

# PLANNING COMMITTEE



**WEDNESDAY, 1 MAY 2024 - 1.00 PM**

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

Officers in attendance: Troy Healy (Interim Head of Planning), Gavin Taylor (Principal Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

## **P125/23      PREVIOUS MINUTES**

The minutes of the meetings of the 20 March and 3 April 2024 were confirmed and signed.

## **P126/23      F/YR23/0209/RM LAND SOUTH WEST OF 317 WISBECH ROAD, WESTRY RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR20/0905/O TO ERECT 3 X DWELLINGS (3 X 2- STOREY 3-BED)**

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members asked officers the following questions:

- Councillor Marks referred to condition five in the officer's report and expressed concern over how the discharge of water will be dealt with as over the last 2 to 3 months that area has suffered from major episodes of flooding causing issues for those residents living in the vicinity and also flooding onto the highway. He made the point that due to the episodes of flooding it necessitated in the removal of large volumes of water being taken away by tankers and asked officers what guarantees they could provide with regards to having a robust enough drainage plan for the site? Gavin Taylor explained that the proposal for the drainage strategy is to rely on the underground storage crates to the south of the dwellings to attenuate the surface water and then through percolation to discharge the water as the site does currently. He made the point that, under Building Regulations Part H, it would need to be demonstrated that the site is conducive to percolation. Gavin Taylor stated if the application reaches the Building Regulation stage and it transpires that the proposal is not conducive to the strategy in terms of surface water then the condition in the officer's report states that the development must accord with the proposed plans and, therefore, the applicant would need to bring a revised strategy back to the officers for consideration. He explained that, when considering foul drainage, the proposal is to discharge into existing foul sewers and the Internal Drainage Board have made a comment previously which states that it leads to their system and, therefore, there would need to be a consent built in there. Gavin Taylor added that, when considering the foul water, it would be down to Building Regulations to be satisfied whether the foul drainage aspect is achievable and if they are not satisfied then a revised strategy would need to be submitted. He explained that in regard to the latest Environment Agency map the site is shown to be in a low flood risk area from rivers and seas and also at a low flood risk area from surface water and there is no

technical evidence to demonstrate that this would lead to any sort of additional significant flooding, however, the applicant would need to satisfy Building Regulations of that drainage strategy but the proposal is not dissimilar to what has been agreed on other schemes so there would be nothing from a planning point of view to indicate that it could not be accepted at the current time. Councillor Marks stated that he still has concerns that the properties built over the last 2 to 3 years have also gone through the same process of submitting plans but there has still been flooding issues and he asked whether there is any process before the foundations are commenced where a proper robust drainage plan can be agreed and implemented? Gavin Taylor responded that the committee would need to agree that what is in the officer's report is not robust enough. He stated that officers are satisfied that the details submitted are adequate for a scheme of three dwellings as it is not a major scheme and there would not be the expectation for the Lead Local Flood Authority or Anglian Water to comment on as they only deal with major schemes. Gavin Taylor stated that if members are not satisfied that the submitted details are not robust enough to convince them that this is a satisfactory scheme then that would have to form part of their considerations when making their determination.

- Councillor Connor stated that he is not satisfied with the scheme, and it is well known that there have been issues with regards to flooding at that location and the application does not fill him with confidence. He stated that he is not confident that the percolation of the soil will work, and he is disappointed that the agent and applicant have chosen not to come before the committee to answer any queries and questions that the members may have. Councillor Connor added that he would like to see something far more substantial to be provided which would include where the connectivity to the main sewer was going to be. He made the point that the committee need to be mindful of what has happened over the last 3 to 4 months and the committee cannot subject other residents to the flooding episodes which have taken place in recent times.
- Councillor Imafidon asked officers to provide the distance from the site to the connection for the main sewer and for clarification that officers have advised the committee that the foul water will be discharged into the Internal Drainage Board (IDB) drainage system. Gavin Taylor referred the committee to the aerial photograph and pointed out that the buildings to the east of the red line site there is a foul sewer in that location and the run from that drain is looked after by the IDB, as they have indicated that in their comments to officers. He explained that the applicant would need to join that run under Part H of Building Regulations, but they would need to demonstrate how that would be achievable and what the flow rates would be, with the distance from the site to Martin Avenue being around ninety metres.
- Councillor Hicks stated that it is his understanding that the site needs to be connected through the yard area of FACT, the community transport organisation, and he questioned whether that is correct and if permission has been sought. Gavin Taylor explained that would be a private matter and not a material consideration. He added that the proposal is to connect to the foul and if successful it would be in accordance with the plans as proposed and if that is not achievable because of either agreement or otherwise then the development would not be able to accord with those plans as proposed. Councillor Hicks questioned whether his understanding is correct that if that permission is not granted then the planning permission cannot be obtained? Gavin Taylor explained that planning permission has already been granted through the outline application stage and it is the reserved matters part of the application process which is being determined by the committee today. He made the point that it is the details which are being agreed today, however, the development would need to accord with those details and if that transpires not to be achievable then the applicant would need to come back with a further application to amend those plans.
- Councillor Benney expressed the view that nobody appears to be content with the application before them today. He added that he is aware that Councillor Mrs French lives adjacent to the development site and he is aware of the issues that she has encountered over the last few months, and he cannot see how the application will not alleviate any of those concerns and, in his opinion, will add to those problems. He expressed the view that

he would like to see a condition in place with regards to where the water is going to run to as he has serious concerns.

- Councillor Gerstner asked whether officers are satisfied that the bin collection can be undertaken from the shared private driveway? Gavin Taylor responded that subject to the applicant obtaining the right agreement to place their bins at that location it is achievable in his view.
- Councillor Connor stated that the applicant would need to get permission from whoever owns Woodville Drive, however, the applicant could engage with a private contractor to enter at the rear of KFC in order to service a bin collection.

