

# PLANNING COMMITTEE



**WEDNESDAY, 19 OCTOBER 2022 - 1.00 PM**

**PRESENT:** Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood,

**APOLOGIES:** Councillor D Connor (Chairman),

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

## **P54/22      PREVIOUS MINUTES**

The minutes of the previous meeting of the 21 September 2022 were agreed and signed as an accurate record.

## **P55/22      F/YR21/1072/FDL LAND EAST OF BEVILLS CLOSE AND NORTH OF EASTMOOR LANE, DODDINGTON ERECT 47 X DWELLINGS (2 X SINGLE-STOREY 2-BED, 11 X 2-STOREY 2-BED, 19 X 2-STOREY 3-BED, AND 15 X 2-STOREY 4-BED), WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING, INVOLVING THE DEMOLITION OF EXISTING AGRICULTURAL BUILDING AND GARAGE TO 44 BEVILLS CLOSE**

Theresa Nicholl presented the report to members and drew attention to the update report that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Councillor Ruth Hufton, Chairman of Doddington Parish Council. Councillor Hufton stated that Doddington Parish Council object very strongly to the application and whilst in the current Local Plan Doddington is recognised as a growth village and is tasked with a 15% increase in housing during the period of that plan this was achieved in 2020 and she questioned why Doddington is being asked to accommodate a large development of 47 homes and whether the Local Plan has no bearing on what actually happens. She stated that disruption from construction traffic which will come through the quietest most historic part of the village where the Listed St Marys Church is situated and where currently in the region of £35,000 is being spent on repairs to the church wall.

Councillor Hufton made the point that the route to the development is through winding country lanes and through quiet residential streets which are not wide enough to take two passing vehicles and there are no parking restrictions in the area and one parked car could cause traffic congestion. She made the point that there are three very sharp bends that construction traffic would have to negotiate on the route would cause issues for heavy goods vehicles, especially for the number of

large vehicles that would be expected for a development of the proposed size and it would also cause disruption to all three access roads into the village which are already very congested.

Councillor Hufton referred to the issue of lack of affordable housing within the proposal and added that the reason given states that viability will not allow for these to be built, making the point that this happens a great deal and the type of housing that Doddington urgently needs never materialises and she expressed the view that what is the point of policy LP5 of the Local Plan if developers are always going to be allowed to develop without the vital homes when viability raises its head.

Councillor Hufton stated that the Parish Council have lost track of the number of times that affordable housing has been promised on original plans and then to be lost because of lack of viability and with very little if anything in the way of Section 106 contributions being offered in its place. She stated that she is of the understanding that £136,000 will be put towards increasing the facilities at the primary school in lieu of affordable housing but made the point that offering young people the opportunity and ability to buy their own homes should be more important than an extension to a playing field.

Councillor Hufton stated that the school is at capacity now and whilst they are happy to receive the new parcel of land, it will also mean that there will be new responsibilities imposed on them by having to use teachers to police the new access gates at the rear of the school which is something that is not in their job description but something that they do in order to ensure the children's safety. She questioned whether the new head teacher has been spoken to and made the point that she has spoken to him and she knows that he would have a number of questions and concerns if he was actually consulted.

Councillor Hufton stated that having the ability to expand the school by building on the land is great, but questioned whether any consideration has been given to the proposed 355 houses as part of the emerging Local Plan should actually materialize which would mean in the region of 150 extra children would be looking for a primary school place in the next 20 years. She stated that the local doctors surgery is at capacity and a recent statement from the NHS claims that the local surgery would need to employ more GP's and nurses to accommodate the additional amount of people coming into the village from the houses and the East of England Ambulance Service have also stated that the proposed development is likely to have an impact on them servicing nationally set response times for A and E services of which they have stated that they simply do not have the capacity to meet the additional growth resulting from the development.

Councillor Hufton stated that the car park at the doctors surgery is already inadequate and under LP2 of the current Local Plan it states that if a proposal within or on the edge of a village would in combination with other development built since 2011 and committed to be built increases the number of dwellings in a growth village by more than 15%, the scheme should have demonstrable evidence of clear local community support and the proposal before the committee does not have support, quite the opposite. She stated that since a similar appeal for a development in Manea was lost, the planning authority have again not sought to engage this part of the policy and Doddington Parish Council are very disappointed by this as it means that the opinions of the people who live in the village will not be taken into account and their views lost to make sure that the District Council do not lose another appeal.

Councillor Hufton expressed the view that it is a case of a tick box exercise to keep the Council safe and that within the emerging Local Plan the evidence report gives the development a score of D which means it would be rejected and, in her view, if that is the case then why is it even being considered.

Members asked Councillor Hufton the following questions:

- Councillor Mrs French stated that there was extensive flooding in 2020 and asked whether

the field was part of the flooding issues? Councillor Hufton stated that the bottom of Eastall Lane did suffer from flooding.

Members received a written representation, in accordance with the public participation procedure, from Councillor David Connor, District Ward Councillor, read by Member Services. Councillor Connor stated that his reasons for objection is the development is not small scale, with the previous application being refused partly due to the size of development, this although smaller development still has a cumulative effect on Doddington's services and public when taken in conjunction with developments already approved. He referred to the comments in the committee report at 1.6 on construction traffic having a negative impact on nearby residents and made the point that this will likely be a 2-year build which will have a terrible effect for the nearby residents, with constant traffic from tradesman and deliveries down the narrow access all the way from Church Lane through Eastalls onto Bevills, in particular past Numbers 10-18, which is as close as 4m and applications have been refused on this basis in the past and surely is not acceptable for those residents which will be detrimental for their health and wellbeing.

Councillor Connor stated that the vehicle tracking diagram provided by the applicant and as extract provided by handout shows two lorries passing at the entrance next to No. 10, which clearly shows the two lorries overlapping in multiple locations and will, therefore, cause lorries to mount the path to pass, creating continuous damage to pavements all through the existing Eastalls and Bevills estate. He expressed the view that this will be dangerous for pedestrians again for the duration of building work and no doubt be left to the Highways authority to fix.

Councillor Connor questioned that, even if a Construction Management Plan is provided advising that deliveries are staggered, where will waiting lorries be asked to park/wait? Church Lane? Further away in Wimblington? Where will lorries and vans wait if they arrive before working hours allow? Will construction work be located at Church Lane entrance to manage the traffic and turn away unscheduled lorries? How and can this even be enforced? He referred to the constant issues with mud on the road that happens on nearly every large site approved.

Councillor Connor acknowledged that after the development is complete the traffic will obviously reduce, however, there will be ongoing large vehicles using the access, such as removal lorries, delivery vans/lorries, emergency vehicles, refuse lorries, which, in his view, will struggle to pass another oncoming vehicle even if it's a car. He referred to the displaced Parking for 10-18, with there being a rough marked out area on the site plan for displaced parking, but no details of how many spaces or turning would be provided, with a minimum of 6 cars appearing to be required but only 2 are indicated on drawing 53-SL-01, therefore, 4 cars along with any additional visitor cars will be required to park on the road at the entrance where vehicle tracking already is shown not to be achievable.

Councillor Connor referred to the comments of Cambridgeshire Constabulary whereby the officer has queried the buffer zone and its management to ensure this is a safe area, which could be a significant problem for the future for anti-social behaviour for both new and existing nearby residents and left to be someone else's problem because of this poor design. In relation to health and well-being, he feels the existing properties at the new entrance will not only be subject to the construction traffic impact as mentioned but the ongoing vehicle movements in close proximity will not stop there, with lights and noise from vehicles being noted in the committee report as being 20+ vehicles in both directions at peak times, which will again have a significant impact to those existing residents in particular no. 18 where vehicle headlights will be constantly shining in their lounge window.

Councillor Connor referred to the officer's report at 5.16 and 5.17 where it states that there would be an impact on blue light service and doctors, with money proposed to mitigate this; however, this does not solve the issue that the doctors cannot recruit new staff to cope with the current patient numbers, therefore, 151 more patients as noted in the report will add increased pressure on

appointments. He expressed the view that the infrastructure within Doddington just is not sufficient for this growth.

Councillor Connor referred to Lionel Walden School and that the headmaster says that no one has spoken to him in an official capacity in relation to the plans, with his initial opinion being that if it keeps the children safe then he is of course in favour of the provision for a back way into the school. He stated that currently the back fence has just been replaced at the school and the current gate opens into the school field, this will require a path if it is to be used and also security needs to be considered, with a member of staff standing at the front gate to welcome the children in, another will be required if a back gate is also to be used.

Councillor Connor referred to consideration if the back gate is locked (ie, late arrivals) the children will then have to walk around to Ingles Lane which has no path, and this will make them even later as well as being dangerous, which is without even considering the fact that some of the children will not even be able to attend even if they live on this proposed new development as the school is heavily oversubscribed and some years are already full!

Councillor Connor expressed the view that the proposal would result in the loss of agricultural land, with the site having been farmed for many years and no evidence is provided to justify the development on such land including exploring lower grade land in the area as required by Local Plan Policy LP12i. He expressed the view that although little weight is currently given to the emerging Local Plan at this stage, he would like the committee to note that this site is not currently included as a suitable site within the consultation document, therefore, if it is not suitable for the new Local Plan why is it now?

