walking across it and it gets very complicated.

- Councillor Mrs Bligh stated that she understands the outline permission was before the Neighbourhood Plan was adopted so agree with the officer’s recommendation for approval, but wondered if there was any scope to “tick the box” regarding a footpath and make everyone happy.
- Councillor Mrs French agreed with the officer’s report and whilst it is sad that members have to against the Neighbourhood Plan, due to the hard work that goes into producing them, the development was permitted on appeal prior to the Plan’s adoption. She advised that there are local highway improvements that the Parish Council can apply for. Councillor Mrs Bligh informed members that the application’s location lies within Parson Drove Parish Council’s responsibility, but she would pass the information on.
- Councillor Sutton expressed the view that this road has been the bane of his life, having sat on committee and complained about any development in this location due to the road being unfit for purpose. He feels though that to do anything other than go with officer’s recommendation would be crazy.
- Councillor Mrs French made the point that this issue has been in existence since 1999 and members are having the same conversation now.

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

*(Councillor Mrs Bligh registered, that as ward member for Parson Drove and Wisbech St Mary, she attends Parson Drove Parish Council meetings, but takes no part in the discussions on planning applications)*

**P30/21**

**F/YR21/0680/FDC**

**SITE OF FORMER 24, HIGH STREET, WISBECH**

**ERECT A 4-STOREY BUILDING (COMPRISING OF 7 X 1-BED FLATS WITH RETAIL FLOORSPACE AT GROUND LEVEL) INVOLVING THE DEMOLITION OF A WALL WITHIN A CONSERVATION AREA**

Alison Hoffman presented the report to members.

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

- Councillor Sutton made the point that the site is restricted and it is limited in what can be developed on the site. He questioned the size of the retail unit and what business would occupy this space, which he acknowledges is not a planning issue, as well as the proposal being for four stories without any lift provision. Councillor Sutton referred to a two-storey office that he knows of that was forced to provide a lift. He queried how disabled people were going to get up four floors, although he recognises the stairs are ambient which helps the disabled? Alison Hoffman stated that this building was an office property, but the commercial element of this proposal is at ground floor level so it would be residential properties that would not have a lift available to them. She is not aware of any schemes she has dealt with in the past requiring a lift and made the point that this proposal is for

housing within a town centre location, with a lift not being a planning requirement. David Rowen added that this issue would be a building regulations matter and as the Council has appointed experienced architects to design the scheme he would have thought that they would have factored building regulations into the design and would be building regulations compliant as a result.

- Councillor Sutton expressed the view that as this is a Council property the Council should be showing some leadership, although he acknowledges that the stairs are built to ambient specification and is not a reason to refuse the application.
- Councillor Miscandlon agreed with Councillor Sutton's comments. He made the point that this proposal is being built from scratch and a lift could have been factored in. Councillor Miscandlon recognises that lifts and their maintenance are expensive, but by not putting one in is denying the disabled the opportunity to live in one of these properties or access to them, which is wrong. He made the point that it should be part of the remit to allow access for the disabled who are part of our society.
- Councillor Purser referred to the first-floor plan and the fact there is no disabled access, but a wheelchair store. Nick Harding reiterated that there is no requirement for a lift to be provided based on the Council's policies or legislative requirement and these matters if required under building regulations would be dealt with at that stage. He believes there are stipulations for managed residential accommodation over two floors, but he does not know whether this proposal is going to be managed.
- Councillor Mrs Bligh stated that she was born in Wisbech and would love to see this gap site developed. She feels the proposal is a good use of the space, but there is a need to ensure that everyone has access to these homes whatever their disability.
- Councillor Purser referred to the second-floor plan which refers to wheelchair refuge and service risers and asked what this means? Nick Harding stated that both these items are building regulations requirements so that there is a refuge space that people can go to for a limited time in case of a fire. He added that service risers are just a method to get fire fighting equipment, spray or foam, to the required location.
- Councillor Purser stated that he is a landlord of some retail units and some businesses do require only small units. He feels that the site has been an eyesore for some time and this proposal tidies the area nicely. He stated that he fully supports the application.
- Councillor Topgood made the point that members are discussing issues which fall under building regulations, which are outside the planning process. He feels that the site is very confined, disabled access has been accounted for in the commercial element of the building as per the regulations, but has not been designed for access to the general residential element as there is no parking on site. Councillor Topgood expressed the view that the proposal needs to be approved as the site is an eyesore and has been for decades.

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

*(Councillors Benney, Mrs French and Murphy declared an interest, by virtue of being members of Cabinet where this proposal had been discussed, and left the meeting for the duration of the discussion and voting thereon)*

**P31/21**

**F/YR20/0940/F**

**LAND WEST OF THE SPORTSMAN, MAIN ROAD, ELM**

**CHANGE OF USE OF LAND FOR USE AS PUBLIC HOUSE CAR PARK**

**INVOLVING THE FORMATION OF HARDSTANDING, NEW LIGHTING AND THE**

**SITING OF A STORAGE CONTAINER (PART RETROSPECTIVE)**

David Rowen presented the report to members.

Members received a written representation from Mr and Mrs Stewart, objectors to the proposal, read out by Member Services.

Mrs Stewart stated that it is not easy to complain to the Council about a neighbour, especially when it is a pub and extremely popular, but she feels that no one who has complained about pub noise has taken the decision lightly. She expressed the view that on Easter Sunday 2019, The Sportsman decided to have live music with 2 speakers and an amplifier outside, which was exceedingly loud, and has carried on every Sunday or a Bank Holiday except for the August holiday.

Mrs Stewart stated that some neighbours have spoken to Environmental Health who advised that having a music license did not mean that you could be a public nuisance and to put the speakers inside, but at a Licensing Hearing the pub was allowed to have 6 of these events a year with speakers outside. She expressed the view that when she brought her house she did not expect a car park to be built there and 15 trees have been removed in less than a year, which she did not imagine that this number of trees could be taken down as they live in a Conservation Area.

Mrs Stewart expressed the view that having loud music outside with many people singing along at the top of their voices has definitely changed the dynamics of the pub, especially with the younger ones being much louder now. She stated that when she moved to Elm, The Sportsman held a music night once a month usually a disco until midnight with both doors closed, which she had no problem with, but the new owners have music twice a month along with outdoor music sessions, apart from during Covid, which makes for very noisy living.

Mrs Stewart made the point that the pub changed its alcohol licence in 2019 so they could serve alcohol from 8am every day and until 1am Thursday to Saturday. She needs to know the car park opening times and it needs a proper acoustic fence as she feels sure the pub will still be having music events twice a month as they are well attended.

Mrs Stewart made the point that the car park has been used as a car park by staff and sometimes customers and asked how do we know that they will not carry on doing this and not put a fence up? She stated that they are not just sitting complaining, they have put sound proofing in two windows, with another resident having triple glazed acoustic windows fitted in their house so they can hear their television. She referred to another couple who have lived in Elm for 45 years and when they moved in the pub was derelict and no one has ever complained about the pub before until the new owners took over.

Mrs Stewart asked for some thought and understanding.

Mr Stewart made the point that there does not appear to be an arboricultural assessment as was requested by the Tree Officer in his report in January 2021, who stated that "as the construction will take place adjacent to trees protected by the Conservation Area, we require an arboricultural impact assessment and method statement for the proposed works. This should also include a methodology for the placement of fence posts and any other works within the Root Protection Areas of the trees". The Tree Officer also stated "The proposed site plan also shows the planting of new trees along the west and south boundaries. This should be extended to include the east boundary to ensure adequate screening. New trees should be a minimum of 12/14cm girth to reduce the time frame for screening to establish, a maintenance programme for the trees will also be required".

Mr Stewart expressed the view that none of the Tree Officer's recommendations have been implemented, which is important to him as they were not overlooked before, especially when tree T2 was taken down even though it had a TPO. He feels that apart from the proposed Silver Birch, the 10 proposed tree plantings of 40-60cm height will be inadequate as there are now only 6 trees left, which will take years to grow before offering any screening.

Mr Stewart asked why a qualified sound engineer has not visited the site and carried out a survey

using their machines to find out exactly what fence and other measures are required to meet current legislations or if they have why it has not been submitted? He referred to the last committee meeting where this application was submitted and that Councillor Cornwell stated that David Johnson must try his utmost to mitigate the noise as pub car parks are noisy.

Mr Stewart advised that he contacted an acoustic fence expert as he has not seen a picture of an acoustic fence with a separate gravel board on any acoustic fence website and he was told that an acoustic fence needs to be a complete solid panel not one that sits on a gravel board so that there is no chance of having a gap for noise to travel through and the bottom board should be buried about 50mm into the ground. He expressed the view that the acoustic fence should also conform to BS EN 1793 and be fully tested and certified as a category B3 rated barrier, which is not shown on The English Brothers drawing supplied.

Mr Stewart expressed the opinion that, due to the close proximity of the nearby houses, it is imperative that a qualified sound engineer visits the site and proper acoustic fence panels manufactured. He believes that the need for residents to protect themselves as if a sub-standard fence is erected, they would never get the chance of it being changed, which will impact negatively on their lives.

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

Mr Johnson advised that he was present mainly to answer any questions, but made the point that the pub has existed at least since 1829 as The Black Horse, which means it has been carrying out pub business, selling intoxicating liquors to people to be merry, have fun and occasionally make noise for over 180 years. When he purchased his home, he stated that he left no stone unturned investigating the neighbouring properties and land, this included the possibility of developing the field behind and the possibility of re-routing the footpath, which is less than 50 yards from his house.

Mr Johnson believes that all neighbouring parties that claim not to know that their land backed onto pub land and what it could mean to their properties in the future have fallen short of their due diligence and their complaints are severely weakened as a result of this and, in his view, any conveyancer should have highlighted this land as affecting potentially the land they were purchasing. He feels that, as the pub has existed for over 180 years, it has moved with the times and needs to make another stride now.

Mr Johnson expressed the opinion that the neighbours who have always complained about parking issues are now championing that it has adequate parking. He feels that common sense needs to apply to this situation as they transition to a food destination pub as they need more parking and it could be that the more food orientated clientele would be a quieter clientele than the lively wet pub they have been known for.

Mr Johnson expressed the view that to refuse the application would be stifling the potential business and made the point that he has not taken a single pound back out of the pub, which has yet to make a profit. He expressed the opinion that this proposal will be a well-managed, highly specified car park and feels that he is only before committee as the previous owner allowed the beer garden to become derelict.

Members asked questions of Mr Johnson as follows:

- Councillor Benney stated that he knows this pub as many years ago there used to be a disco there on a Thursday evening which he used to attend. He has visited the site twice in relation to this proposal and asked when Mr Johnson took the pub over? Mr Johnson advised he was not particularly good with dates, but it was in July 2017 or 2018.
- Councillor Benney expressed the view that the applicant has put a lot of money into the pub,

you can see this by looking at it and the surrounding area, he likes to support local business as much as he can and asked if this is going to be a mainly food orientated pub or a fun pub? Mr Johnson stated that when he purchased the pub, it was a wet pub and it has all changed as he does not know when a wet pub in a village will be viable if ever again, so it is a food pub and he is trying to develop it more and more as a food pub. The pub does get people come outside when the sun shines to the picnic tables, and its trade has really built up on a Tuesday to Friday lunchtimes, with them doing 40-50 covers a day on a Tuesday, Wednesday and Thursday lunchtime. He stated that it is not a fun pub, but a village pub moving with the times and Covid has pushed them a lot quicker to where they are going to get to.

- Councillor Benney asked whether the car park was going to be used for an outdoor entertainment area or only for car parking? Mr Johnson stated that there has been so much nonsense about what this space is going to be used for, it is completely unserviceable from the toilets and bar and only really useful and possible as a car park where you go once to the pub and return to go home. He made the point that staff could not be ferrying drinks and customers could not be nipping into the toilets as you can see from the plan customers have to come down Atkinson Lane and in through the front door all the way to the back of the pub to use the toilets and, in his view, it would not be viable.
- Councillor Benney queried whether the car park was not linked to the pub other than the double gates at the front? He asked for clarification that he would have to park, walk up the lane and enter the pub at the front? Mr Johnson stated there is a footpath surrounding property, so customer would come out of gates along the footpath into the pub. Councillor Benney queried whether a gate would be put in the fence from the pub into the car park and queried again that this area is purely for car parking and not for any entertainment purposes? Mr Johnson stated that it is impossible, otherwise customers would have to walk through the pub's kitchen, cellar or toilets, as there is no viable other route other than through the gates and in through the front of the pub. He stated that there did used to be two accesses, but these were bricked up to build proper toilets, disabled and baby changing facilities and although you can access the car park through the dray yard, they are not going to invite customers to access their dray yard.
- Councillor Mrs French referred to Mr Johnson stating that the property was built in 1859? Mr Johnson stated that it was first listed as a pub in 1829. Councillor Mrs French remembers around 15 years ago going to the pub as a member of the Licensing Committee due to neighbour complaints and there was a priest hole causing issues with noise from when discos used to be held and asked if the pub has received any complaints from the neighbour that lives next door? Mr Johnson explained that the next-door neighbour's porch was a central part of a symmetrical building, with the pub being raised to the ground by fire and they half built the pub back in the 1700s as a forge and after this it became the pub, The Black Horse, and the house next door was Black House, so the priest hole was not originally a priest hole, but a void between what was original and what was built after the fire. He stated, in reference to the neighbours, these are Kim and Craig Stewart and they complain about a lot about the value of their property which they brought at a discount as it is attached to a pub and the pub seems to be at fault for a lot of things.
- Councillor Purser asked in order to have entertainment what you need is an electric power point and could Mr Johnson say that there would be no electric power point in the car park so entertainment could not be held there? Mr Johnson stated that practically he cannot think what he would need power in this area for.
- Councillor Sutton stated that it would be remiss of him not to be involved with this as a ward councillor, but he is in a difficult position in terms of supporting a local business against supporting local residents. He saw on his site visit that there is log store and asked what the plans were for this? Mr Johnson stated that the trees removed were logged on site and a lean to was put over them, with the plan being to burn them during the Winter. He made the point that all trees were taken down correctly and none had TPOs, but a lot of logs were produced with a temporary lean to created to keep the logs dry.
- Councillor Sutton asked if Mr Johnson understands the concerns of the residents as the

proposal will be a change from the situation as it was and takes their concerns on board? Mr Johnson stated that he accepts their concerns and has spoken to residents who want to engage, but made the point that residents cannot have rose tinted view of the derelict land, the trees were dangerous and he agreed with the Tree Officer what could come down, agreeing to retain one that he thought was dangerous and then it blew down in the next storm. He expressed the view that it was not good land, it was rat infested and whilst the trees did provide some canopies, the land was anti-social with dens and it was huge liability for them to keep and maintain it safe, with all he has done is to get the land to a point that it is safe and create a blank canvass, which will help the pub prosper.