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

- Councillor Benney stated that there is nothing that he likes with this application and the site is shoehorned in and he does not feel that the drainage strategy is at all suitable for what is there including the wastewater and sewerage. He stated that there is no access for the bin collection unless a private agreement is introduced where the waste can be collected from Woodville Drive and, in his view, there appears to be many assumptions with the application which makes it an incomplete application, making the point that it is disappointing that the applicant or agent are not present in order to answer the committees' questions. Councillor Benney expressed the view that he has serious concerns with regards to the drainage at the site and he witnessed first hand the flooding issues that Councillor Mrs French and her family encountered which was very distressing to see. He added that he does not feel that the application should be approved just because it means somebody can make a profit and the residents who live near to the site must also be considered. Councillor Benney added that the site will not alleviate the flooding problems which this area suffers from which resulted in neighbouring properties pumping the water out onto the highway and the Police being called. He expressed the view that the application is incomplete and does not satisfy him in various aspects of the proposal and he feels that it should not be approved.
- Councillor Gerstner stated that he agrees with the points made by Councillor Benney, and added that within the officer's report it does make reference to a revised drainage and pump and sewerage plan which was submitted. He expressed the view that he does agree with the other members of the committee that the application is very questionable and more detailed information needs to be supplied.
- Councillor Marks expressed the view that he also has major concerns over the proposal and whilst it appears that there is supplementary information concerning drainage it does not make it clear when that was undertaken. He stated that there have been episodes of flooding which have taken place since Christmas, and he made the point that the drainage information could have been compiled prior to the instances of flooding which took place. Councillor Marks made reference to the aerial photographs and expressed the view that they appear to be quite old as around the site there has been a lot more properties built which in turn has meant there is more land coverage of tarmacked drives, and he is concerned that all that is going to happen is to make further problems for the local residents. He added that he would like to see the application deferred in order that the developer can be attend committee to answer their concerns and questions.
- Councillor Benney stated that he would like to see drawings and drainage plans to demonstrate the connectivity in order that the committee have the confidence that the water and sewerage from the site can be dealt with properly and agreed that the application should be deferred in order for further information to be provided. He added that if permission cannot be sought to access over third-party land then the development will not take place anyway.
- Councillor Imafidon agreed and added that he would like to see the drainage plans before any decision can be made. He made the point that he has been advised that the soil in that area is mainly clay and, therefore, careful consideration has to be given before a decision is made.
- Councillor Benney stated that he is not happy to approve the application as he does feel that it is fit for purpose and asked officers to clarify that, if the application was deferred in

order to give the applicant a fair chance to come back with the necessary documentation concerning the drainage schemes and how the water and sewage is going to be dealt with, would that be something that officers could work with as without that information he cannot see how the committee can consider the application. Gavin Taylor stated that, in order to gain a better understanding of what drainage information is required in order to satisfy members, a request could be made to ask where the foul connection point is and how that would be made from the site to the nearest connection point. He added that when considering the surface water, a request could be made with regards to the demonstration of the ground conditions being suitable for soakaways as proposed percolation tests as he is not aware that there are any Planning Officers who are qualified to be able to understand in-depth drainage information. Gavin Taylor explained that the applicant could submit drainage information from a qualified hydrologist or drainage consultant who could confirm that the ground is suitable for the proposed drainage strategy.

- Councillor Marks stated that the committee need to see clarification for the discharge of foul water and whilst he appreciates that it is going through third party land, he would like to see some evidence that they have the permission to do so. The Legal Officer stated that the question can be asked of the developer, however, it is not a planning matter and advised the committee that it would not be prudent to do so. He added that if the applicant chooses to provide the information then that is their choice, but it is not relevant to the committee's determination of the application.
- Gavin Taylor asked the committee to clarify what further information is being requested with regards to the bin collection? Councillor Benney stated that he is not confident that there is access to empty the bins from Woodville Drive and he asked for a different scheme to be provided by using private collectors by accessing the properties from Gypsy Lane. He added that the applicant may also consider submitting an in-principle agreement that the landowners would allow the bin collection to take place from there.
- Councillor Connor added that he would also like a request added for more information with regards to the sewer connection at the first available point.

**Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the application be DEFERRED, solely on the grounds of drainage, foul water, percolation and sewage details together with the bin collection arrangements.**

Members do not support the officer's recommendation of approval as they require further detailed information concerning the drainage and surface water sewage arrangements as well as details concerning the bin collection for the site before they are in a position to consider the application further.

*(Councillor Mrs French declared that she lives in close proximity to the application site and took no part in the discussion or voting on this item)*

**P127/23      F/YR24/0034/O  
LAND NORTH OF WINDY WILLOWS, CHURCH LANE, TYDD ST GILES  
ERECT UP TO 2 X DWELLINGS AND THE FORMATION OF AN ACCESS  
(OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF  
ACCESS)**

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure from Shanna Jackson, the agent. Mrs Jackson stated that the application is for two dwellings and is submitted in outline form with matters committed in respect of access only. She explained that the site is located on the approach into Tydd St Giles, and it presents an excellent opportunity to provide high quality dwellings positioned on the entrance to the village setting the scene from the

southern approach.

Mrs Jackson explained that Church Lane is the main route into Tydd St Giles from the south with Kirkgate being the main route into the village from the east and the proposal will result in development on either side of Church Lane which would reflect the character of Kirkgate which also has housing on either side of the road and as a result both main routes into the village would be characterised by high quality residential development on both sides. She stated that a footpath extension is proposed to the east of the site which will link the dwellings to the village centre to the site by foot and will also benefit the housing opposite.

