

PLANNING COMMITTEE



WEDNESDAY, 26 APRIL 2023 - 1.00 PM

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

APOLOGIES: ,

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

P137/22 **F/YR22/1032/O**
LAND WEST OF PRINCESS AVENUE, MARCH
ERECT UP TO 125 X DWELLINGS WITH ASSOCIATED INFRASTRUCTURE,
DRAINAGE AND LANDSCAPING (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS)

Nick Harding presented the report to members and drew attention to the update report which 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)) during its deliberations.

Members received a presentation in accordance with the public participation procedure, from Mr. Peter Bimson, an objector. Mr Bimson stated that he is a resident of Princess Avenue, owning a property that borders St Thomas' cut and he has previously written a letter of objection, which prompted a response from the applicant, which are both available to members. He expressed his gratitude to the applicant for their response as it did allay a number of his fears that were raised in his initial objection.

Mr Bimson expressed the opinion that in principle he has no great objection to a development of a site thereof but as a neighbour he would obviously prefer there was not one and the reason he is here today is to draw members attention to matters relating to the proposed drainage strategy, which he feels warrants some more detailed scrutiny. He advised that he has no expertise in these matters and is reliant on information gathered through the LLFA and also supplied by the applicant.

Mr Bimson referred to a photograph on the presentation screen, with the point marked one being the location of St Thomas' cut which is an excavated drainage ditch that holds water and controls its discharge northwards and downstream off the site and number two is the existing watercourse which is fed by St Thomas' cut and ultimately this is the main route of discharge away from the proposed development as well as the existing site. He expressed the view that St Thomas' cut stores water and controls the discharge away from the site and is bordered to the east by 5 properties and to the west is bordered by the existing landowner of the proposed development site, with the LLFA initially raising objection to the proposed development in part due to issues of riparian ownership and responsibilities of the maintenance of this cut as they pointed out that

where maintenance is shared then the ability of the waterway to function as intended is dependent upon every party undertaking their responsibilities.

Mr Bimson showed views of the cut when it was first excavated in 2002 following the completion of the existing development and showed an image of the Land Registry search identifying a narrow strip of land representing the west bank of that drainage ditch and it is an unregistered piece of land, although it is his understanding that it is the property of the existing landowner. He showed a view of the cut today, which has become overgrown, and of particular note is the west bank of the watercourse has a number of very mature trees that have grown, which are now taller than the houses that are next to it and this would be under riparian responsibility of the existing landowner, with the residents such as himself having responsibilities on the east side and have taken various degrees of measures on maintaining part of the ditch.

Mr Bimson stated that his objection to the current proposed drainage strategy is in part a result of the applicant's response to his previous letter of objection where they stated that "the watercourse is not mapped to forward in the current landowner's title proposed development site in this location and as such they have no obligation to maintain flows through the watercourse or to maintain it". He stated that having consulted with the LLFA his understanding is that the proposed development will border the west of St Thomas' cut and, therefore, the current landowner shares riparian ownership and responsibilities to maintain that side of the waterway and since the existing development has been completed the current landowners has not undertaken any maintenance of their riparian obligations and, in his view, a development of this scale is going to be demanding of the current drainage features and the future maintenance regime of St Thomas' cut he believes is going to be very important.

Mr Bimson asked that if members decide to grant the application that due consideration is given to imposing the strict conditions that has been proposed by the LLFA in the letter of 27 March. He displayed another photo showing the north where it all feeds into and it does not appear to be under any significant maintenance and people are placing objects into the ditch in order to use it as a thoroughfare, which he believes borders a public park and he is unclear whose responsibility of the maintenance of this ditch is but thinks it is March Town Council but he would ask that all these features are going to be dependent upon this and committee considers rejecting the application unless it is satisfied these issues have been fully considered and should committee be minded to grant the application then the strict conditions be imposed to mitigate risks.