Councillor Connor asked members to consider going against officer recommendation and refuse the application on the following policies:

- LP16e – health and well-being of the nearby residents both during and after construction as previously refused on this site and others
- LP2 and LP17d – helping to reduce crime, avoiding adverse impacts, the footpath/buffer zone around the site
- LP12i – agricultural land as no documentary evidence required by the policy has been provided to justify this, therefore, this application is incomplete
- LP15 and Paragraph 111 of the NPPF – highway safety during construction and when complete.

Members asked officers the following questions:

- Councillor Sutton referred to the schedule of house types and plot numbers with differences between drawings and asked for clarity over the detail of the house types, as there only appears to be a proposal of two bungalows within the development, which he feels does not coalesce with the rest of the estate which is a good mix of bungalow and house tenure. He expressed the view that the anomaly in the two schedules is unprofessional. Theresa Nicholl stated that there have been numerous iterations of the drawings and plans and with regards to whether two storey dwellings are acceptable or appropriate in relation to Bevills Close, there are more bungalows on Bevills Close and the surrounding development which is stated within the officer's report, however, that does not mean that there needs to be the same mix of bungalows and dwellings on the application site. She explained that there are two storey dwellings in the surrounding development and the site itself is very well contained by landscaping, making the point that if the proposal had included any three storey houses, then officers may have had a different view but, in her opinion, two storey dwellings are not out of keeping with the surrounding area. Theresa Nicholl added that just because there are less bungalows included as part of the proposal cannot be used as a reason to refuse the application.
- Councillor Cornwell stated that on at least two occasions it has been stated that the current site would not be acceptable under the new Local Plan, and he questioned why the

application should go ahead now due to the fact that the time the site is built out the new Local Plan will be in place. He asked whether that point has been considered by officers and also asked whether there has been any local consultation carried out? Nick Harding stated that with regards to the emerging Local Plan, there is a document published on the Council's website which shows that the site was assessed on a different basis to the application before the committee, with the capacity of the site being 100 dwellings and the proposal before the committee is approximately half the size in terms of numbers of dwellings. He explained that the reason why it was rejected is because it was considered that access was constrained, and it identified that there was the potential for a new access to be provided to the A141 and the Highway Authority are content that the development can be served through the existing highway network with no new connection to the A141 required, with it stating that the connection to the A141 is a barrier to the delivery of the site and is no longer needed and it also states that the deliverability of pedestrian and cycle links to access village services which in the plans show the connections to the existing road network enabling quick access to the local amenities of the village along with the rear access to the school for pedestrians. Nick Harding explained that when it was assessed for the purposes of the emerging Local Plan it was a different proposal against which it was being assessed compared to the one before the committee.

- Councillor Cornwell questioned whether there had been any consultation undertaken as there appears to be little or no support for the application. David Rowen stated that a consultation exercise has been undertaken as part of the planning application which has resulted in 166 letters of representation. He made the point that the issue appears to be the policy of the Local Plan which requires that level of support to be demonstrated for proposals of 15% in growth villages. David Rowen referred to Councillor Hufton mentioning within her presentation that since the appeal decision concerning the site in Manea a few years ago when the Council lost the appeal and had costs awarded against it for use of the policy, it has generally been the approach of the Council not to implement that element of the Local Plan. Councillor Cornwell stated that, in his view, a lot of the comments made appear to be based around access to that particular area and whilst he can see that the Highway Authority have made their comments, the local residents have also made their feelings known and, in his opinion, Doddington has become slightly isolated because of its location compared to the Isle of Ely Way. He added that it would have been easier to understand the access issues if a broad concept approach had been applied to that part of the village as over the years there is going to be pressure there regardless of what the existing or emerging Local Plan says. He added that had a broad concept plan been in place, it would deal with aspects like access to the Isle of Ely Way, but that was not considered both from the earlier large application that had been referred to and now the application before the committee.
- Councillor Skoulding stated that 47 houses is an increase in 4.5% and asked officers whether they agree that is too much of an increase for Doddington. He added that with regards to the Conservation Area near the church, the committee have been advised that £35,000 has been spent on the repair of the wall and if there are lorries using that area then the situation is going to get worse along with the two Listed Buildings that are also in the vicinity who may also suffer. Councillor Skoulding stated that on the site inspections, the coach that members travelled on met an ambulance travelling in the opposite direction and the coach had to get onto the pavement to let the ambulance through, however, had a lorry been there the ambulance would have had significant difficulty in being able to pass. He asked officers to explain why they think that the proposal is acceptable? Theresa Nicholl stated that the questions that he has posed have been answered in the committee report and she appreciates that people may not agree with her opinion, but consideration has been given as to whether 47 houses are too much for the village of Doddington, but it is a growth village and there are several sites proposed in the emerging Local Plan and, in her opinion, 47 dwellings looking at the application on its own merits is not too many for Doddington and she would struggle to see how the application could change from what is classed as being acceptable into being too many, especially when the whole of the site is

looked at in relation to the whole village. She stated that in terms of the Conservation Area and listed buildings, construction traffic would need to pass through them to get to the site, but that would be true of many developments in this area and elsewhere where construction traffic has to go past Listed Buildings to get to a site. Theresa Nicholl added that, in her view, it would be very difficult to find evidence to support that damage is going to be caused by construction traffic to the Listed Buildings on the way to the site and whilst she appreciates that it is only right that there would be concerns regarding it, if the application is refused and goes to an appeal then there will be the requirement to provide evidence. Theresa Nicholl pointed out that in terms of the traffic concerns there have been extensive consultations with the Highway Authority who do not object to the application and she has gone back to them on several occasions questioning them about construction traffic because their original responses had not alluded to that at all which is not unusual as their view is that it is acceptable as all developments have construction traffic but due to the local circumstances she has asked them about it and they have not raised any objections and have stated that the proposed condition for the construction management plan is acceptable. She explained that the proposed width of the new roads is the same width as Bevills Close and the other local roads and it meets the highway standards for that type of development. Theresa Nicholl made the point that she cannot see any reason to be able to object to the views of the local Highway Authority and say that the proposed road width is not acceptable as it does meet their standards.

- Councillor Mrs French referred to the Section 106 contributions where there are no affordable homes proposed for the village and all villages are in need of affordable homes, which is seen very frequently where the developers get approval and then do not include any affordable homes within their development. She stated that to see not evidence of any affordable homes out of a proposal of 47 dwellings is disgraceful. Councillor Mrs French questioned whether Doddington has its own Neighbourhood Plan and Councillor Mrs Davis responded that there is an emerging Neighbourhood Plan. Councillor Mrs French stated that she is appalled that there is no capacity within the education system for any children who will reside in the new homes asking where are these children supposed to go to school, and she asked officers whether they have had serious conversations with the education department at County Council concerning this issue as they have a statutory duty for children to be educated. She made the point that she is aware that the Council does not have a statutory duty to supply the Section 106 money as that is down to the County Council but, in her opinion, she does not feel that there have been enough discussions with them on this matter. Councillor Mrs French expressed the view that the proposed road layout is not acceptable and will prove to be extremely problematic for those local residents making the point that the Highways Authority have not considered the proposal properly and she will be taking this type of issue up with the County Council. She stated that the education department appear to be content to accept a small piece of land for a play area, but that will not solve problems in the future.
- Nick Harding stated that in terms of the Section 106 position all members will be aware of the piece of work that was undertaken in connection with the emerging Local Plan which is the Strategic Viability Assessment, which had indicated in the north of the district no Section 106 contributions could be secured and there would be no contributions towards affordable homes either and in the south of the district there would be scope for some affordable homes and Section 106 contribution of approximately £2000 per property. He stated that where a developer comes forward and they submit a viability claim then they have to submit information that demonstrates that their build costs are above normal and above the benchmark figures that have been assumed within the Council's own commissioned Strategic Viability Assessment and that is exactly what has been done and the information has been scrutinized by the Council's own Section 106 Officer and also by the County Council as they normally ask to see the viability information as well as they are the education authority. Nick Harding stated that officers are satisfied that it has been demonstrated that the development costs for this site are above that of which you would normally expect and, therefore, a reduction in the Section 106 contribution compared to

usual is acceptable. He made reference to the comments with regards to education provision and explained that the information has not been indicated to officers in the response that has been received from the County Council and added that he would not expect that type of information to be provided but he is mindful that if that is a concern of members then under the emerging Local Plan the Council is proposing to allocate more sites for residential development in the settlement.