Mrs Jackson made reference to 5.3 of the officer's report which states that the Highway Authority has deemed that the application is acceptable and whilst the application would not strictly meet the definition of infill as set out in Policy LP3, it would reinforce the cluster of development in this particular location and as such the proposal would be in line with what infill development seeks to achieve. She explained that since the previous refusal on site a barn conversion has been approved to the south and this has resulted in a change in character making this part of Church Lane more likened to a residential location than to open countryside and it is for this reason that it can be argued that there is no conflict with Policies LP3 or LP12 of the Local Plan.

Mrs Jackson stated that a sequential test has been undertaken on site which has demonstrated that there are no alternative sites available for development within the village and the reason for refusal states that the area of search should be the whole of the district but, in her view, it is not possible to pass a sequential test if the whole of the district should be searched for a site at a lower risk of flooding and if this stance was to be applied across the board then there would be a fair chance that there would be no new housing outside of the land allocations in villages such as Tydd St Giles which in turn would cause a lack of growth and turn villages stale, meaning a failure by the local authority in their requirement to provide new housing. She stated that it has been demonstrated that the site is technically safe from flooding and the actual risk to life and property in this location is low which the Environment Agency have agreed with, therefore, on that basis the site and development is technically safe, so, in her opinion, the benefits gained by providing new quality homes in this location would outweigh the concerns raised with the sequential test.

Mrs Jackson made the point that the proposal would provide new housing in an area which would enhance the entrance into Tydd St Giles and would also reinforce the existing residential cluster therefore being supported by Policies LP3 and LP12 of the Local Plan as well as Section 12 of the National Planning Policy Framework (NPPF). She stated that whilst the sequential test is not passed according to officers, in her view, the benefits gained by providing housing in the location would outweigh the sequential test and its issues particularly since it is proven that the site is technically safe from flooding and, therefore, there is no conflict with Policy LP14 of the Local Plan or Section 14 of the NPPF.

Members asked Mrs Jackson the following questions:

- Councillor Gerstner asked whether there is a school in Tydd St Giles as he presumes that new homes will be aimed at families? Mrs Jackson stated that the application is in outline form, with the site being able accommodate two family homes and Kinderley Primary School is almost opposite the site. She confirmed that there is also a bus service.
- Councillor Marks asked Mrs Jackson to identify where the barn conversion is located on the presentation screen? Mrs Jackson advised members that it is the barn that officers referred to with regards to the change of use from commercial to residential.
- Councillor Imafidon stated that the dwelling Windy Willows is next door to the application site along with the barn conversion and school. He asked Mrs Jackson whether she considers the application site as being in an elsewhere location due to the properties around it? Mrs Jackson expressed the view that the application site is within a cluster of existing development, not isolated and she does not consider it to be elsewhere.

Members asked officers the following questions:

- Councillor Imafidon asked officers to clarify why they consider the application site to be in an elsewhere location when there is other development in the vicinity and adjacent to the site? Gavin Taylor stated that Policy LP12 is the main policy for identifying whether sites sit either within, adjacent or outside of existing settlements and that adopted policy sets out whether the developed footprint is sitting where it should be or where it should be adjacent to. He added that it states that the 'developed footprint of the village is defined as the continuous built form of the settlement and excludes individual buildings and groups of dispersed or intermittent buildings that are clearly detached from the continuous built up area of the settlement, gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement and it excludes agricultural buildings and associated land on the edge of the settlement'. Gavin Taylor explained that when you consider the site in context and on the opposite side of the road it is built up, the application site is separated from the continuous built frontage of Tydd St Giles. He explained to the committee that there is a distance of 350 metres which separates the site from where the built form picks up from that side of the road and, therefore, in accordance with LP12 of the adopted Local Plan it does not fulfil the requirements on that basis and sits outside of the continuous built frontage. Gavin Taylor advised members that the application was refused by the Planning Committee in December 2022 for that reason and, therefore, members should consider that.
- Councillor Imafidon stated that was before the barn conversion was approved and when referring to the continuous built form there is a barn conversion and Windy Willows is an old property and has been there for some time and he does not understand why the application site can be considered as an elsewhere location. Gavin Taylor stated that the footnote associated with LP12 sets out that developed footprint excludes individual buildings and groups of dispersed or intermittent buildings and, therefore, the barn which has permission for conversion and the single farmhouse which is sited to the south of the application site is intermittent or dispersed development and it, therefore, fails to meet the criteria of developed footprint on that basis. Councillor Imafidon expressed the view that this is down to personal interpretation.

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

- Councillor Hicks expressed the view it is down to personal interpretation whether the site can be classed as an elsewhere location. He added that the site is located in Flood Zone 3 and consideration does need to be given to previous decisions made by the committee.
- Councillor Marks stated that when considering Flood Zone 3, there is also a barn conversion nearby which must also be in the same flood zone which received approval recently and, therefore, there needs to be consistency with decision making. He added that the application has been refused previously, however, there have been some material changes in the fact that the barn has now become living accommodation and was also more than likely in Flood Zone 3.
- Councillor Benney stated that he welcomes the application and added that he does like to see nice houses as you enter a village as it sets the tone about how you feel about a village as you drive into it. He added that Tydd St Giles is a nice village, and he does not consider the application site to be in an elsewhere location. Councillor Benney stated that he appreciates that it is an outline application, but the plot is a fair size which in turn will accommodate two nice sized homes and villages need homes, with the village having a school, which he would not want to see close, and the village also has public transport. He made the point that by approving houses it does provide first time homes for people and it is a good use of land. He added that to apply the sequential test across the whole district is unfair and the need for housing would probably lead to overcoming the sequential test as he sees the test as a block to delivery and, in his opinion, the application will make two very nice homes.
- Councillor Mrs French expressed the view that there appears to be conflicting information in

the report as the Parish Council are objecting to the proposal stating that the school is full and those supporting the proposal are stating that the application will help the school thrive. She asked whether the school has any capacity? Gavin Taylor stated that he does not know what capacity the school is at but added that consideration would need to be given to what the pupil yield would be for two dwellings and consider that pupil numbers vary and fluctuate from year to year. Councillor Mrs French stated that she cannot see anymore than 4 to 6 children living within the 2 dwellings and schools need supporting along with the village shop.