Members asked questions of Mr Bimson as follows:

- Councillor Mrs French asked why Mr Bimson thinks the St Thomas cut drain belongs to March Town Council as she has no recollection being on the Town Council for many years. Mr Bimson responded that it was suggested by a representative of the LLFA as the area borders a public park. Councillor Mrs French stated that it may belong to Fenland District Council but not March Town Council.
- Councillor Cornwell added the area shown in the slide he believes is at the bottom of The Avenue recreation ground and that is the responsibility of Fenland District Council so it does not look like Fenland District Council has been undertaking its riparian responsibilities.
- Councillor Sutton made the point that riparian maintenance and responsibilities is a grey area where residents do not know they are responsible for and asked when Mr Bimson recognized that it was partly his responsibility for the maintenance? Mr Bimson responded that he was one of those residents who was unaware of the riparian ownership until this application came up, he knew the residents had a moral responsibility to maintain the ditch because that is clearly the function it has and they have taken responsibilities to do this as the east bank has been maintained by all of the residents to varying levels of degree but he readily accepts that he had no understanding of riparian ownership prior to this application which it is why, in his view, it has become important when assessing this application as it would appear the existing landowner has not maintained their riparian responsibilities either.
- Councillor Mrs Mayor referred to Mr Bimson saying he was not aware until submission of

this application but asked that when he purchased his property did his solicitor not explain this to him as she has been in a similar situation and was made aware at the time of her house purchase. Mr Bimson responded that he is not disputing that he has responsibilities but he was not advised or made aware at any time during the purchase of his property. He stated that he purchased the house new and has revisited the paperwork and deeds that he has and there is no mention of riparian ownership and he feels they were deterred from maintaining the ditch because the developer placed a 6 foot fence on the boundary and to gain access to the other side you had to go into the adjacent field which is someone else's property so he has lowered the fence and put in a gate so he can access it.

Members received a presentation, in accordance with the public participation procedure, from Simon Atha, the agent. Mr Atha thanked officers for their engagement and dialogue during the application process and for the well-reasoned and justified committee report. He expressed the view that they have sought to positively engage with and respond to comments received throughout the application process and have taken on board advice from the case officer and worked closely with consultees to overcome any issues that have been raised.

Mr Atha expressed the opinion that Richborough Estates are one of the country's most successful strategic land promoters who specialize in delivering residential developments alongside house builders and development partners and seek to take a proactive engagement with local councils, communities and stakeholders to create sustainable developments that respond positively to each local area. He stated that this outline application is seeking permission for the principle of development for up to 125 dwellings with means of access from Princess Avenue and matters of detail such as layout, appearance, scale and landscaping are reserved for future consideration.

Mr Atha stated that the application seeks to provide for 20% of the dwellings to be affordable, which equates to 25 in total and this would be split between 70% affordable rent and 30% shared ownership tenures following agreement with the Council's Affordable Housing Officer. He made the point that the site has been allocated as part of the west of March strategic allocation in the adopted Local Plan and in addition the west of March Broad Concept Plan (BCP) was approved by this committee in July 2021 and seeks to accommodate 2,000 new homes in addition to new schools, green infrastructure and a local centre.

Mr Atha referred to Paragraph 9.1 of the report and that their proposals are fully in accordance with the adopted BCP with access being served off Princess Avenue and officers have identified at Paragraph 9.2 of the report the benefits of the proposal, the provision of housing on an allocated site which has been tested against the NPPF and is considered to be sustainable. He expressed the opinion that this proposal would make a strong contribution towards the Council's future five year housing land supply, particularly through the provision of much needed affordable housing.

Mr Atha stated that they are proposing to deliver a package of Section 106 contributions as part of the application that is reflective of the Council's own viability assessment towards education, libraries, off-site formal open space and the provision of health care facilities. He referred to highway improvements and advised they have agreed in principle with the County Highways Transport Team to deliver in full as part of the development an upgrade to the High Street and St Peters Road junction to relieve existing problems with traffic congestion and they consider this to be a significant benefit to the proposals.

Mr Atha expressed the view that on site the development would deliver a pedestrian and cycle link to the wider strategic allocation and its proposed services and facilities and there would be an extensive amount of on-site open space proposed with a play area and landscaping that would deliver a biodiversity net gain in excess of 10%. He stated that they have prepared detailed technical surface water drainage proposals that provide for a significant amount of sustainable urban drainage features across the site that would manage all of the surface water flows from the new development.