- Councillor Marks asked what size of lorry the Highway Authority base their assessment on as he has driven an articulated lorry in Church Lane and when you get to the top you cannot turn a low loader around as the turning area is too tight. He added that he has heard through the discussion that at one point the road is four metres wide, but two vehicles can pass, however, he questioned how two 2.5-metre-wide lorries would be able to pass? David Rowen stated that one of the plans submitted as part of the application indicated an 11.5 metre lorry body as the template for the tracking and, therefore, the Highway Authority have based their consideration on that detail. Councillor Marks stated that would then mean that an articulated lorry with a 13.6 or 14 metre trailer is already over what has been provided and most bricks blocks, wood and roof tiles would arrive on a lorry bigger than what has been worked out based on their projections and asked officers if they would agree? David Rowen stated that he is not a Highways Officer and is unable to comment.
- Councillor Mrs Mayor stated that officers have made the point that access will be constrained and access for construction traffic will be difficult, and, in her opinion, she feels that is an understatement. She asked whether the Highways Officers undertook a visit to the site or whether their report was a desk stop study? Theresa Nicholl stated that the application has been reviewed by more than one Highway Officer and she is aware that an on-site visit did take place. She cannot determine how the Highways Officers have made their assessment of the application and can only advise of the communications that she has had with them which has included her questioning them on the points concerning construction and traffic management. Theresa Nicholl explained that the update report provides the latest response from the County Council which she had sent to three separate Highways Officers to outline the proposed highway conditions she was going to include as part of her recommendation. Councillor Mrs Mayor stated that she would have liked a Highway Officer to be present at the meeting to provide an explanation.
- Councillor Sutton stated that on the house type schedule it states that there are four number Warwick style homes but on the plot schedule it states that just number 41 and 47 are Warwick type homes and there are also other anomalies which really do need to be looked at as you could be approving a house type which is not where you think it is. He added that it does say in the officer's report that a Highways Officer visited the site.
- Councillor Mrs Mayor expressed the point that if more than one Highways Officer has been involved in the application then she questioned whether they have all been on site.
- Councillor Mrs Davis stated that the Highway Authority normally state that the limit is 100 vehicles in and out of a junction and with 47 dwellings being built there is going to be more than a hundred vehicles. Nick Harding stated that he is not aware of that limit being imposed by the County Council's Highway Authority. Theresa Nicholl stated that she believes that there is a misunderstanding concerning a hundred vehicles being the maximum, which stems from the Highways Authority having concerns that there was only one vehicular access serving the development and if there had been an emergency on site, with their proposal for resolving that was to provide the emergency access point. She stated that they are not saying that there has to be two standard vehicular access points to serve the site and that was the advice that they had provided. Councillor Mrs Davis stated that there are bollards at the emergency exit so if an emergency vehicle needed to use that exit point, their egress is time critical, and it could therefore put lives at risk.

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

- Councillor Skoulding expressed the view that the proposal is for too many houses and the lack of security at the new entrance of the school is also a concern to him. He stated that there have also been instances of flooding in Church Street, with the extra development

only increasing the problems and he will not be supporting the officer's recommendation.

- Councillor Sutton stated that he grew up in Doddington and knows the area well and feels that members cannot go against the opinion of Highways Officers, and have to respect their opinion and accept what they say although members may not agree with it. He added that the key issue appears to be surrounding the number of proposed dwellings and he expressed the view that in the context of the village of Doddington, it is a large development and given that Doddington already has 127 dwellings as their threshold, they appear to be way over their 15% as they now have 196 according to the threshold position statement which is 23.5% above what was agreed in the Local Plan and the plan was found to be accurate and sound by the Planning Inspectorate. Councillor Sutton expressed the view that it is not correct to keep adding to villages and stated that the emerging Local Plan proposes another 355 dwellings which he finds very difficult to understand how the Planning Policy Officers can be seriously considering this. He stated that in the 2014 Local Plan, the village of Doddington was classed as a growth village but it was never to grow as big as the town of March. Councillor Sutton stated that the application is not a small development, and he cannot support the proposal.
- Councillor Cornwell expressed the view that knowing that Doddington has now already achieved its housing target, and the fact that the proposal does not have the support of the village, in his view, he cannot support the application if the local people do not want it.
- Councillor Mrs French stated that there appears to be too many issues with the proposal and she has spent a significant amount of time in her role at County Council with the Local Lead Flood Authority, reviewing the flooding issues that have taken place including the dykes and drains across the whole of Fenland and she questioned who would be responsible for the drain, if it is filled in and not piped properly and causes flooding. She expressed the opinion that whilst the County has experienced Highway Officers the highways assessment of the site is wrong, and the County Council has a responsibility to supply school places and she cannot support the application in its present form. Councillor Mrs French stated that consideration could be given to defer the application so that the Local Lead Flood Authority, Highways Officers and somebody from the Education team comes and provides an explanation to the committee, but she cannot support it in its current form.
- Councillor Purser stated that he has considered the points raised by other members and is unable to support the application, but added that the construction traffic noise and vibrations may also cause damage to the existing dwellings and affect their insurance policies.
- Nick Harding stated that in terms of the scale of the development, there has been a history of refusals which have cited the scale of development proposed being over and above something that was deemed suitable for the settlement and the application before the committee is a far smaller scheme than there has been in the past. He added that with regards to the village threshold the Council has lost an appeal and since that time it has been presented to committee and accepted by the committee that going through the community support route is something that officers would disapply and therefore it is not something that applicants are asked to do anymore, and it is not a material consideration in the determination of planning applications. Nick Harding stated that there is no need to reintroduce that in this particular instance and in terms of comments from the public it is all about giving weight to the content of those representations and not just the number of representations made because applications need to be determined on those aspects which are material considerations. He made reference to the points raised concerning the scale of the development and whilst he accepts that the emerging Local Plan is only something that can be given exceptionally limited weight to, consideration needs to be given that the fact that a significant scale of development has been identified by the Council's draft policy for development in the Doddington area does put forward significant growth and, therefore, if the application is refused on the grounds of excessive scale of development then it would prove contentious when comparing the 300 plus dwellings that the Council as an authority is currently putting forward in its emerging Local Plan. Nick Harding stated that the existing road network leading up to the application site has a width and alignment associated with it



and that width and alignment is standard and is of a style and dimension that is rolled out on new developments and, therefore, members need to determine why it is not appropriate for that road network to be used in this instance as opposed to any other that the committee has previously approved. He added that there will be inconvenience and disruption during the construction phase but that is inevitable when new development takes place and officers along with the committee have approved a significant number of planning applications which have utilized existing road networks to construct new dwellings and the council has itself got a planning application submitted in the Chatteris area which is proposing to use existing road networks through a residential development in order to gain access to its proposed development site. Nick Harding stated that he does understand the inconvenience that the construction will cause to existing residents and with regard to the vibrations caused to properties, if the committee tried to refuse the application on the grounds of vibration from passing construction vehicles, he questioned where it would leave the Council in relation to all the other applications that come before the committee for determination. He stated that with regards to the onsite drainage features, they will be under the control of a management company for the site and in his experience sometimes they are successful and sometimes they are not but given that adoption cannot be forced on Anglian Water (AW) and the Environment Agency (EA) the Council is either forced to refuse every application that does not propose to have it adopted by AW or the EA or allows the management companies to be responsible. Nick Harding stated that the Council has no legal powers when granting planning permission to require adoption by the EA or AW and whilst sometimes there are issues which occur to do with the highway or the drainage features on residential estates there is very little that the Council can do about it.

- Councillor Mrs Davis stated that it is her understanding that no more development should take place in Doddington or Wimblington until the issue of drainage and sewerage is resolved and although AW have stated that they are working on the issue there will not be a satisfactory resolution for about 5 years, with AW appearing to think the situation can be resolved at the moment by shipping out the waste on open top lorries at night. She stated that Nick Harding had pointed out that the width of the roads on new estates are the same width as the current ones but that cannot be right as vehicles cannot pass. Nick Harding explained that is the current mode of designing highway networks and they are relatively narrow so when there is a parked vehicles within the highway, drivers need to take a little bit more care when passing another vehicle. Theresa Nicholl pointed out that the proposed road width is the same or very similar to the width of Bevills Close leading into it and that members maybe referring to the older roads leading up to the Bevills Close development but when the Bevills Close estate was built the construction lorries would have had to access Church Lane to access the site. Councillor Marks stated that the size of lorries were different during that construction time.
- Councillor Sutton stated that if an articulated lorry cannot access the site, then other types of vehicles will be used. He feels the bigger worry is the contorted roadway and access into the site by numbers 16 – 18, which is extremely poor.
- Councillor Mrs French stated that she agrees with the points made by Councillor Mrs Davis with regards to Anglian Water shipping out their waste.

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

Members did not support the officer's recommendation for approval as they feel that the proposal would be contrary to Local Plan Policy LP2, Facilitating Health and Well-Being of Fenland Residents, Local Plan Policy LP3, Spatial Strategy, the Settlement Hierarchy and the Countryside, and Local Plan Policy LP12, Rural Areas Development Policy, as there will be a detrimental impact on the amenity of the existing residents, with the proposed vehicular access and lack of alternative parking for residents of 12 – 18 Bevills Close and the impact of noise and access to 12 – 18 Bevills Close and 15 Eastall Close, and the development of 47 dwellings is not in the opinion of the committee small scale and will have a cumulative detrimental impact on the neighbouring housing

estates with vehicle movements into the village.