- Councillor Sutton referred to one of the written representations making reference to the spilt acoustic fencing, he recognises that English Brothers have a good reputation for wood working, and in the event of this committee supporting the application, would Mr Johnson be willing or is it available to erect an entire panel. Mr Johnson stated that when the fence was designed there were several factors in play one being that if the fence is as designed the panels can be made in English Brothers factory so they would get a much better-quality panel and if 2.4 metres tall they physically could not lift them as they would weigh too much. He stated that they will seam them together as best as they can and English Brothers have made panels for the highways, with it aesthetically not being a gravel board just a change in direction.
- Councillor Benney asked, if the committee was mindful to approve the application, would he be prepared to put signs up asking customers to respect the neighbours and keep the noise down? Mr Johnson stated that he would do this anyway as they want to be a premium village pub and doing things right is what he wants to do.
- Councillor Mrs Mayor made the point that notices would be part of the licensing conditions and would be picked up here if there are any complaints. She stated that he has had permission to remove 21 trees since 2017, which is an awful lot of trees, and asked if any new trees had been planted? Mr Johnson stated that they have not planted anything as he has not got approval for a proposed scheme and he does not want to plant anything in the wrong place. He acknowledged that it is a lot of trees that have been removed, but it goes back to how derelict and dangerous the site was, with conifers being immensely overgrown. Councillor Mrs Mayor interjected that it does not say conifers, the site is within a Conservation Area and if the trees had, had TPOs he would not be allowed to remove them without replacing them. Mr Johnson stated that there were no TPOs and there was a conifer hedge that had vastly overgrown.
- Councillor Benney stated that he understands why Mr Johnson has not planted any trees as if he does not get permission for the land to be car park he may want to turn it into a woodland area. He asked if Mr Johnson intends to plant around the edges to protect some of the residents that adjoin the site? Mr Johnson stated that this is his intention, the aesthetic of the pub is important to him as he wants it to be a pleasing place to be and look and this transfers to the car park as the experience starts when you get out of your car. He stated that he does have a planting scheme with a minimum number to plant and he also wants to put back a Silver Birch and put back some of what was there, but also better tree choices, which was the Tree Officer's recommendation, but he just has not initiated planting yet.

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

- Councillor Benney stated that when this application had come before committee previously he had had his Covid vaccination two days before and was not feeling very clear. In regard to the acoustic fencing, he has read the report that said the fencing would make a difference of between 10-15 decibels, with 10 decibels being a pin drop and 20 decibels a rustling of leaves and he feels that the expense of putting this fence up to save the noise of a pin drop is an expense too far. He made the point that his home is opposite the leisure centre in Chatteris, with planning being about land usage, and if looking at the leisure centre today members would not be looking to turn it down due to loss of privacy and lights shining into residents' houses. Councillor Benney expressed the view that residents knew when they

brought their houses that the pub was there and if you buy a house near a pub residents have to accept there will be noise. He feels that all the fence is going to do is put a lot of expense on the applicant and the car park is not going to be in use every day, there is parking out the front and he feels sure that customers will use the front car park first. Councillor Benney stated that he supports a local business, you get decent people going to a decent pub and he feels the applicant is running the pub in a decent way, is a responsible landlord and the pub looks like a nice establishment. He expressed the opinion that whilst residents may not like a car park, the applicant could turn the land into something else, which could be worse. Councillor Benney expressed the view that if the car park is not provided, cars could end up being parked on the roads all around the pub and car parking is an essential part of that business, with the village lucky to have a pub. He feels it would be a travesty if members do not approve the application making the point that the Council gets criticised that it is not doing enough for business and this is giving the opportunity for a business to thrive.

- Councillor Murphy stated that he had driven past this pub on many occasions and the front garden seems to be packed and it is a well-liked pub in the village. He expressed the view that the Council should be helping businesses, which has occurred twice this afternoon, and the Council should not be stifling a business by not letting them have a car park. Councillor Murphy expressed sympathy for the residents that live near the pub, but made the point that a pub will always have a bit of noise and if you have brought a house near it, it should be expected.
- Councillor Mrs French made the point that there are 13 objectors and 63 supporters, which she feels speaks volumes. She agreed that other businesses have been helped this afternoon and members should be supporting this business, with pubs having suffered due to Covid over the past 18 months.
- Councillor Miscandlon stated that the acoustic fencing was raised at the previous committee meeting when this proposal was considered and the applicant was prepared to go away and investigate it. He feels the applicant wants to be part of the village and the acoustic fencing is part of the protection for those residents in the village. Councillor Miscandlon expressed the view that the acoustic fence is about reducing the upper end of noise that hurts your hearing to bring it down to an acceptable level. He fully supports the proposal as it is as he feels the owner has done a great job to mitigate the problem that is perceived in the village and whilst it will cost him, it will benefit the applicant in the end by being a caring landlord.
- Councillor Sutton stated that as the ward councillor he has residents who support and object to the proposal so it is a no win situation for him, but he feels the applicant has gone the extra mile by considering acoustic fencing. He referred to the comments of one of the objectors, who stated that if there has to be a car park an acoustic fence needs to be put in place, and he feels that the acoustic fence would provide privacy and addresses the legitimate concerns of the objectors. Councillor Sutton stated that he is on the committee to make a decision on what is best and he feels this proposal is the best solution.
- Councillor Purser stated that he supported the proposal before and will be supporting it again as small businesses should be supported.
- Councillor Mrs Mayor referred to the Tree Officer's comments within the report regarding additional tree planting and hopes this will be instigated.
- Councillor Benney suggested that the proposal be approved without the acoustic fencing. Nick Harding responded that the acoustic fencing has been submitted as part of the application so members cannot approve a proposal that excludes it.

**Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation, with authority delegated to officers in consultation with the Chairman, proposer and seconder to determine conditions, which includes a planting scheme.**

**Members do not support officer's recommendation of refusal of planning permission as they feel that the benefits of the business and wider community outweigh policy, the**



**proposal will not adversely impact on the amenity of neighbours as the car park will not be used on a 24-hour basis and tree planting will improve the privacy for neighbours.**

*(Councillor Sutton declared that he had received e-mail from residents on this application asking for advice on who to approach with their concerns)*

**P32/21**

**F/YR21/1123/F**

**WOADMANS ARMS, 343 HIGH ROAD, NEWTON-IN-THE-ISLE**

**ERECT 4 X DWELLINGS (2-STOREY 3-BED) AND THE FORMATION OF 3 X NEW ACCESSES INVOLVING THE DEMOLITION OF EXISTING PUBLIC HOUSE**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Blair Simpson, an objector.

Ms Simpson informed members that she was speaking on behalf of residents on Westfield Road who are against the proposal as they feel the development is over intensification and over development. She stated that Westfield Road is a quiet cul-de-sac comprising of 14 properties and the residents pride themselves on the small community and take pride in their homes, with the small amount of children who live in the road enjoying the benefit of being able to live in the road and play in a safe and secure manner.

Ms Simpson expressed the view that residents are concerned about the additional entrance for two of the dwellings in the development where access and egress will be from Westfield Road. She feels the development will cause over-looking to existing properties on Westfield Road and also Fen Road.

Ms Simpson advised members that the applicant has erected a fence and residents are concerned over the maintenance of the boundary fence going forward and made the point that the grass verges have been looked after by residents for the past 15 years. She referred to a tree in Westfield Road beside number 11, which residents do not want to see removed and, in her opinion, the proposed 25ft gravel driveway will cause additional noise and be intrusive to the residents.

Ms Simpson stated that High Road is a busy road used by the school service to Tydd St Giles School and Peel School and the 46 bus route and residents are concerned about vehicles accessing and leaving the development as there have been accidents in the past. She feels the issue of extra vehicles in the road and parking is a great concern to residents as well as the extra traffic and deliveries the site will generate, delivery of goods through Westfield Road, will invade resident's privacy as this will pass directly next to the residents' front window.

Ms Simpson expressed the view that the applicant has sited a static caravan on the site and is living in it and now appears to be storing a number of 18 tonne lorries on the site as well burning all of his rubbish at the rear of the pub. She feels that, if permission is granted, then appropriate conditions need to be added which must include delivery times and suitable working hours on site.

Ms Simpson expressed the opinion that, as the current occupier is storing 18 tonne vehicles on the site, there is no reason to grant access via Westfield Road, which would spoil what the residents have worked hard to achieve a safe, comfortable and welcoming area for residents to use. She feels the proposal for 4 properties does not allow any turning points on the driveways or any parking for visitors, which is going to congest other areas and cause issues for the current residents of Newton-in-the-Isle.

Ms Simpson made the point that all residents brought their houses around Westfield Road as the

road was a quiet cul-de-sac and granting access via Westfield Road for either building purposes or to allow permanent access for the new properties with an agricultural covenant would be unfair on the residents of Westfield Road as there is no agricultural land that leads from Westfield Road. She hoped that members would take into account the objections from the residents of Westfield Road.

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

- Councillor Sutton stated that he looked at this site on Monday and his initial thoughts were the development is not very pretty, but it does fit, but the more he has read the report the more he has become concerned about highway safety and he re-visited the site on Tuesday. He expressed the view that whilst the visibility splays look fine on the plan, it is a different matter on site and asked if there had been any site visit by highway officers as the visibility splays presented are not possible and how can members possibly allow this to go ahead when on the ground it is not achievable? David Rowen referred to the comments of the highways officer in 5.2 of the report, but could not confirm whether they had actually been out to the site in making those comments. He made the point that there is an access for the public house and there would have been vehicles entering and exiting the site then. Councillor Sutton expressed the opinion that we should not be satisfied with what was there and should make it better, with 37 metres of the splay going through a neighbouring property's garden. David Rowen responded that he is not sure the splays do go through the front garden as there is some overgrowth at the front of that property encroaching into highway land and as far as he was aware the splays could be achieved without going through the front garden.
- Councillor Mrs Bligh queried whether the access has to come through Westfield Road due to the covenant? David Rowen advised that there is no proposal from this application to create an access road into Westfield Road. He stated that there is strip of highway land of around 1-2 metres between the termination of Westfield Road and the application site and the only element of the application that relates to the covenant is that the layout shows an area of hardstanding, which satisfies the covenant within the confines of the application site.

Councillor Mrs Davies informed members that on advice from Nick Harding members could say they are not happy with the highways report and could defer the application.

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

- Councillor Sutton stated that was to be one of his suggestions as clearly the fence is right near the road and the splays cannot be delivered, so, in his view, it is either deferral or refusal.
- Councillor Mrs French expressed concern about the highway situation, not about removal or demolishing building, as further along road there is another dwelling that looks like its vegetation is growing over footpath and she is surprised and disappointed with the highway response. She would be very concerned if the developer tried to use an access for a construction site from Westfield Road, which would be a sacrilege to residents who live in this cul-de-sac and nice area. Councillor Mrs French made the point that the tree in Westfield Road is very old and she would not want to see this taken down unless it was dangerous.
- Councillor Miscandlon referred to the schematic drawing, which he feels is nonsense, and asked why is the developer building a road to nowhere? He feels the applicant could remove the covenant to redesign the scheme to achieve a better layout and access as there is a highway safety issue with the current proposal, which needs to be addressed.
- Councillor Mrs Mayor made the point that covenants go back many years and the person who obtained it may no longer be with us and there may be nobody interested in it. She feels that if highways are going to get involved, this can be sorted out at the same time, with a turning bay provided which would make the lives happier for the residents. Councillor Mrs Mayor expressed the view that the back gardens of the development where the covenant is should be grassed over to be part of their gardens or a turning bay provided for Plots 3 and

4, but there should be no access to Westfield Road.

**Proposed by Councillor Mrs French, seconded by Councillor Mrs Mayor and agreed that the application be DEFERRED for further discussions with Highways and consideration of possible overdevelopment of the site as fewer dwellings could result in vehicles leaving the site in forward gear.**

*(Councillors Benney, Mrs Bligh, Mrs Davies, Mrs French, Mrs Mayor, Miscandlon, Murphy, and Sutton registered that, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, they had been lobbied on this application)*

**P33/21**

**F/YR20/0780/F**

**11-13A AND LAND EAST OF 3-11A, HIGH STREET, CHATTERIS**

**PART CHANGE OF USE OF EXISTING BUILDINGS TO FORM 3 ADDITIONAL DWELLINGS (2 X 3-BED AND 1 X 2-BED) AND ERECT 2NO DWELLINGS (2-STOREY 3-BED) INVOLVING THE DEMOLITION OF EXISTING OUTBUILDINGS, A SUN ROOM AND WALLS WITHIN A CONSERVATION AREA AND EXTEND EXISTING DWELLING/SHOP**

**F/YR20/0795/LB**

**11-13A AND LAND EAST OF 3-11A, HIGH STREET, CHATTERIS**

**INTERNAL AND EXTERNAL WORKS TO LISTED BUILDINGS TO FORM 2 X 3-BED AND 1 X 2-BED DWELLINGS AND EXTENSION TO DWELLING/SHOP**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Councillor Haggata of Chatteris Town Council.

Councillor Haggata stated that the members of Chatteris Town Council fully and unanimously support both applications, which will allow a neglected and in need of serious attention site to be refurbished and restored to improve the attractiveness of this site on High Street. He made the point that the properties proposed for refurbishment are situated in a very prominent position on this side of Chatteris High Street and informed members of the Listed Buildings that existed in close proximity to the site, which form an attractive vista along this area of Chatteris High Street.

Councillor Haggata expressed the view that, if the applications are approved, it will complete and enhance this vista, which can only be of benefit to the surrounding area and encourage more use of this side of Chatteris High Street. He stated that Chatteris Town Council is in the process of encouraging local businesses to improve and upgrade their presence on High Street by the means of Chatteris Town Council Renaissance Improvement Grant, which has proved successful with many local businesses applying for the grant to refurbish and enhance the appearance of their shop fronts on High Street and Market Hill.

Councillor Haggata advised that Chatteris Town Council members are of the opinion that these planning applications will also be of great benefit to the revival of Chatteris High Street and enable more needed homes to be available in Chatteris. He understands that refurbishment is not without high costs and, therefore, it is accepted that both planning applications are necessary for these improvements to proceed, which is why Chatteris Town Council fully support the applications.

Members received a written representation, from Andrew Wignall, an objector, read out by Member Services.