- Councillor Connor made the point that 4 or 5 children will not overburden the school and those children will help to fill a gap once older children move on to the next stage in their education at a secondary school.
- Councillor Hicks expressed the view that should the application be approved it will set a precedent for the remaining strip of land to be considered for further development.
- Councillor Connor made the point that the committee need to consider the application before them.
- Councillor Marks stated that most Fenland villages are built on main roads and most started as one road in and one road out. He added that the proposal is not for development behind properties as the proposal is for development on the roadside in a Fenland village.
- Councillor Benney stated that every application is judged on its own merits and some Fenland villages are linear in design, but committee has had applications before it where there has not been enough depth or too much depth.
- Councillor Gerstner stated that he is undecided on the proposal as there appears to be some much conflict in information provided, with there having been three previous refusals on the site, and nothing appears to have changed significantly since the last applications. He made the point that he has to give weight to the views of Tydd St Giles Parish Council as they are the local people who know the area and their village and do not support the proposal. Councillor Gerstner stated that as a committee there needs to be consistency and if the barn was given planning permission then the committee are in a difficult position as the barn is almost next door.
- Gavin Taylor stated that planning permission was not granted for the barn as it was inherent within the Permitted Development Order and officers assessed whether or not it met the conditions and limitations of the general permitted development order but nonetheless it was concluded that it adhered to the conditions and limitations and, therefore, it has permission to be converted.
- Gavin Taylor referred to the point raised by Councillor Hicks with regards to setting a precedent and he added that he has noted through the members discussion the point which has been raised as to whether the site is inside or outside the settlement and if it is concluded today that the site is inside the settlement and complies with the spatial policies of the Local Plan contrary to previous recommendations then the committee would be saying that the land in between the application site and the main settlement would also be inside the settlement. He added that where members have raised concerns about setting a precedent and if the committee determines that the site is inside the settlement, given its relationship with the continuous built form, it would be difficult to determine that the rest of those 350 metres between it and the main core is not also the settlement.
- Councillor Marks asked for clarity concerning the barn where officers have stated that it fell within the parameters but appears to be located in Flood Zone 3. Gavin Taylor stated that the sequential test is based on new development on a site and the barn has been in place for many years and, therefore, is existing development and the sequential test does not apply. He explained that the sequential test is about locating new development on land areas of low flood risk and the existing barn is already creating the surface water issues as it is displacing water because it already has a footprint and under the General Permitted Development Order consideration is given as to what mitigation can be put in place to deal with the risks of flooding. Gavin Taylor stated that a sequential test is not undertaken when dealing with prior approval applications such as this under Class Q of the Permitted Development Order as it is completely different regime because the building already exists,

and the sequential and exceptions test is all about new development and land that is not already developed.

- Gavin Taylor stated that the previous refusal reason back in 2022 set out quite clearly that it was outside the settlement and members would need to cite what has changed in those circumstances to the present time.

It was proposed by Councillor Hicks, seconded by Councillor Gerstner to refuse the application as per the officer's recommendation but this proposal failed as it was not supported by the majority of members.

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

Members do not support the officer's recommendation of refusal as they feel that the site is in part of the built form, the fact that the sequential test is taken into consideration across the whole of the district is unfair to the village of Tydd St Giles and the homes will support the bus service, the school and the village shop and will bring a benefit to the community.

**P128/23      F/YR24/0108/F  
59 ELWYN ROAD, MARCH  
ERECT A DETACHED DOUBLE GARAGE TO EXISTING DWELLING**

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tania Hudson, an objector to the proposal. Ms Hudson stated that she lives at 63 Elwyn Road which is the property that is next door to the proposed garage, and she made reference to the presentation screen which details the concerns of both her and other neighbours who have also raised concerns over the proposal. She stated that some of the reasons which have been put forward in objection to the proposal are that the proposal is excessive and has only been reduced slightly in height, it distorts the spacious and traditional character of the street, and it has a negative impact on the street scene of Elwyn Road.

Ms Hudson added that further comments have been made stating that most properties on Elwyn Road either have low walls or shrubs and trees with no buildings close to the boundaries with the footpaths and highway, with the proposal setting a precedent for using house frontage for buildings. She stated that the neighbour opposite currently has a hedge in front, but this could be removed or reduced in height and then the garage would be in full sight and the neighbours opposite have also stated that the property benefitted from an integrated garage before and has already undergone a change of use to become part of the house and it did already have a double garage at the application site.

Ms Hudson added that Elwyn Road is a delightful street with older style properties with garages at the side and back of the properties and she made the point that to construct a garage of that size in the front garden would look inconsistent with the other surrounding properties. She expressed the view that when you look at the Ordnance Survey map it is demonstrated that all properties have their garages either at the side or the back of their dwellings as is hers and they are not as big as the proposed garage.

Ms Hudson stated that the Planning Officer has referred to number 36 having a garage in their front garden, however, that property is located on the corner of Elwyn Court and sits on a much larger plot and the garage is not 1 metre off the boundary, it is 3 metres. She added that the garage at number 36 does not run for 9 metres along the boundary which differs from the application and there are no windows affecting the neighbouring property along the boundary.



Ms Hudson stated that she agrees with all the objections of her neighbours, and she made the point that she also has a further objection with regards to the right to light and the reduction to her family's quality of life that the garage will inflict due to blocking three windows to her kitchen, diner and family room. She made the point that when she received the letter from the Planning Officer advising of the first application, she went to see the neighbours at number 59 to discuss the concerns, especially as it was past her boundary line and nearer the road, explaining to them that any building along the boundary would affect the light to her families main living space and invited the neighbours to see firsthand as to how the garage would remove the natural light from her home, however, the neighbours declined the invitation and submitted their application which was subsequently amended slightly in height but this only took place after there were many objections and it was looking as though the application was likely to be refused.