*(Councillor Benney declared that the application may cause a conflict with his Portfolio Holder responsibilities for Assets and Projects, and took no part in the discussion or voting thereon)*

*(Councillor Mrs Davis declared, under Paragraph 14 of the Code of Conduct on Planning matters that she is the District Councillor for Doddington and Wimblington and attends Doddington Parish Council meetings, but takes no part in planning matters)*

*(Councillor Murphy declared that the ransom strip of land associated with this application was discussed when he was a member of Cabinet in 2009 and took no part in the discussion or voting thereon)*

**P56/22**      **F/YR22/0604/F**  
**LAND NORTH OF 60 STONALD ROAD, WHITTLESEY**  
**ERECT 1 X DWELLING (2-STOREY 2-BED)**

Theresa Nicholl presented the report the members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that there is an extensive site history which is listed in the officer's report, which is prior to his involvement. He explained that the development site did have planning permission for a dwelling and the current owner then purchased the plot.

Mr Hall quoted the Planning Inspectors comments following an appeal where the Inspector had stated that 'I consider the site large enough to accommodate a dwelling' and went on to say that they did not consider the end of the cul de sac is particularly spacious in character or affords any significant views of the surrounding land that would be lost as a result of this development and the site has not changed in size or adjacent buildings changed since this time to our knowledge. He stated that the previous appeals for the site were for two dwellings, semi-detached dwellings, a full 2 storey three bedroomed house and the last application was for a bungalow, all of which were refused, with the current proposal being for a scaled back 1.5 storey dwelling with two bedrooms.

Mr Hall expressed the view that the officer's report appears to be positive and one third of the plot area is in line with the requirements of the Local Plan and there are no objections from the Highways Authority. He stated that the site is in Flood Zone 1 and has two car parking spaces and the proposal does not result in significant loss of light, overshadowing or overbearing, with proposal not being considered to result in a significant detrimental impact on the amenity of neighbours and added that the policy is recommended for refusal under policies LP16 and 7 of the Whittlesey Neighbourhood Plan, however, he has noted from the report under 10.12 that it states that the policy is acceptable under both of these policies.

Mr Hall expressed the view that the proposal is an ideal straight forward two bedroomed starter home with adequate parking and located within Whittlesey and there are no technical objections to the proposal, and it is compliant with the Local Plan. He added that it has a third garden area, and the officer has confirmed that there are no concerns with overlooking, overshadowing or loss of light and the building material used would match in with the other properties.

Members asked Mr Hall the following questions:

- Councillor Mrs French asked Mr Hall if he could advise when the site first received planning permission? Mr Hall stated that the planning permission was approved on 1 February 2007 when an appeal was allowed by the Planning Inspectorate. Councillor Mrs French asked

why the development has never taken place? Mr Hall expressed the view that he cannot understand why the planning permission was allowed to lapse.

- Councillor Sutton asked Mr Hall if he could provide an explanation with regards to a query on the plans he had provided as he had highlighted the distance from the upper window to the first window on number 62, however, there appears to be no distance shown to number 60 which, in his opinion, is 2 metres closer. Mr Hall stated that when this level of detail has been requested previously, officers normally ask for the distances between first floor windows with a dimension of 19 to 20 metres and some of the previous reports show that concerns were raised with regards to distances from those properties first floor windows to the proposed property and that is the reason it has been included.

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

- Councillor Sutton stated that there have been refusals previously at the site which have been subsequently supported by the Planning Inspector at appeal. He expressed the view that the current proposal is worse than the previous proposal and whilst he appreciates distances from first floor windows, it does alleviate the overlooking he can foresee from looking out of the window into the back garden of number 60 and he agrees with the officer's recommendation.
- Councillor Mrs French stated that the Town Council recommend refusal and there have been 31 letters of objection as opposed to 26 letters in support, with, in her view, the Town Council making the right recommendation. She stated that when reviewing the history of the site, it is unfortunate that the new owner has now inherited the site which had planning permission approved years ago but the owner at the time let that permission lapse. Councillor Mrs French stated that she will support the officer's recommendation.
- Councillor Mrs Mayor asked officers to clarify the procedure when they are notified of fraudulent submission letters, with the Town Council raising this issue due to the fact that letters were received from two people who have not lived in that area for ten years and they did not submit any letters of support. She stated that she would like to know what the procedure is if officers are notified that letters are fraudulent and how that is determined and confirmed. Officers agreed to respond to this point at the appropriate time in the debate.
- Councillor Murphy expressed the view that officers have made the correct recommendation as well as the Town Council, adding that 31 objectors are all from persons living in the vicinity of the proposal site as opposed to the 28 supporters who are from the whole area of Whittlesey. He stated that there have been appeals for development on the site since 2007 and the size of the plot is not big enough. Councillor Murphy expressed the opinion that the proposal for the site is out of character with the rest of the street scene and it would be a blot on the landscape, and he will support the officer's recommendation.
- David Rowen responded to the point made by Councillor Mrs Mayor, and stated that if the legitimate person contacts the Council to state that they have not made any representation it would be removed from the record. He stated that if nothing is received from the person and it is just a claim from a third party that an individual does not reside at a stated address anymore then their letter cannot be removed as the Council needs to be seen as being fair to both sides.

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

**P57/22**

**F/YR22/0869/F**

**7 STATION ROAD, MANEA**

**CHANGE OF USE FROM RESTAURANT AND 2-BED DWELLING TO A HOUSE OF MULTIPLE OF OCCUPATION (HMO) (SUI-GENERIS) FOR UP TO 11 PERSONS, AND RETENTION OF EXISTING 2-BED DWELLING, OUTBUILDING FOR STORAGE AND DEMOLITION OF EXISTING SHED (PART RETROSPECTIVE)**

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

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens the agent. Mr Bevens stated that some members may recall a similar proposal for this site back in August 2021 and following refusal last time, it was suggested to them that reducing the overall numbers of occupants in the scheme would be supported in an amended application.

He stated that the proposal is a 40% reduction in numbers of persons than the previously refused scheme and a 64% reduction from where the scheme started back in mid-2020.

Mr Bevens explained that the previous owner of the Classic restaurant had accommodation for up to 9 guests in the main building and this excluded rooms, which the current proposal looks to convert into additional accommodation and then latterly they used their private annex as B&B accommodation sleeping up to 4 adults and this coupled with the restaurant business at its peak would have seen numerous vehicles coming and going throughout the day. He made the point that there are no objections from statutory consultees and refuse collection will be undertaken privately.

Mr Bevens made reference to the reasons for refusal, referring to LP15 stating that it is widely acknowledged and accepted by the Council that in previous similar applications that there are no adopted parking standards for HMO's, and it is reasonable to conclude that car ownership would be lower amongst the residents of such properties than for more conventional means of residential occupation. He stated that the proximity of the site to the centre of Manea, cycle provision and the proximity of the railway station which would be a 20-minute walk would also contribute toward encouraging lower car ownership amongst its occupants.

Mr Bevens referred to recently approved decisions namely F/YR20/1047/F which was approval of a 6-bed house to a HMO for 9 persons and F/YR20/1131/F which was approval of a 7-bed hostel to a HMO for 7 persons both of which were approved by the Council with less parking than required namely 4 spaces and 2 spaces, respectively. He explained that he has identified an area of cycle storage and with the local bus service and the train station, in his view, it is reasonable to expect occupants to use sustainable transport methods wherever possible.

Mr Bevens stated that when looking at Policy LP2 and LP16, this requires amongst other things that development proposals provide high levels of residential amenity and Policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring uses with the guideline for non-flat development being one third of the plot area. He explained that the existing building was in use as a restaurant and B&B for over 50 years and whilst not a conventional residential use had the potential to accommodate up to 9 guests in the main building and with the removal of the existing shed and tidying up of the site and improved onsite parking and cycle provision, the amenity of the site is improved.

Mr Bevens pointed out that the retained out-building has enclosed space on the ground floor which could be used as an amenity value to the HMO and there is there is approximately 102 m<sup>2</sup> of outdoor amenity space excluding the outbuilding and retained garden to the 2-bed house. He stated that the overall footprint of Classic's restaurant is 220 m<sup>2</sup> and the parking, bin store and access equates to 170 m<sup>2</sup> so the proposal is just below the guideline of a third of the plot if the potential amenity of the out-building on the ground floor is not included.

Mr Bevens expressed the view that he does not see this proposal as overdevelopment and there has been a reduction in the occupancy by 40%. He feels that the other approved schemes in the district have acknowledged that parking will be lower in HMO's and highways have raised no objections to the scheme, with there being sufficient room to enter and exit the site in forward gear

and spaces can be enlarged without impact on cycle storage or amenity.

Mr Bevens pointed out that concerns regarding anti-social behaviour are noted, however, whilst these cannot all be substantiated as coming from the property, they are not fundamentally a planning matter and any such impacts that arise are a result of individuals rather than the nature of the accommodation provided, with there being other controls in place to monitor and act against unacceptable behaviour of this nature. He advised that the applicant installed last year a camera system throughout the building which covers the courtyard and access and has it monitored 24/7.

Mr Bevens expressed the view that the scheme is a sustainable proposal for the building and trying to provide HMO's in out of town/village locations is unsustainable and would not meet other Local Plan and National Planning Policies. He expressed the view that the proposal will support local shops, businesses and facilities and the benefits outweigh the harm.

Mr Bevens stated that he would ask members to consider the efforts that the applicant has gone to in reducing the overall numbers, improvements to be made to longevity of the building and the rear amenity of the site and approve the application for much needed temporary accommodation in the district which Fenland lacks.