Mr Wignall stated that he was unable to attend the meeting in person due to work commitments, but his statement was on behalf of the residents of 2 and 6 Boadicea Court. He fully endorses the redevelopment of the High Street and accepts for financial reasons the area known as Dobbs Yard

needs to be developed to enable the funding of the refurbishment and redevelopment of the High Street properties but does have a number of concerns regarding Dobbs Yard.

Mr Wignall raised concern about the open nature of the car ports as these directly open onto the boundary and, in his view, would cause both noise and environmental pollution, especially as the existing boundary wall is only approximately 1600mm high, with the drawings not showing the height of the walls. He expressed the opinion that Plot 2 adjacent to the boundary of 6 Boadicea Court will be increasing the shear height of the wall to 2.7 metres based upon the information within the officer's report, which is an increase of over 1 metre.

Mr Wignall expressed the view that the location of the two-storey element is likely to cause over shadowing in the evening to the garden as the sun moves to the west. He asked members to consider rejection of the application on the basis that Plot 2 should be located further away from the boundary and open car ports be redesigned to prevent noise and environmental pollution to the neighbouring properties.

Members asked officers questions as follows:

- Councillor Benney stated that as a Chatteris Councillor, he fully endorses what Councillor Haggata has said. He made the point that the shops have been empty for a long time and this building needs money spent on it. Councillor Benney welcomes the applications and made the point that the applicant is doing this with his own money although the rear development is needed to provide the income to refurbish the front. He expressed the view that if this development does not happen Chatteris will start to look like Wisbech Town Centre, where public money is needed to come forward to put things right and make them safe. Councillor Benney expressed the opinion that it is commendable that the applicant has brought this application forward, which will benefit Chatteris and safeguard these buildings. He does take on board the views of the residents of Boadicea Court, but made the point that whatever you do someone is not happy, but the proposal needs to be looked at overall and he can see nothing to turn it down, with overshadowing of neighbouring properties not being a sufficient reason. Councillor Benney stated that he fully supports the proposal.
- Councillor Miscandlon fully endorses the proposal as development of this will improve the area and this is much needed. He hopes the applicant is successful in what he is proposing.
- Councillor Sutton echoed the views of the previous two speakers. He stated that Boadicea Court is a lovely cul-de-sac, with really smart properties and, in his view, this proposal will complement it. Councillor Sutton made the point that the Case Officer has worked with the agent and applicant to bring forward a suitable scheme and he congratulated officers for this.
- Councillor Mrs Bligh stated that there are some beautiful buildings in Chatteris and for someone to use their own money to make the area better should be fully supported.

**Proposed by Councillor Benney, seconded by Councillor Miscandlon and agreed that applications F/YR20/0780/F and F/YR20/0795/LB be APPROVED as per officer's recommendation.**

*(Councillor Topgood had left the meeting for this item)*

*(Councillor Murphy declared, following advice from the Legal Officer he has a personal compromise on this application, and to avoid the suggestion of pre-determination and bias left the meeting for the duration of the discussion and voting thereon)*

*(Councillor Benney declared, as Portfolio Holder for Assets he was notified of a request for an easement over Fenland District Council land on this application)*

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

**P34/21**

**F/YR21/0361/F**

**LAND NORTH OF 39 TO 49, COATES ROAD, EASTREA**

**ERECT 5 X DWELLINGS (1 X 2-STOREY 3-BED, 2 X 3-STOREY 5-BED AND 2 X 3-STOREY 6-BED) INVOLVING THE DEMOLITION OF EXISTING BUILDINGS**

David Rowen presented the report to members.

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

Mr Hall stated that the officer's report sums up the situation well and the recommendation is for approval. He advised members that the proposal is for large executive dwellings of various designs, with the site already having detailed Reserved Matters approval for 4 large dwellings off a private drive with access onto Coates Road, and the dwellings are in the same position, same width and length as approved, with a further section of land being acquired to allow the additional plot to be proposed.

Mr Hall expressed the view that the key issue with this application is archaeology, with there being a proposed standard condition, No.17, for an archaeological investigation. He made the point that this site already has had two archaeological digs, one in 2014 on this site and part of the adjacent site, and a further large dig in 2018, showing a picture on the screen after the archaeological dig, with the area of the dig being 1,340 square metres which is where plots 1-4 are located towards the back of the site and excavation of about 6mm deep over the entire site.

Mr Hall stated that County Council's Archaeology did visit the site when the dig was being undertaken and the owner has advised him that in 2014 the first dig cost £7,500, with the owner of the other site paying £5,000 towards this, and the dig in 2018 cost just over £20,000 and they are now being asked for another dig. He feels the comments under 5.5 of the officer's report do not take into account this much larger dig that was carried out in 2018, and he has tried to contact the County Council's Archaeology Team three times but has had no luck.

Mr Hall referred to an e-mail received on 2 May 2019 after the large dig which states "partial discharge is acceptable we have no issues with the development commencing on site as the front end tasks, namely the approval of the written scheme of investigation mentioned in the condition and the completion of the field work have been approved and completed. However, the overall condition should remain in place to enable Witham Archaeology to conclude the post excavation reporting programme and deposit for the archaeological archive." He made the point that the final report has been back and forwards between the County Council and Witham Archaeology and has not quite been finalised, but the dig has been comprehensive.

Mr Hall expressed the opinion that the archaeology condition should either be removed or amended to wait for the final report to be submitted.

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

- Councillor Benney referred to the comments of Mr Hall about the two archaeological digs and asked if it was reasonable and fair for the applicant to carry out a third one. He made the point that an extensive dig seems to have been undertaken and asked if the condition can be lifted? David Rowen stated that there are comments from County Council in respect of the need for a condition, whether they were aware of the background previously he is not sure, but in similar circumstances when a condition has been imposed and previous work has transpired as having been undertaken the County Council are reasonable in normally accepting this previous work. He suggested to members that the condition remains in place

as recommended as the condition does not state that a full archaeological excavation of the site is required it just requires a scheme of investigation.

- Councillor Mrs French referred to 5.7 where it states Fenland Highway Division and asked when did Fenland become responsible for the Highways? David Rowen stated that the officer who written the report is new to the authority and apologised for any confusion.
- Councillor Sutton expressed concerns about the archaeology and cannot see why it cannot be amended to say the submission of the final written report. He feels the length of travel for the bins for collection is over the Recap recommended distance, but believes appeals have gone against the Council on this issue. David Rowen stated that distance to the bin collection point has not been sustained by the Planning Inspectorate who view it as design guidance rather than hard and fast policy and the previous scheme that was granted had a similar arrangement. He stated that regarding the archaeological condition, without knowing exactly the County Council's rationale for their comments he would not endorse members varying that condition, and whilst he agrees with Councillor Benney's opinion that there is unlikely that anything would be found it is not known if there is further rationale for what they are asking for.

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

*(Councillor Mrs Mayor registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council's Planning Committee, and was present when this application was discussed, and left the meeting for the duration of the discussion and voting thereon)*

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

*(Councillor Benney declared that, Mr Hall is known to him and he has used his services in the past, and he is Chairman of the Chatteris Growth Fenland Project for which Mr Hall is undertaking work, but he is not prejudiced on this application)*

5.32 pm

Chairman

# PLANNING COMMITTEE



**WEDNESDAY, 11 AUGUST 2021 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor P Murphy, Councillor R Skoulding and Councillor W Sutton, Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor Mrs S Bligh, Councillor C Marks, Councillor M Purser and Councillor D Topgood,

Officers in attendance: Nick Harding (Head of Shared Planning) and Jo Goodrum (Member Services & Governance Officer)

**P35/21      STATUTORY CONSULTATION F/YR21/4002/LACON ENERGY FROM WASTE (EFW) AND COMBINED HEAT & POWER (CHP) FACILITY, ALGORES WAY, WISBECH**

Nick Harding presented the report to members.

Members asked officers the following questions:

- Councillor Mrs French asked officers to clarify whether a full report had been received by the Highways Authority regarding the highway infrastructure. Nick Harding stated that there was no report and added that it is a consultation to the District Council, and we do not have to consult other external organisations as part of the process. He added that the Highway Authority at Cambridgeshire County Council will be providing their own response to the applicant on the proposal and the Council's Internal Transportation Officer have made their own comments.
- Councillor Cornwell stated that he notes that a lot of the responses appear to be holding responses, whilst further information is obtained on some of the different factors. He added that he is aware of other incinerators across the country, and they are rarely in an urban environment and he asked whether officers are aware of any incinerators in existence which are of the same size and scale, in an urban environment and whether there are lessons to be learnt from the local authorities that house those incinerators within their area. Nick Harding stated that there is an Energy from Waste operated incinerator in Fengate in Peterborough which is owned by Peterborough City Council and it does have a smaller energy output than the proposed incinerator, but the principles of its operation is the same. He added that planning permission has also been granted by the Secretary of State for another Energy from Waste facility, 500 metres away from the one in Fengate, which has now received funding and development is due to commence imminently. Councillor Cornwell asked whether any conversation has taken place with any other authority apart from Peterborough to ascertain their experiences and views. Nick Harding stated that from an officer perspective, there is the requirement to comment on the technical aspects of the scheme and that varies from one development to another and that includes assessing the impacts on the development proposed in relation to the receptors, such as ecology, town scape, air quality and noise and that is what determines whether there is a strong case for objecting to the development proposal. Councillor Cornwell asked whether officers have covered everything to compile their response and are happy with the content of it. Nick Harding stated that the Council is only commenting on a relatively small impact that the

development will have and the reason for that is that County Council are the Lead Authority, as it is a waste authority. He added that they have the knowledge and experience of this form of development and as the lead authority they have commissioned expert advice in a number of fields such as particle pollution and, therefore, the Council has not sought to replicate and look at every possible impact that this development could have. Nick Harding stated that the Council has focussed on air quality, noise, ecology, transportation, townscape heritage and conservation and received comments from the Economic Development Team.

- Councillor Cornwell asked, as the Fenland area is a large area involved with the production of food, is there any evidence anywhere that the risk of pollution could have a negative effect on the quality on the food that is produced? He added that, in his opinion, when the crops and food are produced there could be major risks in the food chain, and he asked whether investigation has been carried out to ascertain the risks involved from an environmental perspective? Nick Harding stated that the emissions that come from the incinerators chimney stack will have to meet a quality which is set by the Environment Agency's permitting system and, therefore, the planning system would not duplicate that system. He added that the planning regime would look to see whether the design aspects of the scheme, the waste stream going in and the technology proposed is capable of achieving the required output standards from the top of the stack and primarily it is covered by the environmental permitting regime. Nick Harding explained that when the decision notices are issued by the Secretary of State on this type of facility, the decisions do not specify the quality of omissions that come from the top of the stack and that is dealt with by the permitting regime. Councillor Cornwell stated that it is not something that the Council can comment on then as the Environment Agency are the controlling body.
- Councillor Miscandlon questioned whether the pollution that will be created by the number of vehicles, including tyre wear, entering and exiting the site has been investigated. Nick Harding stated that air pollution has been dealt with by the air quality information which the applicant has worked on and continues to work on with air quality monitoring stations in place to record the as is situation. He added that members will be aware that air quality management zones were established in the Wisbech area a few years ago and it is his understanding that a point was reached a couple of years ago where they were potentially no longer required. Nick Harding stated that he could not confirm whether the increase in tyre crumb on the highway going into the drainage system had been accounted for. Councillor Miscandlon expressed the view that the vehicles will be going through domestic areas to access the industrial area and stated that, in his opinion, this should be investigated as pollution from vehicles is a major concern for people with respiratory conditions and should be taken very seriously.
- Councillor Connor stated that he was the Chairman of the County Council's Planning Committee when the waste plant facility at Waterbeach was refused against the officer recommendation and then subsequently refused by the Secretary of State and he stated that he can confirm that the County Council do engage with various experts and, in his opinion, they are very thorough when undertaking their research and investigation.
- Councillor Mrs Davis stated that in the report it mentions that the plant will power 74,000 homes and she asked for confirmation on whether the homes it refers to will be in the Fenland area. Nick Harding stated he did not know the answer to that but added that thinking logically if the electricity goes into the local grid it would not be exported away unless it was surplus to requirements locally.

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

- Councillor Mrs French expressed the view that it clearly states at 5d in the report that the County Council are not content with heavy goods vehicles using Elm Road and she has been involved with the Wisbech Access Study for a number of years, with Wisbech being unable to cope with the volume of traffic it currently handles. She stated that the study was at risk of not receiving funding from the Combined Authority to complete it, however, the Board have now agreed to contribute £1.9 million pounds for its completion. Councillor Mrs



French expressed the view that the Fenland roads cannot cope with an additional 362 vehicle movements per day and the rubbish will be transported from across the country and is likely to use the A141 and the Peas Hill roundabout, with the roundabout being at capacity and unable to cope with that volume of traffic coming from the March Bypass. She expressed the opinion that the proposed site will destroy any opportunity for the Wisbech to March rail link which, in her opinion, is unacceptable. Councillor Mrs French made reference to the presentation screen, which showed that there are going to be 70,000 new homes in Walsoken and the Walpole's and added that the proposed facility will be in Fenland and it is the people of Fenland who will suffer and not receive any benefit. She made the point that there is going to be a new school in Barton Road in Wisbech with a proposed opening date of 2024 and will include schooling for primary, secondary and children with special needs, with the special needs element of the school providing places for 60 children, who will come from all over the country. Councillor Mrs French added that there is the intention to improve the quality of life for people, but with that volume of additional traffic this will not be the case and questioned whether the waste will be transported in open topped heavy goods vehicles as, in her opinion, it will stink. She reiterated her view that the Fenland roads cannot cope with the additional traffic and added that she understands that the County Council will be having an input into the consultation and as she is a member of the Highway and Transport Committee at County Council, she will be interested to hear their views. Councillor Mrs French stated that there is no way she would ever support the proposal for an incinerator and, in her view, satellite navigation devices will direct traffic down Elm Road, she cannot see any benefit whatsoever to the residents of Fenland and expressed the view that it is not fair on the villages in Fenland especially Elm. She stated that the traffic on Cromwell Road is already horrendous and stated that, in her opinion, this type of facility should be sited in the middle of nowhere and not on the edge of a town.