Ms Hudson referred to the presentation screen and explained that the slide shows the proposed garage highlighted in red which is 8 metres by 9 metres and the size of a 2-bedroom bungalow, with the garage depicted in blue, and her kitchen family room can be seen marked in purple. She explained that if you look at the street view, the height of the building is almost in line with the eaves of number 59 and halfway between the ground and first floor shown by the red line in the bottom picture, with the garage being very close to the boundary at a distance of 1 metre and is 4.5 metres from her kitchen window.

Ms Hudson explained that there is an old 2.9 metre fence, but the proposed building is 4.3 metres high and, therefore, the building will block natural light and contrary to the officers' views it will definitely be overbearing and oppressive. She explained that her property has had the benefit of natural light since it was built in 1937 and this benefit has been legally entitled to her by buyer prescription and she wished to retain the right to light.

Ms Hudson referred to the presentation screen and added that she has suggested a solution to demonstrate that she is not adverse to the neighbours having a double garage and the solution would mean that the wooden pagoda could be moved to the rear of the garden at which point the garden could go to the left or to the right at the back of the property and this would be supported by her without objection. She stated that the proposed garage is excessive in size, is detrimental to the street view and the property previously did have an integrated double garage, with the garage being oppressive and overbearing to number 63 depriving the property to the right to light.

Members asked Ms Hudson the following questions:

- Councillor Marks asked for clarification as to where the other property is sited to which she referred has a garage at the front? Ms Hudson stated that it is the property which officers had made reference to which she highlighted on the presentation screen to the committee. She added that it is unlike the proposed garage because it does not run all the way along the boundary, and it is approximately 3 metres away from the boundary line and the adjacent property does not have any windows to the side where the garage is and, therefore, would not be impacted.
- Councillor Imafidon referred to the integrated garage. Ms Hudson highlighted this on the presentation screen and explained that the owners applied for a change of use and made it part of the dwelling.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall referred to the Ordnance Survey map on the presentation screen and highlighted number 36 on the screen, making the point that the double garage was approved by planning in 2012 and it is built out on the frontage, with the garage being extended in the last two years so it has now become a triple garage and is now closer to the boundary. He explained that the property next door is a chalet bungalow and referred to a point made by Ms Hudson which he disagreed with due to the fact that the property next door does have windows on the side facing the garage.

Mr Hall stated that he has looked at the character of the area and ascertained that 80 metres further up the road there is a garage at the front of the property which has been approved and extended and is higher than the proposal before the committee. He referred to the presentation screen and the 3D image which he has provided, which shows number 63 and also where the proposed garage will be built and stated that the property next door has no first-floor windows and there are three windows downstairs which in the officer's report states are a toilet, cloakroom, and kitchen.

Mr Hall explained that from the screen members will see that there is a fence which is 2.9 metres in height and has been in place for over 10 years, which is where the proposed garage is going to be located and it is situated to the north of the property and that property is to the south. He referred to the presentation slides, explaining that the slide shows diagrams of an overshadowing survey which has been undertaken in July and August and demonstrate two drawings without the garage and two with the proposed garage on site and referred to the high fence which is there and is not in the ownership of the applicant, however, it can be seen that there is overshadowing of the windows now where the section of high fence is.

Mr Hall stated that the drawings which show the garage in situ and also in July and August appear to show additional overshadowing, however, it goes up to the first floor and there are no windows on first floor. He explained that the height of the garage has been decreased through the process to 4.3 metres with a shallow pitch roof and due to the height limitation, you can no longer stand up in the loft and, therefore, there will never be a room up there as there are no windows or doors facing next doors property, making the point that the garage is a metre from the boundary and 4.5 metres from the side of the neighbouring property.

Mr Hall referred to the officer's report and stated that at 9.7 it states that the existing high fence already obscures the view of the existing windows which he also agrees with. He made the point that at 9.8 it states that the garage would not introduce any significant overshadowing impacts and at 9.9 there are no overlooking issues to address, and officers have also stated that the application is policy compliant.

Members asked Mr Hall the following questions:

- Councillor Hicks asked whether the overshadowing survey was undertaken by Mr Hall's office? Mr Hall explained that it was undertaken by one of his colleagues in the office and it is linked to ordnance datum from Google which gives sun paths.
- Councillor Imafidon stated that when he reviewed the site, the windows of the neighbouring property seem to be closer to the front of the property than what has been indicated in the overshadowing images. Mr Hall explained that he did not go round and measure the neighbouring property, however, the bricks were counted to position of the actual windows and a previous application from 2014 was reviewed which was on the next-door property.
- Councillor Imafidon stated that he has considered the application and he questioned why the fence is so high as it would impact the neighbour from receiving natural light. He added that with the height of the existing fence and the fact that the height of the garage has been reduced he finds the shadowing survey very interesting and whilst he is not going to question its accuracy, in his opinion, the window does not appear to be in the correct place.
- Councillor Hicks stated that he visited the site, and he indicated on the presentation screen where, in his opinion, the window is situated.
- Mr Hall referred to the presentation screen and demonstrated to the committee that if all the windows were moved along with no garage there would still be overshadowing in place.
- Councillor Marks asked what the distance is from the end of the garage to the roadway? Mr Hall stated that it is 15 metres. Councillor Marks asked whether Mr Hall knows how that corresponds to the other property which he has referred to which has previously had planning permission? Mr Hall explained that the other building is a lot closer to the road and he highlighted that to the committee on the presentation screen.
- Councillor Marks stated that Mr Hall has explained that he has undertaken work on the

application site previously which had a double garage and he asked whether they were the same occupants who are now looking to include an extra garage? Mr Hall explained that it is his understanding that it was the previous occupants who converted the garage. Ms Hudson confirmed that they are new occupants who have lived there for 2 years.