Members asked Mr Bevens the following questions:

- Councillor Mrs French asked Mr Bevens whether the bus service was still operating that he had referred to? Mr Bevens stated that the last time he had checked there were four trips a day operating through the village. Councillor Mrs French asked whether there are any occupants residing in the property currently and Lee Bevens responded that it is being used currently as a bed and breakfast business.
- Councillor Marks stated that there are three parking spaces allocated in the proposal, however, he has received numerous complaints over the last few years concerning parking issues and the fact that the proposal is for a HMO, which could mean that there could be up to 11 vehicles requiring car parking facilities and he asked Mr Bevens where he proposes those extra vehicles will be able to park? Mr Bevens stated that it is a pertinent point which has been raised throughout the application and he expressed the view that the only place he can see the vehicles being able to park would be on Station Road. He referred to the presentation screen which showed Station Road and pointed out that there is plenty of on street parking which is not allocated to specific properties and the very nature of HMO's is that that there is less parking provided and although he cannot confirm it he believes that persons who reside in a HMO undertake a great deal of car sharing as the occupants tend to work in the same locations.
- Councillor Marks asked whether it is the intention of the shed at the rear of the premises to remain as a shed or is it the intention to submit a further application to change that into further accommodation? Mr Bevens stated that it is his understanding that since he started working with officers on an application in 2020 there was the intention to convert the shed into residential use and that it why the numbers were 30 overall, however, that element has now been dismissed and there is no intention to convert that into additional residential accommodation.
- Councillor Marks asked whether Mr Bevens could confirm how many persons are occupying the premises at the current time and Mr Bevens responded that he was not aware.
- Councillor Murphy stated that Mr Bevens had explained that there is to be a reduction of 40% from what had previously been proposed, however, he asked what the reduction was in terms of people residing there currently as he can see no difference and he questioned why you would submit an application for a HMO when it is already in place? Mr Bevens stated that the applicant to is trying to apply using the correct channels and to change the use from what it is at the moment as the ground floor of the building is actually classed as a restaurant and it is the first floor which is actually bed and breakfast accommodation .He made the point that the application is for a change of use so that the ground floor can be changed to accommodate seasonal and temporary workers. Councillor Murphy questioned

whether at the current time there are any persons who are sleeping on the ground floor? Mr Bevens stated that he cannot confirm that fact and that they are seasonal workers, they come and go, adding that he has had it confirmed that at the current time there is nobody residing there.

- Councillor Benney stated that he recalls the application previously and at that time it was for agricultural use and the committee were told at the time that it should be a HMO, which is why he presumes the application has been submitted in its current form. He expressed the opinion that there are people living there who are agricultural workers and this type of accommodation is needed for seasonal and agricultural workers and the local agricultural industry needs to be supported. He added that HMO properties can be monitored and regulated by the Council to ensure that everything is in order and to ensure the safety and wellbeing of those residents living there. Councillor Benney asked Mr Bevens to clarify that if the application is approved, will his clients operate the HMO as a reputable business in line with legislation and policy? Mr Bevens stated that it is the intention of the applicant to invest a significant amount of time upgrading the parts of the building and making it fit for purpose. He added that the applicants are more than happy to work with the Council and they have already met with the Fire Officer who has stated that the premises are able to accommodate 30 persons with the fire system that is in there as a means of escape, however, the proposal is only for 11.
- Councillor Cornwell referred to the officer's report at point 3.1 where it states that intensive residential occupation of the building has already taken place which resulted in the Council's Private Sector Housing Team and the Fire Service visiting the site hence the retrospective nature of the application; with the precise situation currently being unclear and unauthorised. He asked Mr Bevens whether he had anything further he could add to that information? Mr Bevens stated that he can confirm that the premises has permission in its current format to be operated as a bed and breakfast accommodation, but he cannot say how many persons are able to use it as bed and breakfast accommodation overall only on the previous history when there were nine rooms in the accommodation.
- Councillor Marks asked whether it was known how many times the Police have been called to the property following reports of anti-social behaviour over the last three years? Mr Bevens stated that to his knowledge there has only been one incident.
- Councillor Purser stated that he understands that the premises is properly regulated and the comments of Councillor Benney that the Council does need to support agriculture, but what is to stop people allowing others to sleep in the premises? Mr Bevens responded that there is nothing to stop this, but this would be no different to a residential dwelling, and he cannot see how this can be regulated. Councillor Purser stated the point he was making is that there is a maximum number for Fire and Police regulations, but how can it be regulated to stop residents having their friends stopping there? Mr Bevens reiterated that the Fire Officer has stated with the fire system that is in place under its current use it can accommodate up to 30 people. but the applicant is not looking to house this amount of people and CCTV will be placed within the building.
- Councillor Sutton referred to the point Mr Bevens made with regards to parking requirements of HMO properties. He added that he would agree that within the towns there is not such a requirement for parking, however, in the villages there most certainly is the need for access to a car in order to travel to a workplace and he asked Mr Bevens whether he would agree that the statement he made was slightly misleading? Mr Bevens stated that he would agree that town locations have more services available whereas villages have less, but the site is close to the centre and there are local shops nearby along with the railway. He added that a lot of the persons that stay at the bed and breakfast do car share as they are employed at similar locations. Councillor Sutton stated that in the evening that location appears to be very heavily parked.

Members asked officers the following questions:

- Councillor Marks asked officers if they can confirm how many persons were on site when the premises were visited by the Council's Enforcement Team? David Rowen stated that

the premises have been visited both by Planning Enforcement Officers as well as Housing Officers, but he could not provide the detail of number of occupants living on site.

- Councillor Cornwell referred to 3.1 of the officer's report and asked for clarity where it states that the precise situation is unclear and unauthorised? David Rowen stated that the number of occupants of the premises is not quite clear to the best of his knowledge and in terms of the unauthorised element at the current time there is no planning permission in place for intensive occupation adding that he would disagree with the point made by Mr Bevens with regards to the previous lawful use of the premises is as a restaurant with ancillary Bed and Breakfast facilities, with it being his understanding that at the moment the business is not being used as a normal bed and breakfast establishment and appears to be functioning more as a hostel. Councillor Cornwell made the point that the statement then relates in effect to the assumption that this already a possible HMO, which is why the Council visited the site and as a result of those visits, the application has come back as there is a certain element of regulation required if the premises is to become a HMO which ensures that is better regulated and on that basis, in his view, he think he could support the application. David Rowen stated that there is a licensing regime for HMO properties, and advised members of the committee that they do need to be mindful that they are determining the application on the land use planning considerations of the application and not on the licensing regime. He added that whilst there is an overlap between the two there are also differences as well and if the committee are minded to grant planning permission they need to be satisfied as to whether it would be acceptable as a land use for the number of occupants that are proposed, rather than somehow adequately managed through the licensing regime. Councillor Cornwell stated that, in his view, the two elements go together and should not be separated, and he will consider both things together. David Rowen stated that the committee are determining the application under the Town and Country Planning Act rather than the Licensing of HMO under the Housing Act.
- Councillor Skoulding made the point that, in his opinion, officers have made the correct recommendation as he feels that it is over development, and it is causing parking issues.

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

- Councillor Marks stated that as Ward Councillor he has considered the application with an open mind, with the Parish Council being against the proposal at the present time and whilst he appreciates that something needs to happen to the building rather than leave it to go derelict. He stated that, in his opinion, there are too many occupants and no guarantees with car parking which is causing issues currently. Councillor Marks added that maybe a HMO could be considered in the future which would be better rather than transient occupiers but he has concerns with the back development and added that it has been three years since the property was purchased and during that time a number of improvements could have been made. He stated that whilst he appreciates that various agencies have been involved to date with the property it is still a bone of contention for the village, and he will be supporting the officer's recommendation.
- Councillor Sutton stated that he agrees with the points raised by Councillor Marks and whilst he appreciates the comments that Councillor Benney has made with regards to shortages of agricultural workers, that fact cannot take away the impact that the proposal would have on the village, He added that the previous application has gone to appeal and will be heard in January, however, he will be supporting the officer's recommendation.
- Councillor Mrs French stated that she agrees, and she will be interested to see what happens with the appeal.
- Nikki Carter stated that a provisional date has been set for the appeal hearing, but nothing is yet confirmed.