- Councillor Skoulding stated that more roads and dual carriageways are required in the Fenland area. He added that the B roads are all built on silt and they move and if all the extra traffic is accommodated there will be dips appearing in the roads which will be likely to cause accidents.
- Councillor Cornwell stated that he would have preferred for the waste to be transported by rail and he cannot support the proposal where 360 extra vehicles will be travelling on the Fenland roads.
- Councillor Cornwell stated that it is well known that Cromwell Road in Wisbech is one of the most congested roads in the Fenland area and is very often gridlocked, especially in the evenings or at weekends. He expressed the view that it is one of the most poorly laid out areas in the Fens. Councillor Cornwell stated that it is obvious that the waste for the incinerator is going to travel some distance into Wisbech by using the major routes into Wisbech such as the A47 and A141. He added that the road network in this area does not have any foundations and heavy lorries ruin them, with it being a known fact that the road to Warboys from Chatteris has been rebuilt many times and it is a constant exercise. Councillor Cornwell expressed the view that if the incinerator is approved then there does need to be a major investment into the infrastructure in the area, before the incinerator commences operation, as the area is desperate for a stronger infrastructure. He fails to understand why the applicant wishes to build an incinerator in a small market town, with the others he has seen having been built out of the way or on an industrial area, but Wisbech does not have an industrial area, it only has a commercial area which is very close to the town, the facilities and the heritage that is in the town. Councillor Cornwell expressed the view that he thinks that a facility may have been turned down in the Kings Lynn area, so the applicant has moved to the next nearest point so that the facility can still cover the Norfolk area and parts of Suffolk. He stated that people's quality of life will be genuinely affected because the wider area will be affected.
- Councillor Miscandlon stated that the Kings Dyke Crossing is being built near to Whittlesey and he added that he has been made aware by lorry drivers that, once the bridge is completed, they will use the A605. He stated that, in his opinion, the traffic coming from the west will automatically use the A605 as they believe that they will not be held up. Councillor

Miscandlon added that lorry drivers have expressed the opinion that the Thorney bypass is not conducive to their type of vehicles. He added that it is well known, that if you put in your car sat nav systems from Kings Lynn anywhere south of Wansford, it automatically sends you down the A605, and that road is not suitable for heavy goods vehicles, and the road has been known to collapse on a regular basis and he reiterated the point made by other members that the roads in the Fens are not fit for purpose.

- Councillor Murphy stated that he is not against an incinerator, but he does not agree with the proposed location and the existing infrastructure is not suitable, when considering the amount of vehicle movements being proposed. He stated that he believes that incinerators will be a thing of the future and stated that when he visited Germany, each town had its own incinerator.
- Councillor Connor expressed the opinion that the proposal is of no benefit to Fenland and there have been no Section 106 contributions included. He added that the proposal is in the wrong location, 750 metres from the nearest school and the traffic problems and the 360 lorries a day will be horrific. Councillor Connor stated that the Fenland roads cannot cope with that volume of extra traffic and whilst he has no problem with companies wishing to make money, it should not be at the expense of Fenland and the people of Fenland. He added that the officer's report, in his opinion, is a good report to be sent to the Secretary of State and he is sure that the proposal will be discussed again by the committee.
- Councillor Miscandlon asked for clarity over the number of lorries per day and asked whether it would be double journeys or single journeys with load and an empty return journey? Councillor Connor clarified that it is 180 vehicles going into the plant and 180 vehicles coming out of the plant.
- Councillor Murphy asked when will the proposal be brought back to the Planning Committee? Nick Harding stated that a further consultation will take place in January 2022 and he added that there will only be four weeks in which to consider information submitted by the applicant. He added that he will endeavour to provide a summary at that time, of each of the subject areas where the Council is proposing to make comment and that will present what the impacts are and provide an indication from an officer's perspective on whether they feel they are acceptable or not.

**Proposed by Councillor Mrs French and seconded by Councillor Skoulding and decided that the consultation response from officers be ADOPTED.**

*(Councillor Sutton declared that he does not have an open mind when considering the officer's consultation response and therefore he took no part in the discussion or voting thereon)*

*(Councillor Mrs Davis declared that she had been lobbied as she had received an email from the local group who are opposing the incinerator)*

1.56 pm

Chairman

# PLANNING COMMITTEE



**WEDNESDAY, 18 AUGUST 2021 - 1.00 PM**

**PRESENT:** Councillor I Benney, Councillor Mrs S Bligh, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor Mrs K Mayor, Councillor P Murphy, Councillor R Skoulding and Councillor D Topgood, Councillor G Booth (Substitute) and Councillor A Miscandlon (Substitute)

**APOLOGIES:** Councillor D Connor (Chairman), Councillor C Marks, Councillor M Purser and Councillor W Sutton,

Officers in attendance: Nick Harding (Head of Shared Planning), Nikki Carter (Senior Development Officer), Alison Hoffman (Senior Development Officer), Gavin Taylor (Senior Development Officer), Nick Thrower (Senior Development Officer), Vanessa Blane (Legal Officer) and Elaine Cooper (Member Services)

## **P36/21      PREVIOUS MINUTES**

The minutes of the meetings of 14 July and 30 June 2021 were confirmed and signed as accurate records, subject to correction of the misspelling of "today" in the third bullet point of the members comments and questions section of planning application F/YR21/0233/O in the 30 June minutes.

## **P37/21      F/YR20/1235/O LAND SOUTH OF, BRIDGE LANE, WIMBLINGTON ERECT UP TO 88 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

As Councillor Mrs Davis was unable to Chair this item due to being predetermined, it was proposed by Councillor Mrs French, seconded by Councillor Miscandlon and agreed that Councillor Skoulding chair the meeting for this application.

Gavin Taylor presented the report to members.

Members received a written representation, from Councillor John Clark, a District Councillor, read out by Member Services.

Councillor Clark stated that he used to work for R H Palmer some 50 years ago so is known to the family, but has no pecuniary or non-pecuniary interest in this application. He informed members that at the start of his career he served an apprenticeship in the village of Wimblington and had cycled, motor cycled and driven past this site regularly, with him never seeing the site flooded or any water issues, which is reflected in the site being in the Environment Agency's lowest category and not within a flood zone. He added that he also sits on the Internal Drainage Board and the reaches and cleaning of those waterways has been addressed with the adjacent development.

Councillor Clark made the point that Conservatives aim to address the shortage of housing and, in his view, this application provides family housing plus 22 affordable homes and he would be disappointed if the affordable homes were not delivered. He stated that the application, having family living in the village with three children, would support the local school and services and provide family housing to enable young people who wish to stay in the village, but would otherwise

not be able to afford to do so.

Councillor Clark asked members to support the application.

Members received a presentation, in accordance with the public participation procedure, from Rhian Freear, an objector.

Ms Freear stated that she is pleased care and attention has been given to flooding issues, but is concerned that some of the other issues have fallen by the wayside. She questioned why comments from the public are asked for when, in this case, the strength of opposition to this development seems to have been ignored.

Ms Freear understands that there is a need for housing in Fenland, but they are already over the required number in Wimblington so she feels there are other sites in Fenland that can satisfy this need. She stated that if she were able to she would ask the Middle Level representative what greenfield drainage means and if this is a greenfield drainage site and she is dismayed to read in the report that Anglian Water and Cambridgeshire County Council are saying there have been no reports of flooding problems since 2008 when a number of residents reports have been made as recently as 24 December 2020.

Ms Freear expressed the view that she cannot see how 88 houses will fit on the land, with her being suspicious that when it comes to a viability study, especially due to the rising costs of materials due to Covid and Brexit, the developer will drop the promise of affordable housing for the site and requested a cast iron guarantee that this would not be the case. She referred to two years ago it was put out for developers and agents to come forward with sites and 12 months ago for more sites to come forward and asked why this development has appeared to jump the queue and is being considered in advance of other sites.

Ms Freear stated that she is astounded by the apparent contradiction between this application and other planning applications, with some reasons for refusal having been “the development proposed would fail to respect the existing character of the residential development present in x location and would result in a cramped oppressive form of development that has a detrimental effect on the character of the area where it is located”. She expressed the opinion that if 88 houses being built on a piece of agricultural land that leads to a quiet and peaceful lane is not an oppressive form of development that will have a detrimental effect on the character of the area then she does not know what is.

Ms Freear referred to Policy LP16 of the Local Plan, which “requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate that they make a positive contribution to the local distinctiveness and character of the area enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscaping character of the surrounding area”. She feels the development of the site would result in significant urbanisation of this section of Bridge Lane and that the development proposals put forward for consideration are stark, overbearing and would have a detrimental impact on the existing character of the area contrary to Policy LP16.

Ms Freear expressed the opinion that the residents of Bridge Lane, particularly those whose houses are closest to this development, would be trapped in between new development, surrounding them from all sides and she feels the residents would all argue strongly that the proposal would be a stark and overbearing development that would adversely impact the street scene and landscape character of the area. In her view, it does appear that the requirements of Policy LP16 are considered for some applications but not this one.

Members asked questions of Ms Freear as follows:

- Councillor Mrs French asked who the flooding in 2020 was reported to? Ms Freear responded that she was not subject to flooding, she is a representative for Bridge Lane and it was to Anglian Water. Councillor Mrs French said she was the County Council's co-ordinator for flooding across the District and Wimblington was not one of them. Ms Freear stated that she only mentioned the County Council as in the report it says no reports had been made to Anglian Water and the County Council. Ms Freear referred to one instance where a 78 year old resident was outside his home at 11pm on Christmas Eve bucketing out his drains as foul drainage was coming up into his house.
- Councillor Benney asked Ms Freear if she was a resident or just a representative. Ms Freear responded that she is a resident of Bridge Lane, but has not had flooding problems. Councillor Benney asked how many dwellings were affected by the flooding in December and how many were nearly flooded? Ms Freear stated that the problem is not with water coming off the proposed site, but it is the capacity of the foul drainage as it was coming through residents' toilets into their houses. She is not sure how many houses were affected, but it was at least four, with residents concerned about the over-stretching of the drainage as since the Nursery Gardens site has been built there has been more problems with drainage.
- Councillor Booth asked if there had been other instances with foul drainage problems? Ms Freear responded that the heavy rainfall on 24 December was the only time there has been a problem with foul drainage. She stated that residents are not saying houses will be under water, but development is affecting people's homes and they do not know the reasons why it is happening, with not enough investigation made on foul drainage.

Members received a presentation, in accordance with the public participation procedure, from Richard Mowatt and Gavin Shepherd, on behalf of the applicant.

Mr Mowatt made the point that at the previous committee in July the application was deferred for drainage issues only and surface and foul water drainage will be dealt with by Gavin Shepherd. He stated that the proposed development will deliver 66 market and 22 new affordable homes, with no affordable homes having been flooded in March or Wimblington in the last 3 years.

Mr Mowatt expressed the opinion that provision of these affordable homes will meet some of the existing housing need, with the scheme having been designed to be policy compliant and sustainable and there are no outstanding technical objections from officers or statutory consultees, including Anglian Water, the IDB and Lead Local Flood Authority. He feels the benefits of this development are far reaching, especially in terms of the 25% of new homes being affordable, which exceeds by 5% the affordable housing requirement identified in the Council's own viability assessment.

Mr Mowatt expressed the view that the applicant's own robust viability assessment evidences Section 106 contributions of £2,843 per dwelling, with this money directed towards early years and secondary education and has been accepted by Cambridgeshire County Council. He stated that, notwithstanding the increase in materials, the applicant has committed to these provisions both verbally and in writing to the Council and is committed to completing the Section 106 within 4 months as per the officer's recommendation.

He asked members to support the officer's recommendation.

Mr Shepherd stated that as flood risk and drainage engineers they have a duty to assess proposed development sites to ensure they are fit for purpose and safe for the end users and do not propose a risk beyond the extent of the development site, which they do by engaging with the relevant authorities. He acknowledged that there are some concerns from local residents, but made the point that these concerns are not supported by technical consultees and are not supported by evidence.

Mr Shepherd stated that in relation to flooding and the high water table, the site is within Flood Zone 1, the lowest category. He added that two previous farmers of the land have stated that the field has never flooded and there have been two reported instances within the vicinity, both of which occurred on Bridge Lane and were suggested to be caused by fluvial run off.

Mr Shepherd did acknowledge that ground water levels were raised as a possible concern, which was reviewed within the Flood Risk Assessment as a possible risk which may need further investigation and appropriate mitigation measures can be put in place if required. He stated that Anglian Water have advised that they do not have any capacity issues within the foul network in the local area and have not advised of any flooding issues.

Mr Shepherd stated that capacity issues have been noted at the waste water treatment works, however, Anglian Water have said they will provide capacity for the development, with the foul water serving the development site to be adopted and maintained by Anglian Water. He made the point that following the IDBs preliminary surface water and sewage effluent assessment, approval in principle has been obtained to discharge of restricted surface water flow into the adjacent land drainage ditch for the use of water retention basin, attenuation and restricted flows into the ditch, which mimics the existing site regime and restricts flows to greenfield run off rates using a flow control device to ensure the restricted flow rate is not exceeded.

Mr Shepherd expressed the view that the proposal will also provide a 9 metre easement and a maintenance strip down the entire eastern side of the development for maintenance of the existing ditch. He stated that the site will be served by a new surface water drainage system which will intercept controlled run off from areas of hard standing and where necessary landscaped areas, with permeable paving and a bio-retention area being explored at detailed design stage. He added that the effects of climate change will also be factored into the drainage design in line with current planning policy.

Mr Shepherd expressed the opinion that there are no surface water issues associated with the site, with a detailed design needing to be agreed by all the relevant parties at Reserved Matters stage, which will be tightly controlled by the proposed conditions contained in the officer's report. In his view, the site does not have any flooding, foul sewage and surface water issues as they can be designed in accordance with the Drainage Strategy.

Members asked questions of Mr Mowatt and Mr Shepherd as follows:

- Councillor Cornwell asked who will be responsible for the maintenance of the SUDs and the proposed surface water drainage system that will drain into the SUDs on an on-going basis, each individual owner or a management company? Mr Shepherd responded that it is proposed that Anglian Water will adopt as much of the infrastructure as possible, but drainage at a property level, such as permeable paving, would be the responsibility of that property.
- Councillor Cornwell asked if there are any existing drains on the land that would be the responsibility of any riparian owner? Mr Shepherd advised that he is not aware of any. Councillor Cornwell made the point that this is one of the emerging problems with surface water at the moment due to the lack of maintenance by riparian owners.
- Councillor Miscandlon asked if an up-to-date viability study has been undertaken as the costs of materials are rising? He referred to the current guarantee of 25% of affordable housing but asked if there is the possibility of a viability study coming in which reduces that as affordable housing is needed in the District? Mr Mowatt responded that consistently they have maintained that they will provide affordable housing on the site at 25%, which equates to 22 new affordable homes. He made the point that when the application was submitted it was for 36% affordable dwellings, which was amended to have regard for the sums of money that were directed towards education. He added that the Council's viability assessment suggests £2,000 per property would be acceptable in contributions but the applicant is looking at providing £2,843 per property. Mr Mowatt stated that they are aware

the prices of materials has gone up and had regard for this, and they are still confident that they can deliver the package of commuted sums as set out in the Heads of Terms and over the last month they have continued to look to develop the Section 106 in line with these Heads of Terms. He advised that the Section 106 will be signed as a requirement in the committee report within 4 months, with a commitment to ensure this is undertaken in this timescale and if in the future the site is sold to another developer and they wanted to challenge the viability this would need to come back to this committee and it would be in the committee's gift to say yes or no.