- Gavin Taylor responded to Councillor Marks earlier query regarding the distance from the end of the garage to the highway and confirmed that it is 16 metres at its nearest point to the highway.
- Councillor Imafidon stated that there are two chimney stacks on the neighbouring property and the actual window is closer to the chimney which is closest to the front of the road. He highlighted that point to the committee on the presentation screen. Mr Hall stated that if the windows are moved further forward in effect then they would still be overshadowed by the existing fence.
- Councillor Marks stated that if you look at number one clearly by the drainpipe you can see the window clearly by the drainpipe and the projected overshadowing goes to the back of the property. He stated that there are still windows which suffer from overshadowing apart from one and he questioned that by adding the garage would that one window then suffer from the issue. Mr Hall made the point that the two windows that cannot be seen at the back as it stands now are overshadowed and the small window, which is 2 feet wide, and, in his view, there would still be some overshadowing from the fence and there would also be overshadowing if the garage was built onto the window and further up the wall.

Members asked officers the following questions:

- Councillor Gerstner referred to the officer's report and at 9.8 it states that it is not considered that the scheme would be significantly impact on the neighbouring property by way of overshadowing. He added that the sun travels from east to west and unless there is an indicative illustration to show how far the sun moves round, the committee are unsure as to how much the overshadowing is impacting on that one particular window. Councillor Gerstner expressed the view that it is very difficult to use the static pictures and he has solely looked at the officer's report and listened to what the objector and agent have said. He added that there is a slight conflict as the indicative pictures, in his opinion, do not appear to be quite correct as the windows are probably situated further along and the fence already produces overshadowing and, therefore, consideration must be given to the fact that if a garage is added how much further any overshadowing could become. Councillor Gerstner asked officers to provide an explanation to the point made at 9.8 of the report. Gavin Taylor stated that the path of the sun starts from the east and rotates southwards and ends westward and the windows along the northern elevation of number 63 would never receive direct sunlight possibly until the very late part of the day when the sun is in westerly lower position. He made the point that ultimately direct sunlight would not be directly streaming onto the northern face of number 63 and, therefore, the garage itself could not cast a shadow over the windows. Gavin Taylor stated that a pertinent point is with regard to the outlook from the windows and you can gain light and views of light as well as an outlook from the windows along the northern elevation. He made the point that there may not be overshadowing as a result of the path of the sun but there could be an impact on the light to a degree although the fence already creates a disruption to the outlook anyway. Gavin Taylor stated that the garage is considered to be cited far enough away and taking into account the roof slopes away would not result in a significant impact.

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

- Councillor Hicks stated that he is concerned about the proposal as he does not feel that it is compatible with the street scene and the houses along the road are all individual with spaces between them and the proposal is totally against that in his opinion. He made the point that he has considered whether he would want anything built close to his property if he lived at number 63 and, in his view, he would not. Councillor Hicks added that whether or not the proposal blocks out the light to the window is another matter, but the fact that the proposed garage is so close is intrusive in his opinion and he will be going against the

officer's recommendation and refusing the proposal as it is totally out of character with the other houses in the road.

- Councillor Mrs French stated that she agrees with the views of Councillor Hicks, and she made the point that, under Policy LP16, the application does have an adverse impact on the street scene. She stated that the houses on that side of the road are nice houses and the right-hand side is different as the plot sizes are bigger. Councillor Mrs French expressed the view that number 63 is a nice-looking house and she would hate to have to look at this, making the point that it is a stark cold building and it does not do anything to enhance Elwyn Road and she will not support the application.
- Councillor Marks stated that he agrees with the views of members and added that there are some lovely houses in the road and if the hedge were to be removed at any time then it would be left with something totally out of character. He added that it would appear that there was already a garage at the property and he will not be supporting the application.
- Councillor Connor made the point that the proposal would affect the street scene so much and it would look out of place in that location. He stated that he will not support the application.

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

Members do not support the officer's recommendation of approval as they feel that the proposal will be detrimental to the street scene and cause a loss of natural light to the neighbouring property.

*(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)*

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

**P129/23      F/YR24/0173/PIP  
LAND NORTH EAST OF THE GRANGE, LONDON ROAD, CHATTERIS,  
PERMISSION IN PRINCIPLE TO ERECT UP TO 4 X DWELLINGS**

Gavin Taylor presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that there have been 12 dwellings approved in this immediate area in the last 4 years and made reference to the presentation screen which displayed a map and highlighted to the committee the application site outlined in red. He added that there were five dwellings approved in Stocking Drove, 2 dwellings in facing Ferry Farm either side, another at The Grange right next to the application site and on the opposite side there are three plots which he has been involved with, with the development having commenced, making the point that once all the sites are built out there will be 26 dwellings at that location without including the proposal before the committee.

Mr Hall referred to Policy LP3 and stated that there are 14 properties at the moment in the area of Chatteris and 12 further planning approvals which have all been given by the Planning Committee. He expressed the opinion that the current proposal is part of Chatteris under LP3 and not in an elsewhere location as there are existing established dwellings in the location all of which are occupied, with there being an existing footpath along the frontage of the site and all along London Road and to the best of his knowledge the footpath has been there quite a while.

Mr Hall stated that the site is adjacent to a cluster of existing homes and Policy LP16(d) states that development should make a positive contribution to the character of the area, with the indicative layout demonstrating four family style executive dwellings on large plots with open frontages and large gardens which will make a positive contribution to the area. He explained that the land is paddock land and not agricultural land, and the application has the full support of Chatteris Town Council.