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

*(Councillor Marks declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that*

*he is a member of Manea Parish Council, but takes no part in planning matters)*

**P58/22**

**F/YR22/0973/FDC**

**WISBECH PARK, LYNN ROAD, WISBECH**

**ERECT A SINGLE-STOREY COMMUNITY HUB, WHICH INCLUDES A MULTI-PURPOSE HALL, CAFE AND TOILETS**

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

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

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

- Councillor Mrs French stated that she has noted from the officer's report that there is a restriction on operating hours and she does not think at this time it would be appropriate to place a restriction on its hours of use as there is no indication currently what the building will be used for and who is going to operate it if it actually goes ahead. She stated that it has been several years since the proposal had been considered and does not know whether the grant funding of £10,000 from the Council is still available. Councillor Mrs French feels that the application should be supported but not to include any time restrictions.
- Councillor Sutton stated that he will support the application, but he expressed the opinion that the design is totally out of character with the locality. He added that, in his view, Wisbech Town Council should be responsible for the development rather than the whole of Fenland.
- Councillor Mrs French stated that the proposal is part of the County Council's Communities in Partnership £5,000,000 scheme that was introduced in 2019-2020. She added that she agrees that the design could be far better, and it remains to be seen whether it will ever be built.
- Councillor Cornwell stated that the Council has brought forward an application for a building for which the use of is unknown and questioned who will be responsible for operating it.
- David Rowen stated that the hours of opening that are referred to in the conditions have arisen as the result of the hours that were included within the application. He stated that it has been noted that in the longer term the building does need to be more flexible in terms of when it can be open, and explained that there is currently a consultation exercise open on that issue, however, to date there has not been any feedback and if it was proposed by members to grant the application with the removal of that condition then there is the potential for members of the public to state that they have not had the opportunity to comment. David Rowan made the point that if members were minded to grant planning permission with an unrestricted use on the building then it is possible that it could be subject to delegation to officers to pick up any issues arising from the current public consultation and impose appropriate conditions. Councillor Mrs French stated that she was happy with that proposal.
- Councillor Sutton asked David Rowen to clarify that the decision notice would not be issued until 14 days after the consultation period and David Rowen confirmed that is correct.

**Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be APPROVED as per the officer's recommendation with authority delegated to officers to apply suitable conditions in relation to hours of operation.**

*(Councillor Benney declared that whilst a Cabinet decision was made in relation to this application, he is not pre-determined on this application)*

*(Councillor Mrs French declared that as a member of Cabinet match funding was agreed for this project for Wisbech Town Council to approach the Combined Authority, with a further report to be*



*brought back to Cabinet which did not happen and, therefore, she is not pre-determined on this application)*

*(Councillor Murphy declared that the application may cause a conflict with his Portfolio Holder responsibilities, which include Parks and Open Spaces, and took no part in the discussion or voting thereon)*

**P59/22**      **F/YR22/0063/F**  
**LAND WEST OF 5 - 7 HIGH CAUSEWAY, WHITTLESEY**  
**ERECT 3 X RESIDENTIAL UNITS (2-STOREY BLOCK OF 2 X 1-BED AND 1 X 2-BED FLATS) INVOLVING THE DEMOLITION OF EXISTING BUILDING WITHIN A CONSERVATION AREA**

David Rowen presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that the application has been subject to numerous discussions and amendments in order to achieve an acceptable scheme, with the existing building on the site having not been used for in excess of 15 years and being in very poor condition with sections of it even lost. He explained that the bricks from the demolished building will be used in the proposal in accordance with the planning condition and advised the committee that an independent tree report was commissioned with regards to the tree onsite which advises that the development can be built out without any damage to the tree.

Mr Hall made the point that there are no technical objections to the proposal and the site is in a town centre location which allows the existing building to be demolished and the site to be regenerated for residential usage. He explained that there have been a number of different planning officers considering the site under two planning applications and officers have provided some excellent advice and have worked with him to bring the proposal before the committee today with a recommendation of approval.

Members asked Mr Hall the following questions:

- Councillor Mrs Mayor stated that Mr Hall had referred to the re-use of materials from the demolished building and asked whether this is something that can be achieved? Mr Hall stated that the bricks would definitely be used as it is a 215 wall and they can be turned around, but there is likely to be a shortage of bricks and there may need to be some bricks made up. He added that the roof tiles, the timbers and floor would definitely not be reused.
- Councillor Murphy stated that the Town Council has recommended refusal and have stated that there are concerns in the area regarding the illegal use of the roadway during the designated times. He added that it is a pedestrianised area, and he would have thought that the applicant should be aware of the restrictions. Mr Hall stated that on the three occasions he has been to the site there has been a car parked at the access point on one occasion and on the two other occasions there has been nothing there. He added that it is a pedestrian zone, and the applicant understands that which is why the scheme includes no parking.
- Councillor Mrs Mayor stated that she is the Ward Councillor and the loading and unloading allowance is before 10am and after 4pm and asked Mr Hall how he intended to facilitate any deliveries to the site as there is no back access to the site? Mr Hall explained that the applicant is also the developer who is likely to build the site out and he understands the restrictions concerning delivery times and would be happy to accept a construction management plan to be agreed with officers.

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

- Councillor Mrs Mayor stated that the restrictions on delivery times have also been mentioned and unfortunately a lot of people take no notice of the signage at the top of High Causeway and blatantly break the law accessing the road outside of those stated times. She added that she is concerned as is her fellow Ward Councillor, about deliveries and the two cars which are parked do belong to a local shopkeeper and resident who has always parked in that location. Councillor Mrs Mayor stated that it is a difficult entrance, and it is right next door to the gate of the funeral directors, and expressed the view that should the proposal be approved then the occupiers of the flat will be able to look over a wall into the facilities belonging to the funeral directors and she can foresee that at some point there will be complaints received. She expressed great concern about the access into the site which is only the width of a double gateway.
- Councillor Sutton stated that he can understand the concerns raised by Councillor Mrs Mayor, but if the developer manages his site well then there should not be any problems with the access.
- Councillor Sutton stated that he is pleased to see agents working with officers to bring applications forward which can be approved, and congratulated officers.
- Councillor Murphy expressed the opinion that he cannot see anything wrong with the proposal as it will smarten the area up which is right in the centre of Whittlesey. He added that it will be a purpose built home and as long as the occupiers take note of the restrictions for High Causeway, he cannot see anything untoward with the proposal.
- Councillor Skoulding stated that he would hope that something can be achieved with regards to the overlooking into the funeral directors' facilities.
- Councillor Murphy stated that the occupier of the flat will need to consider that and it is not something for the committee to consider.
- Councillor Mrs Mayor stated that she will support the recommendation of Whittlesey Town Council. She referred to the Ash Tree, which she explained is one of the only trees in the Conservation Area and it is covered by a Tree Preservation Order, and she would like to see it left as it is and be looked after.
- David Rowen confirmed that the ash tree that Councillor Mrs Mayor referred to is covered by a Tree Preservation Order and, therefore, if any unauthorised works are undertaken on it that would be dealt with as a criminal offence. He added that the assurances have been given development can be undertaken without any adverse impact on the tree.

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

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

**P60/22**

**F/YR22/0459/F**

**LAND NORTH OF RED BARN, TURVES**

**ERECT 5NO DWELLINGS (2NO 3-BED, 2-STOREY AND 3NO 3-BED, 2-STOREY WITH ATTACHED GARAGES)**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Mr Andrew Hodgson, the agent. Mr Hodgson explained that he was asked to review the application following a technical issue concerning one of the flood risk conditions regarding contamination

which had not been addressed previously and, in his opinion, the site should be built out by now but when it was reviewed by officers, they determined that the contamination issue had not been resolved. He stated that the detail of the application has not changed at all, and the layout is the same as previously submitted.

Mr Hodgson explained that the only changes are technical changes which have become necessary due to changes in planning policy. He explained to the committee that there is some on site diversity net gain which was not on the scheme previously and the site now shows the digester and the attenuation basin which deals with the drainage scheme and was not shown on the plans previously.

Mr Hodgson stated that the site still provides an efficient use of land, and it is only a technical issue dealing with contamination that has caused the delay with the build.

Members asked Mr Hodgson the following questions:

- Councillor Sutton made reference to the digester and stated that in the conditions there are details concerning a management company looking after the roads and other elements of the development but there is no reference made with regards to the digester plant and he asked whether that is maintenance free? Mr Hodgson explained that the way the digester works means that it may have to be an annual maintenance requirement which would be undertaken by the management company. Councillor Sutton stated that the detail surrounding that maintenance needs to be considered by officers when adding conditions.
- Councillor Mrs French stated that she has seen a comment in the officer's report concerning the March West and White Fen Internal Drainage Board, of which she is a member, with the report stating that a 5-metre-wide maintenance access strip has been provided for landowners beside the watercourse and she asked Mr Hodgson whether he was aware that the Middle Level Commissioners will not allow anything less than nine metres for maintenance? Mr Hodgson stated that is something that will need to be addressed, however, the Middle Level Commissioners have not made any comment on the proposal to date.
- Councillor Mrs Davis asked whether there was going to be a contamination report and Mr Hodgson stated that the reports have all been undertaken. He added that there is a condition which states that there is a requirement to report any contamination should any be found once development commences.

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

- Councillor Sutton stated that the nine metres for the access maintenance strip does need to be resolved and this is required for the large equipment that is used. He added that the management plan must also include the digester bio equipment as that will not be maintenance free in the long term.
- David Rowen stated that the issue of the maintenance strip is a separate matter outside of the consideration of the planning application. He added that if the application is granted then it will be the responsibility of the applicant to obtain a resolution with the Internal Drainage Board for a narrower maintenance strip or to resubmit an amended plan.
- Councillor Mrs French stated that at a recent meeting she attended with the Middle Level Commissioners they have insisted on a nine-metre access strip. She explained that the dykes and drains were dug out hundreds of years ago and they have to be maintained and it is down to the applicant to have further discussions with Middle Level.