- Councillor Benney referred to viability and made the point that bricks have gone from £600 per pack to £1000 and he fails to see how the proposed contributions can continue to be paid with the costs of materials and building labour. He feels it is all very well promising these contributions now, members hear these promises a lot, but when it comes to the Reserved Matters application he would be surprised if these contributions can be met as the numbers will not stack up, but he hopes that they can. Councillor Benney acknowledged that the only issue being looked at this afternoon is drainage, as members did not object to the rest of the proposal, and asked is the site safe, making reference to the presentation from the objector and residents at the previous meeting that were flooded, as there is a capacity issue in this area for dealing with sewage and this land at Christmas was covered in water as was other land in the area. He made the point that members have a duty of care to their residents to make sure what is being proposed is safe and whilst he recognises that a full drainage scheme will not be submitted at this stage, he does have serious concerns about the drainage capacity for dealing with the sewage. He asked Mr Shepherd if he would be happy to live at the proposed site? Mr Shepherd responded that knowing what he knows about drainage and understanding how it works he would wholeheartedly live in this location knowing that it has been designed properly and in accordance with the guidance. He feels what they are proposing is the best that they can do and it is creating a betterment for the area. Mr Shepherd understands the ill feeling about how drainage works but the surface water would be intercepted and restricted to a very low rate in a controlled way into the IDB drain as at the moment the water can leave that field in an uncontrolled way, and he rests easy knowing this can be achieved. He expressed the view that the foul issue is a separate issue, with Anglian Water looking after the foul system and they have to create extra capacity for additional housing, which they are aware of and have to achieve. He does sympathise that surface water is getting into the foul system and if this is coming off this field then this proposal will stop this from happening because it is being captured and not being allowed to go into Bridge Lane.
- Councillor Murphy asked what was in the report that made Matthew Homes raise the level of the Nursery Gardens site and this proposal also raises the level of the site so does this mean that there is prior knowledge of a flooding problem? Mr Shepherd responded that he has not seen the report from Nursery Gardens site, but is this attributed to ground water that raised the level of this site? Councillor Murphy stated that he is not aware, which is why he is asking the question. Mr Shepherd expressed the view that they are not raising the site from a flood level issue as the site lies in Flood Zone 1 so it is not a fluvial issue, it is not water that is coming out of the water courses and on to the site and it is not rain water as this should be dealt with by the surface water drainage system so he can only assume that it is due to ground water issues and to combat these issues you might raise the property levels. Councillor Murphy asked if this would be happening on this site? Mr Shepherd stated that following further ground investigations, where a grounds investigation specialist would be employed who would probably install some bore holes for ground water monitoring to provide a better idea of what the level is and what the levels of the properties need to be.
- Councillor Benney referred to the submitted plan and asked what the pump in the north-east corner of the site is going to pump water to? He is of the view that the Nursery Gardens development was raised as water would not soak into covered ground, running off onto this site and where does the water from this site run to and if this is just pumping it further down the line is this going to cause more problems to residents in Bridge Lane? Mr Shepherd responded that the pumping station in the north-east corner is for foul water, which might

need to be pumped to an existing sewer to the north-east of the site, which Anglian Water have said has capacity to take that additional flow. He reiterated that the surface water will go to the drainage ditch to the east of the site and the foul water will go to a piped system which will go onto the waste water treatment works.

- Councillor Mrs French asked if there was a guarantee that Anglian Water are going to accept this surface water as it is unusual that Anglian Water want surface water? Mr Shepherd responded that they do not have a guarantee, but with the number of properties being proposed it would be put up for adoption and the design would be to a standard where Anglian Water would be willing to accept that infrastructure. He expressed the view that if you end up with lots of private drains, who looks after the private drains and they want them to be maintained by somebody on a regular basis. Councillor Mrs French expressed the view that it is a shame that there is not actually something in writing from Anglian Water.
- Councillor Mrs Mayor referred to the question from Councillor Mrs French and Anglian Water comments on Page 52 of the officer's report where they state they are unable to provide comments on the suitability of the surface water management. Mr Shepherd responded that this is because the surface water ends up in an IDB ditch so what they are saying is where it ends up they do not take control of how much and at what rate, that is up to the IDB to control how much water they receive into the ditches.

Hilary Ellis of Cambridgeshire County Council, the Local Lead Flood Authority, Hannah Wilson and Rob Morris of Anglian Water and Graham Moore of Middle Level Commissioners were available to answer questions along with officers. Members asked questions as follows:

- Councillor Mrs French stated that she was working with Cambridgeshire County Council on the flooding issues and asked Hilary Ellis if she recalls this site flooding on 24 December? Hilary Ellis responded that the County Council received reports from Bridge Lane, Wimblington, but no specific properties.
- Councillor Cornwell made the point that it seems that historically the problem is more foul water based than surface water based and asked Anglian Water, as the problem has been ongoing, are they convinced that if approved an adequate sewage system could be provided and it could sort out any issues to adjacent properties, especially in the Bridge Lane area? Hannah Wilson confirmed that capacity exists for flows from this development. She made the point that the issues that were experienced in December were surface water related and extreme weather events and Anglian Water's foul network is designed for foul flows, it is not a sealed network, therefore, in extreme events water can get into the foul network and then the foul network surcharges, which can cause issues like residents experienced. Hannah Wilson stated the foul water network as its designed for foul only flows can accommodate the additional flows from this development.
- Councillor Mrs Mayor made the point that in a report on 31 December it was reported that Doddington Waste Water Recycling Centre did not have capacity to treat the flows from this site and it is now being said it does and asked if improvements have been made or improvements are planned, if so can this be guaranteed it will be undertaken to accommodate the flows? Hannah Wilson responded that the report that stated that the plant initially did not have capacity was human error, for which she apologised, and the Case Officer was advised of this. She stated that a new permit has been issued to Doddington Water Recycling Centre in April 2019, it is flow compliant and it does have the capacity to accommodate the additional flows.
- Councillor Mrs Mayor expressed the view that she had heard that foul sewage was being taken from Doddington elsewhere through other villages and asked if this is still happening and if so why is it still happening? Hannah Wilson responded that tanker movements are part of Anglian Water's normal operation, it does not mean that there is no or long-term capacity issues and the Environment Agency can confirm that the centre is compliant.
- Councillor Mrs French stated that last year a physical site inspection was undertaken due to concerns of the drainage board and asked Graham Moore if he was happy the way these reports are written that there are not going to be problems like there were when the site inspection was undertaken? Graham Moore responded that he is reasonably happy, the



applicant has met Middle Level's requests for discharge and for providing a maintenance access strip so at this stage no more can be asked for.

- Councillor Miscandlon referred to the drawing of the site, which shows along the southern and eastern edge drainage ditches and running east along Bridge Lane the ditch is also connected to these and asked Graham Moore if it was the intention for Middle Level to improve that drainage as water from this site runs into that dyke and drains down and that will then create, if you are taking more water into it, a flooding problem along Bridge Lane. Graham Moore responded that the watercourse on the eastern boundary is a Board's protected drain and has a 9 metre wide access strip. He stated that the watercourse on the southern side is not protected and the Board does not have any powers to act upon it, apart from Section 23 applications, and he understands it is regularly maintained at the moment, but in the future it would be down to the individual landowner.
- Councillor Benney stated that some of his information has come third hand from the Chairman of the Planning Committee and a Doddington Councillor, and he acknowledges that Anglian Water say there is capacity, but from what he understands from Councillor Connor raw sewage is being taken out of Doddington treatment plant and taken to March to be treated every day. He expressed the view that if this is accurate you would be correct in saying that you have capacity by putting 10 lorries on instead of 5, but this is not solving a problem but moving a problem and he asked if this problem is going to be fixed long-term so there is capacity other than putting raw sewage on our roads and moving it? Councillor Benney asked what the long-term plans are and is there true capacity at the Doddington Treatment Plant or is the problem being moved further down the road? Hannah Wilson responded that there is true capacity at Doddington Water Recycling Centre and the Environment Agency, who Anglian Water work with and are its regulators, do respond to planning applications on major sites where they do have concerns regarding the water recycling centres. She stated that there are no current plans for investment in terms of growth at Doddington Water Recycling Centre as it is flow compliant, but there are plans for installing a storm tank potentially, with the options being explored, which is a regulatory storm tank through the Environment Agency. Hannah Wilson reiterated that Anglian Water is heavily regulated and it is within its permit at the Water Recycling Centre.
- Councillor Booth stated that he was a councillor when the existing Local Plan was published and there is an informative in the Local Plan about consulting with Anglian Water as it was recognised 10 years ago that there were issues with capacity and there were regular tanking of waste water away from the existing facilities. He advised that he is on the Overview and Scrutiny Panel and Anglian Water attended one of its meetings where similar questions were asked regarding increasing the infrastructure and he asked what Anglian Water had planned around improving the infrastructure and he was told categorically that there are no major plans within Anglian Water's existing 5 year plan to improve the capacity. Councillor Booth expressed concern over the fact that in December there was this extreme weather event, which appears to be becoming the norm and it is almost on an annual basis that flooding is occurring within Fenland, whilst 10 years ago it was not being experienced so how can capacity be dealt with when there is an extreme weather event that hits you suddenly and unexpectedly. He queried whether there are going to be 10 tankers available to take waste water away, if not there will be a repeat of what happened in December. Councillor Booth expressed extreme concern around capacity and the infrastructure, whilst Anglian Water might have the appropriate licences, it is about how you deal with that capacity and the improvements to the infrastructure. Hannah Wilson responded that Councillor Booth was right that it was identified that Doddington Water Recycling Centre did have capacity constraints and this why Anglian Water increased the permit, with the Environment Agency looking at how the workings of the water recycling centre and the impact of any increase in the permit on any water environment itself and that permit was increased in 2019 which has allowed them to be flow compliant. She stated that it is important to clarify the difference between funding infrastructure and investment at its water recycling centres as to how they fund infrastructure investment in the sewer network when they invest in their water recycling centre is through their asset management plan and paid

for by customer bills and Ofwat regulate them. In terms of the foul network, the pipes that lead from a development site that lead to the water recycling centres that is funded through their infrastructure charge which is something that all developers have to pay when they connect to their network and they pool that charge and spend it where mitigation is required so Anglian Water do manage that mitigation function on the network and would only request a condition where mitigation has been identified as needed on that network and in this instance it has not. She hoped this answered Councillor Booth's question about the Local Plan and why that policy was written and action has been taken to ensure they are flow compliant.

- Councillor Booth stated this answered some of the question but it is more about whether you could have had more capacity in 2011 at Doddington Treatment Plant when the Local Plan was developed, but it was just that your permits did not allow you to use it to that extent. He referred the extreme weather events, and expressed the view that it has not been identified that the infrastructure needs to be improved, with these events becoming more regular and he is not convinced that some of these events are not going to reoccur, which is going to cause this foul water issue again to neighbouring residents as there will not be increased capacity within the infrastructure as it is not being improved. Hannah Wilson responded that Anglian Water cannot upgrade or upsize its network to accommodate surface water, whether this is through extreme weather events or overland surface water, which is where they rely on the surface water strategy of particular development sites and that it then for the Lead Local Flood Authority to comment on whether that strategy is acceptable, it is not within Anglian Water's remit to look at that. She stated that Anglian Water's foul network is not there to take and accommodate those extreme weather events surface water flows they should be dealt with appropriately on a development site and reiterated that it is the Lead Local Flood Authority who actually respond as a statutory consultee in terms of major planning applications for that process. Rob Morris added that with regard to the surface water ingress into the foul water network any new development sites as part and parcel of their surface water strategy attenuation would be engaged quite closely with Lead Local Flood Authority and IDB, if the IDB is present. He referred to the point by the applicant that there would be some betterment because where you would have a greenfield site you would have the surface water that falls on that land which would freely discharge into the existing ditches or infiltration, but with it being developed it would be rationalised and the pipes would be sized according to the increased capacity of any additional flows and then attenuated with a restricted discharge into the existing ditches so there is a control basis when there would not have been one before and if there are extreme weather conditions that new infrastructure will help to protect the existing environment. Rob Morris stated that where there is a permit at the Water Recycling Centre to discharge into the receiving environment they are limited to a maximum of flow, therefore, they can only limit the amount of flow that they receive and treat. He stated that previous to 2019 there was a permit that did not have a huge amount of capacity and there were concerns around this, which is why they approached the Environment Agency for that additional increase in discharge permit on their flows so they can receive more flows and treat the flows accordingly to discharge into the environment. Rob Morris advised that the increase in permit was almost two thirds to what it was before, with the capital investment being minor and Anglian Water needed to ensure that it is not only the flow that is addressed but the quality so in some cases where there is an increase in flow permit they do need to invest quite heavily to meet that new heightened quality constraint, but this was not needed at Doddington as the existing assets were able to treat that new quality permit. He referred to the tanker movements and acknowledges that it can be assumed or seen that what they are doing is moving capacity to somewhere else, but this is not what is happening on a normal routine basis, they would only do this if there was an asset failure to which they would have to make sure they were continuing their compliance within their permit.
- Councillor Mrs French asked Hilary Ellis as Lead Local Flood Authority is she content with what she has heard? Hilary Ellis responded in the affirmative.