Mr Hall made the point that a concern has been raised by the neighbour of The Grange which is to the west of the site and is located 42ft away from where an indicative dwelling has been shown on the plan, but explained that the dwelling could be changed to a bungalow and it could also be moved further away if that should help when the technical details are submitted. He added that the site is all located in Flood Zone 1 and the proposal is for a linear development which is similar to all adjacent dwellings in that part of Chatteris and, in his view, the principle of development has been established by those applications which have been approved previously.

Members asked Mr Hall the following questions:

- Councillor Imafidon asked Mr Hall whether he would consider the location to be an elsewhere location and if not why? Mr Hall stated that there are 14 dwellings located in the area at the moment, referring to the site plan and highlighting the purple shaded area which is the new garden centre in Chatteris. He added that there is a footpath link all the way along London Road and a number of dwellings and he does not consider the area to be an elsewhere location.
- Councillor Marks referred to the presentation screen and asked for confirmation that the land is paddock land as, in his opinion, the presentation slide looks like a cut corn field. Mr Hall stated that when he went to the site it looked to be a grass field and this was confirmed by viewing the presentation slides.

Members asked officers the following questions:

- Councillor Imafidon asked officers to clarify how they consider the application site to be an elsewhere location, with Mr Hall advising that there are recent approvals and developments which are ongoing. Councillor Imafidon stated that he has visited the site and, in his opinion, it is not an elsewhere location and asked officers to provide an explanation. Gavin Taylor stated that contained within Policy LP12 is a footnote which sets out when something is or is not inside the settlement. He added that when you look at the development along this area it is clear that there is not a continuation of built frontage leading from the main settlement to the application site, with there being no other development on the southern side of the road until you reach the main area to the north. He explained that on the other side of the site there is sporadic loose knit dispersed dwellings, and they are not continuous as there are various areas of land which separates them and, therefore, it does not technically comply with the definition of the built settlement. Gavin Taylor added that the policy is very clear and sets out that if it is not within the continuous built area then it is an elsewhere location. Councillor Imafidon questioned whether the properties situated opposite do not count and that maybe the view of an elsewhere location is down to personal interpretation.
- Councillor Marks asked for clarity with regards to the 14 different applications which have yet to be built out or are being built at the moment in the area. He added that whilst he has sat on the committee, officers have advised that the location is elsewhere, however, permission has still been given and he questioned whether it could now be classed as an elsewhere location. Gavin Taylor stated that he would refer the committee back to the Local Plan and the planning policies as the starting point for any decision making. He explained that the fact that there have been previous approvals given may be a material consideration, but it is down to the decision maker to consider that accordingly. Gavin Taylor stated that officers do not consider that there is sufficient weight to have regard to the previous permissions to indicate that this is not an elsewhere location having regard to the criteria as set out in LP12. He made reference to the application in Tydd St Giles which had previously been refused by virtue of the fact that it was considered an elsewhere location to now make

a different conclusion based on a single barn, in his view, is difficult to balance. Gavin Taylor stated that when considering the current application if members are minded to say that the site is in the settlement then they would need to be clear as it does have implications as detailed within the officer's report with regards to the remaining area of land leading back into Chatteris and noting the emerging Local Plan, which whilst can only be given limited weight to, the settlement boundary for that does not include the area of land either and whilst that may change in the future as it currently stands when considering the current adopted Local Plan the application does not conform to an in the settlement scenario in the opinion of officers.

- Councillor Marks stated but now there are 26 extra properties surely some weight needs to be given to that and, in his opinion, it does not feel like the application site can be considered as an elsewhere location. Gavin Taylor stated that he is not familiar with the circumstances concerning those applications and it is for the committee to consider that for themselves.
- Councillor Gerstner stated that there have been 14 previous dwellings approved and he questioned whether those approvals were given by the Committee or under delegation to officers. He expressed the view that if those dwellings have been approved under delegated powers by officers then, in his opinion, that must give weight to the current application. Gavin Taylor stated that it is his understanding that planning permission for the residential dwellings in that location were approvals made by the Planning Committee contrary to the officer's recommendation. He added that the Garden Centre may have been an approval but that is a different type of development and is also on a brownfield site that already had a history of being a garden centre and, therefore, has a completely different criteria of assessment.

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

- Councillor Benney stated that the application site falls in his electoral ward and he has sat on the committee for all of the other applications which have been committee overturns. He added that the application being considered is no different to any of the other applications which have been discussed today and, in his opinion, the committee need to be consistent with their decision making. Councillor Benney expressed the view that the application will provide nice homes as they enter into the town of Chatteris and the street sign which says Chatteris is a mile further out of town and way past the Garden Centre. He stated that the field which is between that and Chatteris is shown as Hallam Land which is going to be development land and, therefore, will link it to the town, and he does not see anything wrong with the application and it should be approved.
- Gavin Taylor stated that members need to consider whether the application is within the settlement for consistency and also to remain mindful that the application is for a permission in principle and, therefore, that cannot be considered when looking at land use as to whether residential land use at the location is agreeable or not. He made reference to the Chatteris street sign being a mile away and to the earlier application in Tydd St Giles where the village sign was quite a bit further north of that. Gavin Taylor explained that the Hallam Land site is 300 metres away from the application site and with regards to the footpath and nearest schools it is approximately one and a half mile walk and, therefore, he advised members to consider just how sustainable they consider the application site to be.

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

Members do not support the officer's recommendation of refusal as they feel that the committee need to be consistent in their approach, with it passing several other applications in this area, they do not feel that the application site is in an elsewhere location and the application will enhance the street scene and the area.