**Proposed by Councillor Skoulding, seconded by Councillor Mrs French and agreed that the application be APPROVED as per the officer's recommendation with authority delegated to officers to formulate suitable conditions in consultation with the proposer and seconder.**

*(Councillor Mrs Mayor declared that she is a personal friend of one of the applicants, Councillor*

*Mrs Laws, and she took no part in the discussion or voting thereon on this item)*

*(All remaining members of the committee present declared that they know the applicant, Councillor Mrs Laws, in a professional capacity only, which did not impact on their decision making on this application)*

**P61/22**      **F/YR22/0811/O**  
**LAND SOUTH OF HALL BANK, TYDD ST GILES**  
**ERECT UP TO 8 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS**  
**COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the application submitted is for up to eight dwellings and has been submitted in outline format with only matters of access committed for consideration at this stage, with the application being recommended for refusal for reasons of principal flood risk and highways. She explained that there are limited opportunities within the existing built up footprint in the village to achieve new development and no new housing allocations which have not already commenced have been proposed in Tydd St Giles in the emerging Local Plan which she stated has given cause for concern from the Parish Council who have recently posted on social media that the plan for their area is too restrictive and without any further development within the next 18 years the village will be non-existent, with them also expressing the view that they need to see the provision for some housing to go ahead.

Mrs Jackson expressed the view that although they have raised concerns the proposal does represent an opportunity to meet the aspirations of the Parish Council, with the proposal providing eight dwellings which will adjoin the existing built form and would reflect the former nature of the development which can be seen on the other side of the village at Kirkgate. She stated that the plots are large enough to accommodate family sized dwellings which would help to support the local services and facilities including the local primary school which will enable the village to continue to be a nice place to live and that the principle of development, in her view, can be supported on the grounds of the benefit which will be brought to the settlement.

Mrs Jackson referred to flood risk, with it being a known fact that a great deal of the land within Fenland is at high risk of flooding and due to this fact, many applications that come before the committee will be in Flood Zone 3. She explained that a sequential test has been undertaken which has proven that there is no sequentially preferable land available within the village and the reason for refusal states that the search area for the land for development should be the whole of the district given the location of the site, however, she disputes that point, given that the dwellings in questions would serve the local amenities and facilities in the village, the area for search should be Tydd St Giles itself.

Mrs Jackson stated that given the characteristics of the area any new development in or around Tydd St Giles is likely to be on land at high risk of flooding and if new development is to be accepted in the village, there must be the acceptance that it will be on Flood Zone 3 land. She made the point that she has provided a Flood Risk Assessment which shows that the dwellings will be technically safe from flooding which has also been accepted by the Environment Agency.

Mrs Jackson explained that with regards to the concerns over Highways the clarification required by the local Highway Authority can be provided and, in her opinion, the proposal will bring

significant benefits in terms of providing housing which will support the ongoing vitality of the village, there will be no harm caused by the development, which has been cited in the reasons for refusal and the benefits will outweigh any perceived harm.

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

- Councillor Sutton stated that he has considered the points raised by the Agent with regards to the views of the Parish Council who are concerned about the emerging Local Plan and the lack of extra development proposed for the village, however, they have also pointed out that they are not in favour of the application in this proposed location. In his opinion, the application is in an elsewhere location and he does not think that it is the right place to build. Councillor Sutton expressed the view that there are far better locations to build on which are closer to the village and he will support the officer's recommendation.
- Councillor Mrs French stated that she also agrees with the points made by Councillor Sutton, and she will also support the officer's recommendation.

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

**P62/22      F/YR22/0828/F  
LAND SOUTH WEST OF 27A WIMBLINGTON ROAD, DODDINGTON  
ERECT A DWELLING (2-STOREY, 3-BED)**

This application was withdrawn.

**P63/22      F/YR22/0900/F  
DUN COW, GREEN LANE, CHRISTCHURCH  
THE FORMATION OF HARD-STANDING TO SITE 2 X CARAVANS (1 X  
RESIDENTIAL USE AND 1 X STORAGE) AT THE REAR OF PROPERTY (PART-  
RETROSPECTIVE)**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

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

- Councillor Sutton provided members with some background information on the history of the Dun Cow Public House due to his local knowledge and that new occupiers have moved into the area. He explained that at a recent meeting of the Parish Council, it had stated that the occupation of the upper floor for living was ancillary to the living accommodation, and although he is aware that it is disputed by officers, Councillor Sutton stated that he was asked for his opinion at that meeting and he had stated that he thought that planning permission would not be needed as it would be classed as ancillary. He stated that he agrees that the caravans will and do have a temporary look, but, in his opinion, a new business should be given as much help as possible and he will be voting against the officer's recommendation, however, he would like to see the permission being for a temporary period of three years which will give the business enough time to be operational and for the tenants to be able to work with the brewery to consider an extension to be built on the back of the Public House for those persons with disabilities.
- Councillor Cornwell made the point that there are many rural public houses which are no longer trading and a public house in a rural location has to succeed and make money in order to survive, with new tenants in the premises trying to add value to the business. He referred to the officer's report where it states at 10.14 that there is existing living accommodation within the Dun Cow and, therefore, it is not considered that the caravans

proposed could be considered ancillary to the use of the Dun Cow given the existing presence of living accommodation on site and that the report also states that the extra accommodation is not essential to the success of the business but, in his opinion, that is a judgement, and the new landlords should be given assistance in order for them to move forward. Councillor Cornwell questioned whether it would be possible to include a condition for the caravans to see how successful the business is and then let the tenants prove that part of the success, or otherwise, of the business because they have or they have not got a caravan to bring some more people into the business. He made the point that it is a very difficult time for the pub trade at the moment and even the pubs in town locations are suffering and, in his opinion, the applicants should be given the opportunity even if it means imposing a time limit.

- Councillor Mrs Davis made the point that if you are a business which is still in its infancy, she is not sure why you would need accommodation for five members of staff unless those members of staff are also family members but that has not been made clear in the report.
- Councillor Cornwell stated that he understands that view and maybe further questions can be asked to obtain some proper answers and support for the applicant.
- Councillor Mrs French stated that in the officer's report at 3.4 it states that that the residential accommodation is for 2 members of disabled staff who struggle to use the stairs. She added that temporary approval has been given for caravans in the past although it has not happened for some time.
- Councillor Mrs French asked how long the caravans have been on site and Councillor Mrs Davis stated that there is only one on site currently and in the officer's update report it suggests that the caravan is for the applicant's wife, but it does not mention a second disabled person. Councillor Mrs French expressed the opinion that if there are five members of staff, she would anticipate that is probably a family who want to live there. She added that the last few years have proved to be challenging for many businesses and Christchurch is not a very big village and if the applicant is prepared to rejuvenate the Dun Cow, then the Council should be here to give people the opportunity to try to prove themselves. She stated that she would support a three-year temporary permission.
- Councillor Marks referred to the Golden Lion in Stonea where the same situation occurred and there was temporary accommodation in place for the staff. He added that during Covid that business failed, and he made the point that the applicant should be given a chance to grow their business.
- Councillor Skoulding stated that he agrees that a temporary permission should be granted, and, in his opinion, the temporary permission should be for five years to give the business a good chance.
- Nick Harding stated that when considering a temporary consent for three years, towards the end of that three-year period, there would be nothing to stop the applicant from reapplying to retain one or both static caravans on the site and as 50% of the development is already on site there is a fairly substantial financial commitment in place as it stands.
- Councillor Purser stated that is his understanding that the second caravan is for personal possessions. Councillor Mrs Davis stated that it maybe that the second caravan is going to be used for storage if the first one will not accommodate all of the personal belongings.
- Councillor Sutton stated that to the best of his knowledge the persons have moved into the pub and as far as he is aware it is their first venture into the hospitality trade and the second caravan will be used to store equipment for the work that they undertake with young people.
- Councillor Topgood stated that over the years accommodation has been allowed where it is tied to a business where it is necessary and the fact that the staff could be made up of family members is irrelevant. He stated that he has recently taken over the running of a public house and the current financial climate is very difficult and if the applicant is employing members of their family that is the way to keep the costs down. Councillor Topgood stated that he will support the proposal for the caravans to enable them to build their trade and business up.
- Councillor Murphy expressed the opinion that members were "having the wool pulled over their eyes".