- Councillor Cornwell asked Graham Moore to clarify that the eastern ditch is a Board dyke? Graham Moore responded that this was correct, it is a protected watercourse, but the southern dyke is not a protected watercourse so it would need to be maintained by the landowner, which as shown on the plans could be 10-15 separate owners. Councillor Cornwell asked Graham Moore if there are any dykes under riparian ownership, a question he asked the agent but did not get a sufficient answer, and would this be dealt with somewhere within the surface water plan. Graham Moore stated that Middle Level has no power to enforce and it is for each individual developer to provide an access or maintenance strip and then it is a question of who maintains it. Councillor Cornwell asked if this possibly needs to be looked at in the drainage plan? Graham Moore responded in the affirmative.
- Councillor Mrs French expressed concern over what Graham Moore has said as across March a lot of the problems encountered, especially in December last year, were that dykes/drains had not been maintained. She referred to a specific example in that only last week County Council officers discovered one dyke, that belongs to about 10 people, had been filled in and caused flooding and she is working with the County Council to get this dyke reopened as it is causing massive flooding problems.
- Councillor Booth asked Graham Moore if the developer has approached the drainage board about management of the SUDs going forward as he believes that it is something introduced in the Cambridgeshire Flood Policy a couple of years ago as the problems with management companies is they can go bust or do not maintain the assets appropriately, is why it was suggested it should be maintained by the Drainage Board as they have the expertise and capacity to do these things. Graham Moore responded that the future maintenance of SUDs is a concern and the potential liability if not dealt with properly, with also the number of parties that might be involved. He referred to March IDB recently taking strong action against one such instance, requesting various reports and proposals and getting legal documents prepared to protect themselves and the ratepayer and he would perhaps suggest the same on future occasions.
- Councillor Booth asked Hilary Ellis how the committee can be assured that what is being proposed is not going to cause problems, especially in relation to extreme weather events? Hilary Ellis responded that one of the things they have asked for as part of the conditions of planning permission is for the applicant to prepare a maintenance and management plan and this would show what features are proposed, who would take ownership of each individual feature and the maintenance activities proposed per feature, which would come to them to approve. She stated that in terms of extreme weather events, there is a national standard that every development has to meet and that is what they call statistically 1 in a 100 years rainfall event when there is 1% chance of that rainfall happening each year and then there is a 40% allowance added to that rainfall for climate change and extreme weather and in this case the developer has proposed a system that is in line with this standard so the surface water for 1 in a 100 years and allowance for climate change will be managed on the site.
- Councillor Miscandlon referred again to the ditch on the eastern boundary and his understanding is that from previous meetings this ditch is in different ownership from this development sites ownership and asked if he was correct. Graham Moore responded that the Nursery Gardens site is.
- Councillor Skoulding stated he was pleased there were going to be tankers instead of open lorries as this creates a horrible smell within March.
- Councillor Skoulding asked what is the chance of the properties that are being flooded having non-returnable valves so they do not get flooded? Hannah Wilson responded that non-returnable valves are not a solution to the problem and they have to be careful when they are used as they can cause problems for the neighbours downstream. She made the point that if you help one person who has been flooded you can cause someone else to be flooded and need to think about the reasoning behind flooding which is surface water.
- Councillor Skoulding stated that in the 1970's the front of this site used to get flooded and he thought there was a drain at the front of the site and asked if this was correct? Graham

Moore responded that historically there was a problem in the area, which was erased in the 1990's, with the current IDB drain being installed and improved in the early 2000s and he is not aware of problem since then. He was unable to confirm if there is a land drain at the front of this site or not.

- Councillor Mrs French asked, having listened to what Graham Moore has said, if the same approach that Middle Level took with Berryfield's application could be applied to this development? Gavin Taylor stated that he is not familiar with the Berryfield application, but Middle Level Commissioners would be consulted when a detailed drainage strategy was submitted. Councillor Mrs French made the point that Middle Level and the drainage boards are not statutory consultees which they should be.

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

- Councillor Booth stated that he has listened to the points regarding flooding and he still has reservations, especially in light of extreme weather events, which are becoming annual events and guidance is not keeping up, and in relation to surface water management. He expressed the view that the problem with water is it will find the lowest point it can and get into the foul water system, which members have heard examples of. Councillor Booth expressed further concern regarding the size of this development on this site in this village and personally feels it goes against policies LP3 and LP12 with the extent of it. He acknowledged that there had been debate on this issue at the last meeting but he does not feel reading the minutes that a decision was reached one way or another and the issue was fully debated. Councillor Booth expressed the opinion that 88 houses on this site is going against what was envisaged when the Local Plan was developed, this is 11.5% growth in this village in one go with a threshold of 15% for all growth over a 20 year period so he feels that it is not a modest small extension to the village and he also feels that location is encroaching into the open countryside.
- Councillor Miscandlon made the point that this application is Outline for access only and to erect up to 88 dwellings, with certain conditions coming forward when it comes to the Reserved Matters application, but at the moment all members are dealing with is the principle of development on this land. He feels that the authorities have given their opinions on the subject of flooding, which has to be taken at face value as members do not have the technical expertise and if members are not happy with the explanation and assurances at the Reserved Matters stage then there is the opportunity to say no at that time.
- Councillor Mrs French made the point that the application was debated at length at the previous committee meeting and Nick Harding stated that members were only here today to discuss flooding issues and receive expert advice.
- Councillor Cornwell agreed that in the introduction it was very clear from officers what decisions the committee was going to have to make today and it was all around flooding, so members cannot take anything else into account.
- Councillor Mrs Bligh agreed with Councillors Mrs French and Cornwell that, as it was deferred, the only decision members need to make is regarding the flooding, as the committee said it was satisfied with everything else. She feels that having all these representatives saying as far as they are concerned the development is acceptable, members have no choice but to go with officer's recommendation.
- Councillor Benney made the point to the residents that everyone has reservations about the development and they might think the committee is making a bad decision on their behalf, but as councillors they have to listen to the technical experts, who are saying the drainage scheme works, and have to abide by policies.

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

*(Councillor Mrs Davis declared that she was pre-determined in relation to this application and took no part in the discussion and voting thereon)*

**P38/21**

**F/YR21/1257/F**

**7 STATION ROAD, MANEA**

**CHANGE OF USE FROM RESTAURANT AND 2-BED DWELLING TO MIXED USE OF 7-BED UNIT FOR ACCOMMODATION OF UP TO 18 RESIDENTS WITH SHARED COMMUNAL FACILITIES AND 2-BED DWELLING INVOLVING RETENTION OF EXISTING OUTBUILDING FOR STORAGE AND DEMOLITION OF EXISTING SHED (PART RETROSPECTIVE)**

Nikki Carter presented the report to members.

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

Mr Bevens stated that the project began in July 2020 when they entered into pre-application discussions with officers for a 7-bedroomed HMO whilst retaining the existing 2-bedroomed dwelling and during these pre-application discussions, the size of rooms were outlined as well as bathroom provision. He expressed the view that it was noted that the bedroom spaces exceeded the requirements of the licensing regime and a large communal kitchen and lounge area were provided, which would reduce the need for outside space to be utilised and the likelihood of noise and disturbance to neighbouring properties.

Mr Bevens expressed the opinion that giving weight to appeal decisions it is recognised that occupiers of HMOs have a low level of car ownership and the existing use of the building as a restaurant and B&B would generate a high level of vehicles visiting the site which would be required to park on the street. He made the point that officers pointed out that Station Road is relatively wide at this point and there are no restrictions to roadside parking in the immediate vicinity, with the site being in a sustainable location in close proximity to facilities, which can be accessed by walking, cycling and public transport to other settlements.

Mr Bevens stated that the application was submitted in December 2020 and he was advised to refer to it as a large HMO, which has a sui-generis class in the same way as a hostel, and after submission it was suggested it was a hostel, but it is more likely to be used under the description of an HMO and the applicant is happy to apply for the relevant licences. He expressed the view that the occupants are likely to be seasonal workers, not employees of the applicant, who are likely to stay for lengths of time to suit harvest and general agricultural work requirements and, therefore, likely to reside at the address while employed in the local economy and also supporting local shops.

Mr Bevens expressed the opinion that the scheme has been substantially reduced in both the built form and overall numbers in the last 8 months, with numbers reduced but still ensuring the scheme remains viable to implement with the amount of repair and refurbishment required within the existing building. He stated that he has actively engaged with the planning officer and statutory consultees to address concerns, some of which have been raised by neighbours, and recent conversations have taken place with Highways to ensure sufficient on-site parking and turning is provided to allow vehicles to enter and exit the site in forward gear offering a much improved situation to the existing and previous use where vehicles often reversed out, which will mitigate concerns raised about the access.

Mr Bevens stated that bin storage will be provided in line with guidance received in February, with the number of occupants having reduced since then, but there is sufficient space on site for additional bins and the applicant will consider private collection if this is considered preferable. He expressed the view that, contrary to some objections, the Police have only visited the site once, which was in October 2020, which is before this application was submitted and the Police have provided them with written confirmation that this part of Manea does receive calls on a regular basis, but they are not linked to this property. He added that the applicant has upgraded security

to the property with the installation of CCTV.

Mr Bevens made the point that they have confirmation from the previous owners that they had B&B accommodation at the address for up to 9 adults in the main building, which was without the additional rooms that the applicant is seeking to refurbish or renovate as part of the proposal and they also used their 2-bedroomed annexe as B&B accommodation for a further 4 adults, which meant at peak times there were 13 adults at the address. He referred to LP2, which can also be read in a positive way with this application as it states that sufficient and the right mix of houses to meet people's needs in the right locations should be created, and, in his view, this proposal supports the local economy and is in a central location with access to local amenities so it is the right location.

Mr Bevens feels it should not be assumed that there will be crime or anti-social behaviour caused by the proposal being approved in the same way as a scheme for flats in a town or village centre would be. He made the point in relation to LP15, Highways confirm they are happy and raise no objections, with the pre-application discussions mentioning the relatively wide area of Station Road, the site is served by public transport and the train station is within 1 mile of the site, so, in his view, this is a sustainable location. He expressed the view that LP16 can be interpreted to support the proposal, it will reuse and retain an existing building largely unaffected by the proposals externally meaning minimal disruption to the street view and improvements made to noise and insulation standards to required building control requirements.

Mr Bevens stated that the officer noted in pre-application discussions that the amenity space was not a direct issue by virtue of the large kitchen and lounge and this would reduce the need for outside space. He made the point that the application proposes 7-bedrooms and 7 bathrooms, with an additional 3 WCs and, in his view, the positives outweigh the negatives and he hoped members would support the application.

Member asked questions of Mr Bevens as follows:

- Councillor Benney asked if the building was occupied or empty at present? Mr Bevens responded that there are people in the property.
- Councillor Benney asked if there have been any disturbances that he is aware of or been made aware of since the previous instance? Mr Bevens advised that he has asked the applicant and he has referred back to the only instance being in October 2020, subsequently CCTV has been installed which is monitored and there have not been any other instances that he is aware of.

Members asked questions of officers as follows:

- Councillor Mrs French expressed concern that the Housing Options Team are not involved with this and asked if there have been any updates from the Gangmasters and Labour Abuse Authority? Nikki Carter confirmed that no comments had been received.
- Councillor Mrs Bligh stated that when she went on the site visit the area outside this property was coned off and it has been said there were no parking restrictions and asked if this is something that is regular? Councillor Mrs French responded that Anglian Water were putting cones out to undertake some repairs.

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

- Councillor Miscandlon referred to the CAD drawing, which makes the proposal look so clinically clean and straightforward, but, in his view, the reality is different as it is a hotchpot, cramped and over intensification. He feels the officers have got the recommendation right.
- Councillor Murphy expressed the view that it might not fall within the HMO legislation, but for all intents and purposes it is. He feels, with this number of residents, there is going to be a significant detrimental impact to the centre of a very quiet and peaceful village, it should be located in a more rural setting than in the centre of a village. Councillor Murphy expressed the opinion that the site is incapable of presenting sufficient space to

accommodate the number of bins required and there will be overflow to be stored and who will pay for that, which will create an unacceptable sight of overflow into the street scene causing a health and wellbeing problem. He made the point that the Parish Council object to the proposal and there are an outstanding number of 84 local residents objecting, which he feels tells the true story. Councillor Murphy referred to Fenland's Local Plan Vision Statement which says to make our market towns and villages more attractive places to live, in his view not this development, Policy LP2 sets out points on health and wellbeing on right locations and avoiding adverse impacts, in his view not this development, Policy LP15 sets out designing schemes to provide car and cycle parking for the amount of development proposed also with sufficient turning space, in his view not this development, and Policy LP16 sets out to deliver and protect environments that do not impact on the amenities of neighbours such as noise, light pollution, loss of privacy and loss of light, in his view not this development. He feels that this application is inappropriate, ill thought out, badly conceived and does not do anything for Manea whatsoever and the officer's recommendation is completely right

- Councillor Cornwell agreed with the all-embracing comments of Councillor Murphy and given the number of objections to this application shows how inappropriate it really is.

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

**P39/21**

**F/YR20/1157/F**

**TP24, WEST PARK STREET, CHATTERIS**

**CONVERSION OF EXISTING BUILDINGS TO FORM 7 X DWELLINGS, COMPRISING OF: 1 X 3-BED 2-STOREY HOUSE AND 6 X FLATS (4 X 1-BED & 2 X 2-BED) AND ERECT AN APPROX 2.1M HIGH BRICK WALL AND 1.2M HIGH FRONT BOUNDARY WALL AND RAILINGS**

Gavin Taylor presented the report to members.

Members received a written representation from Jamie Eames, an objector, read out by Member Services.

Mr Eames stated that this representation comes in addition to his earlier comments posted on the public record regarding the application and whilst he would have wished to address the committee in person he could not get the time off work. He informed members that he is a GIS professional, with over 13 years experience, he has a master's degree in GIS with the focus being on Transport and Planning, his current professional role is in transport planning in the environmental services industry and he is a registered Chartered Geographer.

Mr Eames expressed concern around the parking and the safety of the highway with this application, with parking being a significant local issue. He expressed the opinion that there is evidence of cars parked on both sides of South Park Street, such that it is difficult for large emergency vehicles to access the road and a situation so desperate that during his survey he was able to gather evidence of multiple instances of illegal parking. He added that emerging from South Park Street onto West Park Street is already often an extremely risky undertaking and you can never be sure if there is a vehicle coming from the right owing to the level of parking routine to the area.

Mr Eames expressed the opinion that the original parking survey is flawed in three main areas:

1. 18:30 is not sufficiently late that most people will be home from work, with a large number of residents working in Cambridge or Peterborough, having at least an hour's drive home assuming they do not have to go shopping, collect children or attend a sports club and many people would not arrive home until at least 18:30 and in many cases later assuming a 17:30 finish time. A 17:30 survey time is more representative and given more time he would

- have liked to conduct sampling on multiple nights at different times.
2. The survey notes three public car parks between 5-10 minutes walk from the proposed development, but 10 minutes is not a reasonable walk to get to or from your own car. Imagine the scenario of a person completing their weeks shopping and unable to park near their home, parks in the car park 10 minutes from home, they cannot empty the car in a single load and it takes 3 trips to unload the car; two round trips and one one-way, which would mean a total of 50 minutes just to unload shopping. Imagine another scenario of a pregnant person being at home when her waters break and has to walk with her partner for 10 minutes while in labour just to get to the car to go to hospital.
  3. These car parks only allow for 24 hours of parking, a time limited car park is not necessarily useful to someone who does not use their car every day.