Mr Atha expressed the opinion that they have carefully noted and responded to concerns raised by local residents on Princess Avenue and in regard to the existing drainage ditch along the eastern boundary of the site he believes the drainage proposals would lead to a managed and considerably lower discharge rate into the cut than the existing run-off that can freely flow from the field into the cut at times of peak rainfall at present. He stated that they intend to work with existing local residents to secure their agreement as the riparian landowners to clear and maintain this ditch to ensure it is free from blockages and provides effective drainage to the existing housing and the proposed development and made the point that the LLFA have raised no objection to the proposals and are fully happy with the surface water drainage strategy.

Mr Atha reemphasized for clarity that members are only being asked to assess the principle of residential development at this stage with means of access from Princess Avenue and matters such as the appearance, scale and landscaping are to be considered at a future reserved matters stage. He made the point that the case officer and statutory consultees are satisfied that the illustrative layout submitted will meet the requirements of national and local planning policy in creating a high quality and sustainable development.

Members asked questions of Mr Atha as follows:

- Councillor Mrs French expressed surprise about reference to High Street and St Peters Road junction as that is part of the MATS and she has sat on this committee since 2017, with this corner already being agreed and the business case is on-going so she is not sure how the applicant is getting involved. Mr Atha responded that they are agreeing to deliver that upgrade scheme in full as part of their development rather than paying the County Council through a Section 106 Agreement so they would deliver that junction upgrade directly prior to the occupation of 26 dwellings on this site, which would be rather than local taxpayers and County Council funding it which he feels is a real benefit as it would assist existing problems that are known to be here. Councillor Mrs French expressed the view that she does not think Mr Atha is correct as St Peters Road and the High Street is what is called medium-term, it is going to a business case now and this development will not be completed until whatever year and that corner needs urgent attention within the very near future so she cannot carry any weight to this. Mr Atha stated this is an outline application and if this were to be approved there is no reason why a reserved matters application could not come forward on the site within the next 8-12 months and then once the pre-commencement conditions are discharged a developer could be on site delivering the site within the next 2 years so those junction upgrade works could take place as a result of this development within a 2-3 year period, which he believes is going to be considerably sooner than what is envisaged over the medium-term within the MATS work that has been undertaken.
- Councillor Mrs French referred to 125 dwellings which would equate to 300-500 people and only £5,944 is being offered to the National Health when it asked for £75,126.86 and she thinks this is shocking. Mr Atha responded that it is noted the contribution that has been requested from the NHS and they have been working closely with Council officers over the obligations that have been sought and the Council has adopted a viability position statement in respect of what is deemed to be an acceptable viable amount of obligations that development in this area can deliver and it is the Council who have said it is £2,000 per dwelling, which they are happy to deliver and are more than happy to continue talking to officers through the Section 106 process to look at the viability further.
- Councillor Sutton expressed the view that he is struggling to understand why Councillor Mrs French has got a problem with Section 106 money being spent on any road because time and time again members are complaining about not getting infrastructure benefits from developments and residents are always saying the area is not getting a fair share and he would welcome this improvement. He referred to Mr Atha's presentation where he said they were willing to clear and maintain the cut and he spent about 3 hours researching this application as flooding is a big issue around March and the wider area and he did notice

and Mr Bimson alluded to it that the company initially refused to take ownership of the strip of land because they do not own it and would not maintain it. He stated that he would struggle to support this application if this is the case because clearly over a number of years this cut has been neglected and it remains to be seen whether the scheme put forward will actually reduce the amount of water in it and is capable of taking more. Councillor Sutton asked if the applicant would take ownership of the land, register it in their name and he would like assurance that the applicant would go down this route and make sure it is cleaned out in total at their cost and make sure this included in the management plan. He asked about the 3.5-metre maintenance strip on the other ditches as it is crucial these ditches are maintained to prevent flooding. Mr Atha responded that the road junction improvements that are being proposed to the High Street and St Peters Road they are proposing to deliver those works in full as part of this development as they recognize it will provide benefits to existing residents as well as proposed residents of this scheme. He referred to the cut and flooding issues and they have rightly recognized Mr Bimson and his neighbours concerns and are more than happy to get in touch with those residents and offer as part of the development to clear out and maintain the cut to a point where it is clear and the residents are happy. He made the point that they do not own it so it can only be undertaken with the resident's permission but would imagine that if a developer is going to come forward and offer to do that work for them at no cost to them they would be happy for it to be undertaken as it relieves them of their obligation. Mr Atha asked for a plan to be displayed showing the surface water drainage strategy to show what they are proposing in terms of SUD features, which shows how far SUDs have come on in the last 20 years, the run-off rates will be better than existing situation which will be controlled by a hydro break into the cut and the LLAF are satisfied with these proposals.