- Councillor Mrs French made the point that members can only make a determination on an application with the information that has been provided to them and she added that Councillor Sutton has explained that there is a disabled person to be considered as part of the proposal and, therefore, that does need to be taken into account. She added that the last few years have proved to be exceptionally difficult and the Council should be seen to be helping and assisting people to move forward and progress in a new business.
- Councillor Purser stated that the applicants are being incredibly brave in taking on a new venture in difficult times and hopefully will be supported in their new business.
- Councillor Sutton stated that at the white goods recycling centre they also had a temporary permission for an onsite caravan that was there for a number of years and was renewed three or four times and that is now a permanent structure for which permission has been granted.
- Councillor Cornwell stated that if the pub business proves to be unviable our planning regulations will try to keep the pub going. He added that the applicant is making every effort to start up a public house business which is part of the community, and he made the point that there is a large redundant public house in March which is now in a bad state of disrepair and due to the state of the economy, there does not appear to be anybody who wishes to take the business on. Councillor Cornwell stated that, in his opinion, there are lessons to be learnt from that and if there is an opportunity for the Council to help people to re-establish businesses then every effort should be made to help them and this is an ideal way for officers and the committee to help the applicant find a way of at least giving the applicants a temporary permission to have that accommodation and if the business does not work then at the Council has attempted to help the applicant. He expressed the opinion that the Council owe it to the community.
- Councillor Mrs Davis expressed the view that having listened to the debate her view on the application has somewhat changed and she stated that if a temporary time limit can be added to the permission, she could support the proposal.
- Councillor Sutton stated that the permission should be given on a temporary basis for three years or until the current tenants leave whichever is the sooner. He expressed the opinion that the tenant can reapply after the three years, and made the point that he feels that this is the right decision to make.
- Nick Harding stated that he would ask the committee to give delegated authority to officers in order that the relevant and appropriate conditions can be considered and applied to the permission. He added that there are a number of points to be considered such as the time period of three years and when tying it to the business, if the business should fail within the three years what would be the course of action, with consideration also needing to be given with regards to the two caravans and a condition being added to dictate that one caravan can be used for accommodation and one for storage. Nick Harding explained that when considering who occupies the caravan that is going to be used for residential occupation, in his view, the condition could state that the caravan can be occupied whilst the business is a going concern by an employee, landlord or immediate family, however, in the event that the business ceases to trade it can then only be occupied by immediate family.
- Councillor Sutton made the point that if the business ceases trading then the persons would leave anyway.
- Nick Harding stated that he believes that the pub is a tenancy rather than a freehold.
- Councillor Mrs Davis questioned that the applicants should be aware then that if the business failed, they would have to move on and that if the business failed just inside of the three years, they would have to find a new place to live. Nick Harding stated that in the current times of economic uncertainty, it is not known whether the brewery would take a different view and say to the tenant that they can stay and pay a rent as a residential property until a new landlord is found.
- Councillor Cornwell stated that he would like Councillor Mrs Davis and officers to agree the conditions.

**Proposed by Councillor Sutton, seconded by Councillor Skoulding and agreed that the**

**application be APPROVED against the officer's recommendation, with authority delegated to officers to agree the conditions in conjunction with the Vice-Chairman.**

Members do not support the officer's recommendation of refusal as they feel that the proposal is not contrary to Policy LP3 of the Local Plan as it is in a small village location, where they feel the proposal is justified, under LP12 of the Local Plan, the proposal does not harm the local distinctiveness, visual impact and character of the surrounding area and under LP2 of the Local Plan, the proposal will assist with health and wellbeing of local residents as the applicant is disabled.

**P64/22      F/YR22/0919/O  
LAND SOUTH OF 733 WHITTLESEY ROAD, MARCH  
ERECT UP TO 2NO. DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED)**

David Rowen presented the report to members and drew members attention to the update report that had been circulated.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Mrs Shanna Jackson, the agent. Mrs Jackson explained that the proposal is an application for two dwellings and is submitted in an outline form with all matters reserved. She stated that the proposal has been recommended for refusal under reasons of principle and flood risk and made the point that Turves is classed as a small village within the Local Plan and in small villages infill development is supported.

Mrs Jackson stated that the application site is located between two built up frontages of Whittlesey Road and March Road and it is a gap within an otherwise built-up frontage and would meet the definition of infill development and it would also round off the existing built form in a logical way and, therefore, the principle of development in respect of Policy LP3 is supported. She stated that with regards to flood risk, the reason for refusal states that the search area for land for development should be the whole of the district given the location of the site but she disputes this, given that the dwellings in question would serve local amenities and facilities within the village and are positioned within the existing footprint of the village she feels the search area should be Turves itself and not the whole district.

Mrs Jackson made the point that the sequential test has proved that there are no alternative plots available to serve the development and the submitted Flood Risk Assessment demonstrates that the dwellings will be technically safe from flooding, which the Environment Agency have accepted and, therefore, there is no harm caused in respect of flood risk. She pointed out that it can be seen that the scheme itself is very similar to the scheme at Red Barn which was approved and received officer's support, with the application being supported by March Town Council and local residents, and, in her view, resulting in no conflict with planning policy which has been assessed in the reasons for refusal.

Members asked officers the following questions:

- Councillor Mrs French stated that she recalls visiting this site in the past and referred to the planning site history which she believes maybe incorrect as she can see no reference to the application which caused her to visit the site. She added that she would also like to make the point that the application site is in March and is not in Turves as the site is in her ward. David Rowen responded that there was an application a few months ago which was further along March Road which was an agricultural building which was to be demolished to make way for a dwelling which the committee had resolved to approve but, to the best of his



knowledge, he is not aware of anything on the proposed application site.

- Councillor Cornwell asked officers to explain what the difference is between the application and the built form of number 733, with number 733 being away from the carriageway and was still able to be built. David Rowen stated that 733, 731 and 729 to the north of it were granted on an outline planning permission in 2007 and at which time they were within the development area boundary which was set out in the Local Plan because it was a farm building grouping. He added that the characteristics were very different to the site that is now before the committee, which is the corner of an agricultural field, not fronting the road and not following the prevailing pattern of development. Councillor Cornwell stated that 733 is built off road anyway and, in his opinion, even in the current form he cannot see how there is any real difference. He added that the building line also fits the proposal in his view. David Rowen stated that he is not sure how it could be said that the proposal respects the building line when the southern most dwelling site is behind the line of the properties fronting March Road. Councillor Cornwell stated that, in his view, 733 is not on March Road and it is on the private road.
- Councillor Murphy asked for clarity over access, and for officers to confirm that in order for access to be given to the proposal site, it will require permission to be granted by the owner of the private road? David Rowen stated that issues have been raised by the County Council's Rights of Way team who have set out that because this is a public right of way then there would need to be a legal right of access proven across the public right of way to actually access any dwellings that are erected. He added that if the legal right does not exist then regardless of whether the application is approved, there will still be a question mark concerning the actual delivery of the development.
- Councillor Mrs French referred to 5.4 of the officer's report where it states that Public Footpath 29 must remain open and unobstructed at all times as it is an important footpath.

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

- Councillor Benney stated that he can see similarities between this application and the earlier application at Red Barn that members had considered. He added that it does not protrude out into the open countryside any more than the garden of number 464 and, in his opinion, it finishes that area off. Councillor Benney stated that if the right of way issue does not get resolved then no development will be able to take place. He made the point that the barn that is being demolished and has received planning permission, which Councillor Mrs French had referred to, is even further out into the open countryside and the current proposal will square off the junction and bring a further two houses to the areas which also means further Council Tax income.
- Councillor Murphy stated that he will also support the application and added that the point he was making earlier was with regard to permission being sought before development can commence. He made the point that on the site inspections from the development site you can view the back garden of 464 Whittlesey Road and, therefore, you are not encroaching further into the open countryside.
- Councillor Mrs Davis stated that she had considered supporting the officer's recommendation, however, due to the fact that the garden extends, and the two houses are not going any further than that, she has now changed her mind and will support the proposal.
- Councillor Sutton stated that he also agrees with the comments made by Councillors Murphy and Benney. He added that he likens the proposal to that of a previous application in Eastwood End which was refused, and it went to appeal, and the appeal was lost. Councillor Sutton made the point that it is adjacent to the built form, and it is not infill development.
- David Rowen pointed out that members have addressed the first reason for refusal during the debate with regards to the built form and the hierarchy issues, however, the second reason for refusal is with regard to the sequential test and if members interpretation is that the site is within Turves, rather than a site in the countryside, then sequentially they may feel that the test only needs to deal with the settlement of Turves. He stated that planning

permission was granted for five dwellings in Turves previously which would count as being sequentially more preferable than the current location which members need to consider.

- Councillor Mrs French reiterated her view that the site is not in Turves, it is in the ward of March West.
- Councillor Sutton stated that he agrees with Councillor Mrs French about the site being in her ward, however, in his view, it is the relationship element that needs to be considered and there is no relationship to March when considering the planning site as it relates more to the settlement of Turves and anybody living there would class themselves as living in Turves. He made the point that the sequential test has been carried out in Turves and there is nowhere else with the lesser risk of flooding to build.
- David Rowen stated that there are five dwellings that have been approved this afternoon in Turves which are sequentially preferable. He added that in terms of applying the sequential test in the SPD, it is currently accepted that if there are alternative sites which already have the benefit of planning permission then they are sequentially preferable.

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

Members do not support the officer's recommendation of refusal as they feel that the proposal is not in an elsewhere location and is adjacent to the built form, and they feel that as the proposal is related to Turves a sequential test has been carried out in Turves that is satisfactory.

**P65/22      3 ORANGE GROVE, WISBECH - CONFIDENTIAL**

David Rowen presented the confidential report to members.

Members asked questions, made comments and received responses.

**It was proposed by Councillor Mrs French, seconded by Councillor Skoulding and AGREED that prosecution of the owners and occupiers of the land be authorised, under Section 179 of the Town and Country Planning Act 1990 (as amended).**

*(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972)*

5.35 pm

Chairman