Mr Eames expressed the view that the application does not comply with the Parking Allocation Policy set out in Appendix A of the Fenland Local Plan, with this application having nil provision when the policy sets out at least 10 are required. He notes that special exemptions for being close to the town centre can be applied, but feels this exemption might make sense in a major city or large town with exceptionally good provision of public transport and a vibrant jobs market, but neither is true of Chatteris, with the town having no train station, an inadequate bus service and the majority of residents not working there so, in his view, the exemption does not stand up to public scrutiny.

Mr Eames drew members attention to the continued resistance of Cambridgeshire Fire and Rescue Service as this development would endanger the lives of local residents in the eventuality of a fire should sufficient access not be possible. He urged members to reject the application, but if the application is approved, he urged that the approval notice be suspended until further avenues for reconsideration are considered.

Members asked questions of officers as follows:

- Councillor Miscandlon referred to the front view of the property making the point that the front area looks wide enough to park vehicles and asked if this was to be used for residents to park? Gavin Taylor responded that whilst the area can accommodate vehicles, it is quite narrow so it would involve several manoeuvres to leave in forward gear, which is why it has been negotiated to be a pedestrian access only to be installed prior to first occupation.
- Councillor Booth stated he has read the comments of the Fire and Rescue Service and asked for clarification that these will get picked up as part of the Building Regulations application? Gavin Taylor responded that there has been extensive consultation with the Fire and Rescue Service and as the proposal is for flats their issues will be addressed through the Building Regulations procedure.
- Councillor Mrs French asked if the access is in the ownership of the applicant? Gavin Taylor advised that he understands the applicant has agreement with the adjoining landowner to align and improve the access. Councillor Mrs French stated that she visited this site on Monday and was approached by a person who said he owned the access and would not be allowing the applicant use of it.
- Councillor Cornwell asked if the only access to the house is through a small footpath to the side? Gavin Taylor confirmed that it was, with the footpath being just under a metre wide and leads to the entrance door to the house.
- Councillor Mrs French stated that the adjoining neighbour parks his car over this access. Gavin Taylor stated that during visits to the site by officers the accessway was available for them to utilise.
- Councillor Benney advised that he visited the site on Monday and the accessway is completely fenced off across the footpath, which the neighbouring resident states that they own and, in his view, there is no access to the side. Nick Harding made the point that grant of planning permission does not give the right of access over land not in the applicant's ownership and this would have to be obtained by the applicant. Councillor Benney expressed concern that members are being told one thing, but on the ground it is something



different. Gavin Taylor advised that he was on site about two weeks ago and he was led from the front down the side accessway, with the application form also naming the neighbouring landowner.

- Councillor Booth asked if a condition could be put on the proposal regarding construction vehicles not parking in the road, although he is not sure how this could be undertaken as they may be problems getting materials to the back of the site and it could cause issues in the area. Gavin Taylor responded that depositing items on the highways is a contravention of the Highways Act, with the front of the site being able to be used until it needs to be closed off prior to first occupation. He made the point that it is the responsibility of the owner to abide by any rules and regulations.

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

- Councillor Cornwell expressed the view that this proposal is over-development of the site. He feels that the flats bring the opportunity to protect the chapel building and the street scene, but he cannot understand the rationale for the house to the rear or the strange access arrangements.
- Councillor Benney expressed serious concerns about fire risk, especially due to the issues with the access. He feels it is over-development, not in a Town Centre or commercial area of the Town. Councillor Benney made the point that if the proposal does not lie in a Town Centre location, it should provide parking, with the parking in this area being horrendous.
- Councillor Mrs Bligh made the point that there are some beautiful buildings in Chatteris and whilst she would like to see this building redeveloped it cannot be done in a way that would cause parking issues or multiple movements of vehicles as it would cause chaos. She feels the proposal should be refused.
- Councillor Mrs French expressed her concern about parking issues and referred to the Highways response regarding parking displacement, with civil parking enforcement needing to be looked at seriously as public car parks should not be relied on to provide parking for private developments. She expressed the view that refuse collection is going to be right at the front of this building and the use of obscure windows in rooms that are not bathrooms is nonsense. Councillor Mrs French stated that it is a beautiful building that needs to be retained and developed, but not in this manner.
- Councillor Miscandlon made the point that if the proposal is approved with the front entrance to be bricked up for pedestrian access, it could still be opened up for residents parking destroying the view of a very nice building.
- Councillor Benney asked what kind of development is being created by the use of opaque glass, the proposal is for proper flats which have no visual impact and, in his view, the proposal is not providing good quality designed housing for people.
- Councillor Murphy agreed with the comments of other members and the comments he made in relation to application F/YR21/1257/F he could have reiterated on this application. He made the point that he has lived in Chatteris all his life and there is no car park in this location.
- Councillor Booth agreed with the comments of Councillor Cornwell and whilst it is reuse of a building there are still parking issues as residents will not park in a public car park 10 minutes away but as near as they can, which just displaces the problem. He feels more thought needs to be given to the rear of the land and whether this is over intensification and the applicant should go away and bring back a more suitable plan. Councillor Booth asked for officer's comments on the fire risk and parking issues.
- Councillor Mrs Bligh agreed with the comments of Councillor Murphy and what he said on the previous application. She cannot see any difference between the two applications and members should be consistent, with this application, in her view, not complying with Policy LP12.
- Gavin Taylor stated that the Fire Service have looked at the plans and identified that access is an issue, but that the application proposes a sprinkler system. He made the point that because the proposal is for flats, the Fire Service would automatically feed into the consultation and finer details would be picked up as part of the Building Regulations

process. Gavin Taylor acknowledged that this application does not comply with the parking policy, with the policy worded as central area to the town and this location is just outside, but officers felt the benefits of the scheme outweigh the parking issues and any amenity harm.

- Councillor Miscandlon asked if the Fire Service request for a fire sprinkler had been brought forward? Gavin Taylor stated that this is a matter for the Fire Service and Building Regulations.

**Proposed by Councillor Benney, seconded by Councillor Skoulding and agreed that the application be REFUSED against officer's recommendation.**

**Members do not support officer's recommendation of approval of planning permission as they feel the proposal does not bring high quality health and well-being benefits to residents with obscure glazed windows which do not provide a view and provide a poor standard of homes, and it is over intensification of the site with provision of the housing to the rear.**

It was suggested that parking also be used as a reason for refusal, but on the advice of the Head of Shared Planning this reason was withdrawn.

**P40/21      F/YR21/0267/F  
FARM BUILDING BANK FARM, WHITTLESEY ROAD, BENWICK  
CHANGE OF USE OF AGRICULTURAL BUILDING TO 5 X 2-STOREY  
DWELLINGS WITH DETACHED SHED AND BIN STORES COMPRISING OF 2 X 3-  
BED AND 3 X 2-BED AND FORMATION OF A NEW ACCESS ROAD**

Gavin Taylor presented the report to members.

Members asked questions of officers as follows:

- Councillor Booth asked if his understanding is correct that if the applicant only wanted 2 units in this barn he would not even need to get planning permission? Gavin Taylor responded that they could apply for Prior Approval Consent as they did previously for two dwellings, but have to be mindful that the site has been assessed previously for residential use for 5 dwellings as set out now and there were no significant concerns in terms of harm at that point albeit the assessment criteria is somewhat different for Prior Approval. He reiterated that the applicant could technically submit a Prior Approval Consent for two dwellings and subject to demonstrating its acceptability it may benefit from permitted development.
- Councillor Miscandlon stated that this application lies within his ward and he has watched the buildings deteriorate. He made the point that only the front barn is being developed, when there is another barn behind it and asked why this second barn was not also being developed or has this not been considered? Gavin Taylor responded that he did enquire about the future of this barn and he was told it was for low level storage at present.
- Councillor Booth expressed the view that the number of units being proposed presents a cramped and not high quality design due to the way the units are laid out and asked officers views on the quality of the design? Gavin Taylor responded that a conversion of an agricultural barn under Permitted Development Rights is for limited external works so essentially the building still looks like a barn, with the applicant proposing limited external works. He made the point that barn conversions do vary in terms of what the barn is, with each application assessed on its own merits, and this application does not raise any significant concerns or amenity issues and a range of house types are required in the District.

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

*(Councillor Mrs Mayor had left the meeting prior to this application and any remaining applications being considered)*

**P41/21**

**F/YR20/0861/F**

**PHASE 4 LAND AT BASSENHALLY FARM, DRYBREAD ROAD, WHITTLESEY  
ERECT 130 X DWELLINGS (8 X 3-STOREY 4-BED, 18 X 3-STOREY 3-BED, 26 X  
2-STOREY 4-BED, 59 X 2-STOREY 3-BED, 19 X 2-STOREY 2-BED) WITH  
ASSOCIATED GARAGES, PARKING AND LANDSCAPING**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Dwan, on behalf of the applicant.

Mr Dwan advised members that he is the new Planning Director for Larkfleet Homes and he is delighted to present the fourth and final phase of the Bassenhally Farm development. He made the point that Outline permission was granted in 2010 and, therefore, the principle of development has been established, with the layout and design in line with the other parts of the development and this proposal forming an integral part of the Whittlesey Green development.

Mr Dwan stated that as part of the proposal particular regard has been made to maintain access to the sports field, which will be utilised and improve the access of Drybread Road. He expressed the view that the general framework of development including drainage, and open space provision is in accordance with the approved outline scheme and original master plan, with extensive open space being provided on the site in line with the wider open space delivery overall.

Mr Dwan stated that Larkfleet have worked closely with officers throughout the application responding successfully to the comments received resulting in the scheme members have for consideration. He feels the responses from statutory consultees have been positive, with no objections made and with just a minor number of additional conditions proposed to clarify certain details of design matters.

Mr Dwan noted the comments of the Town Council regarding the internal road layout and their desire for the restriction to stop vehicles travelling through the site onto Drybread Road, but Larkfleet has been professionally advised that the approach is entirely appropriate from a technical delivery perspective and offers the most appropriate scheme from a permeability perspective, with this position being supported by the County Council who offer no objection. He further notes the comments of Whittlesey Athletic Football Club within the report with respect to their relocated gates and they would be willing to see how they can assist them.

Mr Dwan expressed the opinion that given the aforementioned considered approach that has been followed they would welcome support in approving the application to allow them to complete the Whittlesey Green development.

Members asked questions of Mr Dwan as follows:

- Councillor Booth asked, in relation to Whittlesey Town Council's comments, did Larkfleet discuss the design put forward with them and are they willing to reconsider the layout? Mr Dwan stated that he has only been in post for a month and it was his predecessor that would have had the detailed discussion. Councillor Miscandlon stated, as Chairman of Planning at Whittlesey Town Council, Larkfleet did attend and gave them a presentation which resulted in the new access for the football ground and various other layouts, which in hindsight the agent presenting to them accepted did not work and they did redesign the top end of the site, but they did not concede to them about the restriction of traffic from A605 to stop Drybread Road becoming a "rat run".

- Councillor Booth asked if Larkfleet would be willing to revisit and re-discuss? Mr Dwan responded that the site is looked at technically and what works best for future residents, with there being no highways concerns raised. He expressed the view that he would not like to see obstacles put in the way of residents to get through the estate if they live there and it is believed the road layout is the best design solution in this instance.

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

- Councillor Booth stated that he was concerned that Whittlesey Town Council's comments could not be incorporated, but hearing the explanation of the developer he is satisfied that it is a suitable development, there is no technical reasons to object to it.

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

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

**P42/21**

**F/YR21/1123/F**

**WOADMANS ARMS, 343 HIGH ROAD, NEWTON-IN-THE-ISLE**

**ERECT 4 X DWELLINGS (2-STOREY 3-BED) AND THE FORMATION OF 3 X NEW  
ACCESSES INVOLVING THE DEMOLITION OF EXISTING PUBLIC HOUSE**

Nick Thrower presented the report to members.

Members received a written representation from Blair Simpson, an objector, read out by Member Services.

Ms Simpson stated that her representation was on behalf of the residents of Westfield Road who strongly object to the plans as there is currently a covenant on the land and the current occupant of the Woadmans Arms has spoken to several residents regarding this telling them that he would be using Westfield Road as an access point, although this was clarified at the last meeting that this is not the case. She asked that before permission is granted that terms are put in place so that at no point can access be made into Westfield Road via any of these properties.

Ms Simpson stated that the residents of number 10 and 11 would like to know who will be responsible for the fences on the side of their properties as well as the fence that sits between Westfield Road and the Woadmans Arms, which was erected by the current occupier. She referred to the previous meeting, where the application was deferred as the highway report had not been received and it was also mentioned by the committee that adding 4 dwellings to the site would be overpopulated, which is something the residents feels strongly about and queried why it had been returned to committee without any new plans.

Ms Simpson asked that if planning permission is granted residents would like working and delivery hours to be clearly stated as well as reasonable timescales for the building work to be completed by. She expressed the view that Newton-in-the-Isle is a beautiful, quiet village and although it would be a shame to lose the pub, residents do believe adding properties to this piece of land would be great, but it needs to be the right properties and the right amount, not just something that someone can make a quick bit of cash from.

Members asked questions of officers as follows:

- Councillor Mrs French asked for clarity on whether a condition will be put on the proposal so that Westfield Road cannot be used as an access? Nick Thrower responded that a condition is not proposed on the recommendation in front of members. He read out the wording of the covenant, which provides only agricultural purpose access from this land

onto Westfield Road, with the site adjoined by the highway boundary and a verge, and does not give anyone a right of access, therefore, it is not felt there needs to be a condition imposed.