*(Councillor Benney declared, in accordance with Paragraph 14 of the Code of Conduct on*

*Planning Matters, that he is a member of Chatteris Town Council but takes no part in planning)*

*(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)*

**P130/23      F/YR24/0179/PIP  
LAND SOUTH OF DIXIE LODGE, HIGH ROAD, THOLOMAS DROVE  
PERMISSION IN PRINCIPLE TO ERECT UP TO 3 X DWELLINGS AND THE  
FORMATION OF 3 X ACCESSES**

Gavin Taylor 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 application is located in Flood Zone 1 and, in his opinion, the application is an infill proposal which is set between existing established residential two storey dwellings which have been in existence for over 50 years, referring to the officer's report at 9.12 where it states that the Local Plan defines infilling as development between existing buildings which is what the application proposes. He explained that along the High Road, it is linear frontage development which is also what is being applied for to match in with the street scene and on the indicative layout he has highlighted three dwellings as well as maintaining all of the trees and all of the riparian ditches will also be kept.

Mr Hall added that had a single dwelling been shown, in his opinion, then it would have been an inefficient use of the land and that has been listed as another reason for refusal on another application which was in Doddington and that is why three dwellings have been shown. He referred to Policy LP12 and explained that the site is not agricultural land and has not been used as such for over 40 years, it is used as a wood chip yard and has been owned by the family for at least 30 years and it is clear from the map that there are residential dwellings on either side of the application site and the site, in his opinion, forms part of Tholomas Drove.

Mr Hall stated that to the north of the site there is the Chequers Pub as well as the village pond and, therefore, he considers the site to form part of Tholomas Drove between dwellings. He made the point that Policy LP16(d) states that the development should make a positive contribution to the character of the area and on the indicative layout submitted he has shown family executive style houses on large plots with open frontages and large gardens which will make a positive contribution to the area in his view.

Mr Hall stated that there has been a lot of support for the proposal with 16 letters of support coming from Tholomas Drove and he added that there have been no letters of objection received or from any of the consultees. He made the point that the local public house is a key village asset and explained that one of his colleagues attended the Parish Council meeting at Thorney Toll and in the officers report at 5.1 it states that the Parish Council have stated that a development in this location would enhance the area and the Parish Council fully support the proposal, noting the community support and the site being in flood zone 1.

Members asked Mr Hall the following questions:

- Councillor Imafidon stated that the speed limit outside of the development site is 60mph and the speed marker sign where it becomes 60mph is right outside of the site changing from a 40mph to the higher speed limit. He made the point that he is concerned that there is no footpath and asked Mr Hall whether he would know if the applicant would be willing to implement a footpath? Mr Hall stated that if the application was approved then he does think that the applicant would be agreeable to this as there is plenty of frontage.
- Councillor Mrs French asked whether the applicant would also consider putting in a Traffic Regulation Order (TRO) to lower the speed limit to 40MPH? Mr Hall stated that within the

Parish Council's comments it was also noted that councillors have considered changing the speed limit of the road from 40mph to 30mph following representation from residents and, therefore, he does think that could be something he could consider.

- Councillor Hicks stated that consideration also needs to be given with regards to moving the sign back because the other side says 60mph and he would like to see all of the properties within the 30mph sign. Mr Hall added that it would be a decision for the Highway Authority and the signs are all placed within the highway verge, however, if they agree that could be possible.

Members asked officers the following questions:

- Councillor Imafidon stated that an infill is a development between two established properties and he questioned where it states that it has to be a single development or three dwellings due to the fact that the committee have determined an application previously where officers classified it as infill development and that was made up of 6 dwellings built between existing properties. Gavin Taylor explained that Policy LP3 sets out the hierarchy of settlements, market towns, large villages, small villages, and other villages, with the hierarchy going down there is an expectation that there would be less development overall and in particular to Tholomas Drove, it is defined as an other village, where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within the built up frontage. He explained that LP3 sets out that there is the expectation that there is a restriction in terms of the amount of growth for Tholomas Drove and it states that it would normally be for a single dwelling so members need to consider whether or not the merits of the scheme for three dwellings is acceptable or not and in the officer's opinion they do not consider that the policy applies as it is not inside the settlement.

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

- Councillor Hicks expressed the view that he believes that the proposal is infill development and as long as the agent takes steps to reduce the speed limit then he is happy for the application to be approved.
- Councillor Gerstner stated that the Parish Council do not have issue with the proposal and are happy for it to be approved and the view of the Parish Council needs to be given weight.
- Councillor Benney stated that, in his opinion, it is a solid application and by adding three dwellings on the site it makes good use of the land and planning is all about land usage. He expressed the view that he can see nothing negative about the application and as long as the speed reduction issue can be resolved and the introduction of the footpath, both aspects are a community benefit and outweigh any negative points.
- The Legal Officer advised the committee that the fact that the Parish Council are in favour of the proposal is not a material planning consideration.
- Gavin Taylor stated that with regards to the proposal to secure the footpath, the application is a permission in principle and conditions cannot be secured as it is the first stage. He added that in terms of securing a footpath, after the development heading northwards there is no footpath and up until the public house there is still no footpath and in terms of the justification and reasonableness of securing a footpath, it is dependent on where it would extend to and what it would connect to. He added that whilst members may wish to secure a footpath, if it does not connect to a continuation of a footpath, it could be seen as irrelevant. Gavin Taylor referred to the implementation of a TRO and explained that when the detailed matters are submitted, the Highways Officer may consider that it is not necessary and, therefore, if the committee have the opinion today that the proposal is only acceptable subject to the implementation of a TRO and Highways state that it is not needed then it may also affect decision making and it may be an application that the committee would like to see back before them in the event that these kind of additions are being asked for at this stage are not achievable, possible or reasonable.
- Councillor Mrs French stated that she knows that there is a lack of footpaths in the villages and many of the Parish Councils are submitting Highway Improvement applications for introduction of footpaths and speed reduction.



**Proposed by Councillor Imafidon, seconded by Councillor Mrs French and agreed that the application be GRANTED against the officer's recommendation.**

Members do not support the officer's recommendation of refusal as they feel that the application is an infill site.

*(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)*

3.30 pm

Chairman