- Councillor Mrs French stated that it would be terrible for residents if access was allowed and there is also a very old Silver Beech tree that needs to be taken into account. She asked what would happen if residents of the application site started using it as an access? Nick Thrower stated that they would need the consent of the Local Highway Authority as they would be crossing highway land.
- Councillor Booth made the point that the covenant could be changed in law and an application could be made to the Highway Authority to install a dropped kerb. Nick Thrower responded that this could in the same way any access for any development site could be changed in the future. Councillor Booth questioned that protection is quite limited as the access arrangements could be changed. Nick Harding responded that an additional condition could be placed on the application to say the fence needs to remain in perpetuity, but an application could be made to vary that condition.
- Councillor Miscandlon expressed the opinion that the agent should have made the effort to get the covenant rescinded so there is certainty on who is going to own and maintain the road to nowhere. Nick Harding stated that the matter of the covenant is not a material planning consideration and officers cannot dictate how a parcel of land is divided between particular properties.
- Councillor Mrs Bligh expressed the view that no access should be allowed through Westfield Road, she wants to be certain this does not happen and any powers should be used via a condition to ensure it does not happen.
- Councillor Booth expressed concern about the marketing exercise as the timing of the marketing was undertaken at the start of the pandemic which would have serious implication on whether anyone would have wanted to take on a pub. He feels the marketing is not robust, it is the only community facility in Newton-in-the-Isle and it needs to be protected. Councillor Mrs Davis reminded members that the application was deferred from a previous meeting for highways and over-development reasons only, therefore, marketing reasons cannot be considered. Councillor Booth acknowledged this, but he was not at the last meeting and he is being asked to make a decision on matters before him and it is a consideration which he does not think was picked up at the last meeting. In his view, the marketing was undertaken at the wrong time, with the officer's report making no mention of the fact it was undertaken during the pandemic and the effect this would have on the marketing exercise.
- Councillor Mrs French agreed that the application had been deferred for specific reasons. She does feel that the pub was last opened in 2017 which is more than adequate time.

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

- Councillor Mrs French expressed concern with the application, with there being a horrendous bend going out of the village, which, in her view, is an accident waiting to happen but acknowledged that highways do not support this view. She feels that committee has no choice but to approve the application, although she is not happy with it.
- Councillor Booth agreed with Councillor Mrs French, with Highways taking a different view which does not take into account human nature.

**Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be APPROVED as per the officer's recommendation, with the additional conditions of the fence to be retained in perpetuity and submission of a construction management plan.**

*(Councillor Cornwell abstained from voting on this application)*

**P43/21      F/YR21/0455/F  
1 EASTWOOD END, WIMBLINGTON**

## **ERECT 3 X DWELLINGS (2 X 3-STOREY 5 BED AND 1 X SINGLE-STOREY 2-BED) INVOLVING THE DEMOLITION OF EXISTING DWELLING**

Nick Thrower presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rhian Freear, a supporter.

Ms Freear expressed the opinion that this is a replacement of an existing dwelling, this and the fact that permission has been granted for one property goes against the rules of the elsewhere location reason for refusing permission. She made the point that following a fourth appeal, Eastwood End is not seen as a settlement in its own right and its status was a matter of judgement, with the Inspector concluding that Eastwood End was an outlying part of the larger settlement of Wimblington.

Ms Freear expressed the view that a recently granted scheme for 3 dwellings directly opposite reinforced this finding and, therefore, refusal cannot be based on LP3 saying that it is an elsewhere location. She noted that the report states that character harm has already been caused by preparatory works, but she fails to see how this can be deemed to be character harm when other developments which, in her view, will cause significant change to urban areas have been allowed, and compared to other developments she does not believe this could be classed as stark and overbearing development.

Members asked questions of Ms Freear as follows:

- Councillor Booth asked if she classes this area as part of the envelope of the village? Ms Freear responded that, having lived in Wimblington for five years, she would always have classed Eastwood End as part of Wimblington.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent.

Mr Walford stated that the applications site sits opposite a site with planning consent for 3 large dwellings and included within that consent was an extensive footway linking Eastwood End to Wimblington village centre. He acknowledged that officers have been consistent in their conclusion that the area fails to meet LP3 as it is outside the village and in an elsewhere location, however, the committee decision for the 3 dwellings opposite plus other appeal decisions in the local area have arrived at a different conclusion that the site is an outlying part of the larger settlement of Wimblington, with the new approved footpath reinforcing this and providing a link to the village.

Mr Walford expressed the opinion that the scheme has been designed as a continuation of the newly approved scheme opposite with a significant enhancement to this portion of Eastwood End and will significantly improve Highway safety on a very tight and blind bend. He made the point that both the Highways Authority and the case officer have confirmed that the proposed scheme does not present adverse highway impacts and that the requested visibility splays can be achieved on the road for that specific speed limit and furthermore the case officer has confirmed due to the nature of the road at that point it is likely that the actual speed are going to be much lower and, therefore, the visibility splay would be much less than that shown.

Mr Walford stated that at present there is one habitable dwelling on site, with the entire application site being domesticated garden and this proposal seeks to demolish this bungalow and rebuild 3 new dwellings which will be in keeping with the development opposite giving a net gain of 2 dwellings on site. He added that the proposal remains linear to the character and, therefore, is in character with the development along Eastwood End.

Mr Walford expressed the view that the case officer has also confirmed that the dwellings are

acceptable from a residential amenity point of view and overlooking aspect, and has acknowledged that the scheme would make a modest contribution to the housing provision within the District and has the potential to support local employment during construction and the wider benefits of the village facilities. He asked that members support the application.

Members asked questions of officers as follows:

- Councillor Cornwell asked what is the real difference between this application and approval opposite? Nick Thrower responded that the site opposite was also recommended for refusal by officers and the recommendation was overturned by Planning Committee on the basis the proposal provided a pedestrian link between Eastwood End and Wimblington and, therefore, was considered to carry benefits with it that outweighed the harm caused in terms of the location.
- Councillor Cornwell questioned why this application is before committee when the committee had already taken that decision and this application is no different? Nick Thrower stated that this proposal does not come with the benefit of providing a pedestrian link which was approved under the previous scheme, this is purely a proposal for 3 houses in an elsewhere location whereas the previously approved application was for 3 houses in an elsewhere location with the benefit of providing a pedestrian link between Eastwood End in general and Wimblington. Councillor Cornwell made the point that, if the site opposite is providing the footpath link as a condition, would the residents of this proposal not also use this footpath link? Nick Thrower agreed that the future occupiers of this site would be able to use this pedestrian link, but this would not change the fact that the application is considered to be in an elsewhere location, where development is limited to that restrictive set of criteria appropriate to a countryside location. Nick Harding stated that officers were recommending refusal of scheme across the road, committee approved it so when it comes to this application officers are recommending refusal for the same reasons as the one opposite. He added that from committee's point of view, members are able to go against officer's recommendation, but need to identify the reasons why they want to do that as officers are still of the view that it is contrary to policy around development in this area of Eastwood End.
- Councillor Booth recognised that Councillor Connor asked for this proposal to come before committee as he assumes that he has concern that the one opposite had been approved and officers are recommending refusal on this one, so he assumes Councillor Connor supports this application being a councillor for that area. He queried the definition of elsewhere locations, if residents see this as part of the village and local councillors feel it is part of the village surely this position should be taken on board because there are not any defined boundaries that tell members where the village boundaries are, it is very subjective what is an elsewhere location. Councillor Booth stated that if you look at LP3, Eastwood End is not even mentioned as an elsewhere location, but he recognised that nowhere is mentioned as an elsewhere location but some of the smaller hamlets are mentioned and the fact that at appeal the Planning Inspector also considers it part of Wimblington. Nick Thrower responded that Councillor Booth was correct that LP3 identifies the settlements within the District, but it does not then define anywhere else that is not considered to be a settlement. He made the point that LP12 does, however, provide commentary on what is considered to be the built extent of the settlement and Eastwood End does clearly lie beyond what would be considered to be the built extent of Wimblington that is why officers have been consistent in recommending refusal on applications within Eastwood End and concluding that the applications are beyond the extent of the settlement. Nick Thrower expressed the view that the most recent Inspector's decision does make some commentary on that, however, it neglects to consider Policy LP12 and it also references the site opposite and neglects to consider the reason for granting that consent in terms of providing the pedestrian link to Wimblington, with that reasoning set out in paragraphs 9.1-9.4 of the officer's report.

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

- Councillor Mrs French stated that on reading the report she thought the site lay in the open countryside, but on visiting the site she was surprised to see what was opposite and her understanding is that further up the road there was another application won on appeal which was definitely in the open countryside on agricultural land. She feels that a precedent has been set by approving the development opposite and this application should be approved as well.
- Councillor Murphy agreed that a precedent has already been set in this area, it is not an issue regarding the footpath as residents from this development can just walk across the road to use the footpath and feels that common sense should be taken into account.
- Councillor Mrs Bligh agreed with the need for consistency and asked how it would look if committee has approved the application across the road and then do not approve this application. She acknowledged that the site lies on a bend, but it is no worse that has just been approved at Newton-in-the-Isle and she feels that common sense has to prevail and the application should be approved.
- Councillor Benney queried the area being deemed as open countryside as you have the inside part of Eastwood End being built on and the other side with 3 houses being built on as well and he cannot understand how this can be refused. In his view, there is a big bungalow in existence which is the footprint and probably the size of two of the houses that are going to be built so the building has been established on this site.
- Councillor Booth stated that committee needs to be consistent and feels this is classic example of what is the village and where it extends to, with another development changing the characteristic of the area. He cannot see how it can be refused as if it is it would go to appeal and, in his view, an appeal would be lost.
- Nick Harding stated that if a proposal were to be brought forward that goes against officer's recommendation he reminded members that they need to be looking at the two reasons for refusal and identifying why they consider that these reasons are not applicable to this development.

**Proposed by Councillor Benney, seconded by Councillor Murphy and agreed that the application be APPROVED against officer's recommendation, subject to reasonable conditions being delegated to officers to formulate in association with the Chairman, proposer and seconder.**

**Members do not support officers recommendation of refusal of planning permission as the feel that the proposal is not contrary to Policy LP3 as the principle of development already exists on the site, both the ward councillor and members of the community consider that Eastwood End is part of Wimblington, the proposal is making good use of the land and members are being consistent with previous decisions and planning appeals in this area, and they also feel it is not contrary to Policy LP16 as there are no heritage assets to protect, it will add to the local distinctiveness of the area, and the proposal would not detract but enhance the area as the bungalow on site is not an attractive building and the other development that has occurred in Eastwood End has improved the character of the area.**

*(Councillor Topgood had left the meeting prior to this application and any remaining applications being considered)*

*(Councillor Mrs Davis registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she attends Wimblington Parish Council Planning Committee meetings, but takes no part in the discussions)*

**P44/21**

**F/YR21/0508/O**

**LAND NORTH EAST OF 80, COATES ROAD, EASTREA**

**ERECT UP TO 5 X DWELLINGS AND THE FORMATION OF NEW ACCESSES**

**(OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**



Nick Thrower presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent.

Mr Edwards stated, under LP3 of the Local Plan, Eastrea is a small village which means development will normally be considered on its merits and normally be of a very limited nature and limited in scale to residential infilling or to a small business opportunity. He emphasised the word “normally”, as, in his view, similar plots were approved in Wype Road by the committee and several others in the same classification of village, which has extended the village boundaries.

Mr Edwards expressed the opinion that, if this application is approved, there will be a gap of 300 metres before the development of Minuet Paddocks in Coates and made the point that there is a current application extending Coates towards their application site, which has not been determined, which would be approximately 85 metres whereas their site is only 78 metres, with this application having been in the system since last year and has been extended only recently. He would argue the to be determined development would close the gap more than this application as it is still being considered with no approval in place and he feels that their current proposal has come forward now, and the land at Coates should be defined as agricultural and increase the gap.

Mr Edwards expressed the view that the line of development of this proposal is to the extent of the road frontage owned by the applicant, with the land to the rear remaining in agricultural use serviced through the adjacent field not in their ownership, but both fields have been farmed together for a number of years. He expressed the opinion that the Council would be in control of this gap and can resist any further applications should they feel necessary.

Mr Edwards made the point that if both applications were approved the gap between Coates and Eastrea would be at least 2 fields and approximately 220 metres, which is vastly more than exists on the opposite side of the road and will maintain the separation of the two villages. He expressed the view that, it has mentioned on many occasions at this committee, road frontage plots are massively valuable to housing supply in the District and are at a prime, with plots like these being developed by self-builders and small developers that are being priced out of the larger sections of land due to the costs of infrastructure, and small builders and developers employ local tradesmen and agents and buy local from local merchants, which in turn contributes to other businesses in the District.

Mr Edwards stated that the site is within Flood Zone 1 and the Highway Authority have no objection to the proposal, with any points they have raised being dealt with as part of the Reserved Matters application. He expressed the view that landscaping can also be dealt with at the Reserved Matters stage, but should members feel that the installation of a native hedge to the eastern boundary would create a natural break they would more than happy to install this.

Mr Edwards asked members to support this application with the conditions felt appropriate.

Members asked questions of officers as follows:

- Councillor Booth asked if there has been any further formal recommendation from Whittlesey Town Council? It was confirmed that no further correspondence had been received. Councillor Booth requested clarification on the comments from Whittlesey Town Council, querying whether it was effectively from two individual councillors? Councillor Miscandlon responded that the reason it names Councillor Whitwell and himself is that Councillor Whitwell is the ward councillor who makes the decision on the proposal, then it comes to him as Chairman of the Planning Committee for approval and it is forwarded through from the Chairman of Whittlesey Town Council as the response from Whittlesey Town Council.
- Councillor Cornwell expressed the view that the issue seems to be how much of a gap does

one accept between two settlements for them to remain two settlements and asked if there was any advice available on how to interpret this? Nick Harding responded that the two key issues in relation to this application are is it or is it not an infill site and there is a definition within the Local Plan which defines what an infill site is and this proposal clearly does not meet this test because it is not a parcel of land sandwiched between two sets of buildings, there is massive gap on one side. He stated that the agent made reference to an application which is pending a decision further down the road, but committee resolved to approve that application contrary to officer's recommendation and this application is in the process of having the Section 106 signed so this application will come forward for a planning consent. Nick Harding advised that there is no hard and fast rule as to how big the gap has to be, it is a subjective decision for officers and committee to make, and in officers view given the very open nature of that geographic location it is quite obvious where the existing extent of built development ends and starts again.

- Councillor Cornwell asked if there was any difference in the classification of the villages of Coates and Eastrea within the Local Plan? Nick Harding stated that Coates is a limited growth village and Eastrea is small village.
- Councillor Booth stated that in relation to the villages having two classifications, Policy LP12 states that coalescence between two villages still applies even though they have different classifications so asked if that is the main policy that needs to be considered. Nick Thrower responded in the affirmative and Policy LP12 applies to all of the villages as opposed to the market towns and would apply to small villages and limited growth villages.

Members made comments, asked questions and responded as follows:

- Councillor Mrs French expressed the view that if this application is approved it would likely join the villages up and there would be nothing to stop another applicant putting an application in on the remaining land to join the villages.
- Councillor Booth stated that living in a village where there are two settlements with a defined gap he knows the importance of this. He recognises that Whittlesey is developing its own Neighbourhood Plan and is seeking to protect this as well.

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

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

5.26 pm

Chairman