- Councillor Sutton asked for more assurance about what they are going to do about the piece of land that as yet has not been registered and he was asking for it to be registered to the applicant, which gives them an obligation to upkeep the maintenance. Mr Atha responded he will definitely look at the land ownership and title matter and if they can register that land and take it into their ownership and put it forward as part of the management company then there will be a riparian obligation on the management company to maintain it. He stated he cannot promise this today categorically but they will do their best to acquire this piece of land but if they cannot acquire the land they will definitely talk to the residents about undertaking maintenance as they recognize there is an issue here and want to deal with it positively.
- Councillor Mrs Davis asked that as this is an outline application can members have a guarantee that when it comes to reserved matters that those 25 affordable properties will still be there? Mr Atha responded that they have been through very carefully with officers to discuss and agree what the affordable need is in this area and the feedback received is there is very much a need for rented properties as there is a waiting list in March so they have increased the rented offer to 70% of those affordable properties. He stated that what Richborough do as a land promoter when the eventual house builder comes forward they work carefully with them through the sale of the land to make sure the obligations that are being put forward in the Section 106 commit the eventual developer to delivering, it is part of their reputation and credibility to deliver what has been promised. Mr Atha stated they are happy the scheme is viable in its current format at 20% affordable housing and he can see no reason why this should be lowered at a later date as it is based on the Council's own viability assessment, but if it was it is the committee's remit to not accept the application at that time.
- Councillor Cornwell stated St Thomas cut is a medieval drain which links to the original settlement at the town end of March and took the water down towards the river and even now St Thomas' cut leads into the river and he asked if Middle Level had been engaged with the calculation of the flow of water, there may be balancing systems in place but there will still be an increase of water that is coming off that field into the system and that will have two issues, it has to go through a very restricted drain under the cricket field which is a much smaller drain than the existing St Thomas' cut and the amount of water going out into

the river is likely to increase so is Middle Level Commission happy to take those extra flows. Mr Atha responded flows will decrease on the site going into the cut and the LLFA has agreed with the position, because the idea is following SUDs principles that it is attenuated and stored on site and then it soaks away slowly from the SUD basins that were shown on the plans into the ground slowly over time. He expressed the view that when there is a peak rainfall period, the 1 in 100 year event, the basins will fill and water will be released at 5 litres a second and discharge into the cut but the principle is that it is stored and the run-off reduced going into the cut in normal day to day usage. Mr Atha stated that they are aware that it is culverted under the sports ground where it goes into a 300mm pipe and then it goes into Anglian Water storm sewer at Boundary Close eventually ending up in the river. He stated that in terms of outfall and flows, the LLFA and the IDB are happy there will be less flows going through the system than there is at present so there will be betterment.

- Councillor Cornwell referred to the water levels percolating down to the temporary stores and asked how far down is it going down as this is a clay island and eventually it will finish up on the lower levels and fall into drainage authority system. Mr Atha responded that inevitably yes as it is the amount of permeability of the ground and how high the water table is at that point and clearly in the Winter months the water table is higher and in Summer months it is lower so the idea is that it is stored so it releases slowly over time and the SUD schemes that have been put in place he believes are fantastic and do work in alleviating existing problems. Councillor Cornwell stated that he has his doubts on some of it and especially the relationship at lower levels off the island to the effect on the Internal Drainage Board but Fenland District Council pays roughly half of the annual drainage costs but acknowledged that he might be a little bit skeptical.
- Councillor Connor asked that if this application is successful he would like a pre-commencement condition during the construction phase that a road sweeper and a wheel wash should be on site at all times as he has experienced problems on other sites with this issue. Mr Atha responded that he could assure members of this and condition 4 will require full details of a construction environment management plan to be submitted prior to the commencement of the development that will include wheel washing, road sweeping and the frequency of that regime, which is common practice for any reputable developer to make sure the highway is cleaned.
- Councillor Meekins referred to Councillor Sutton mentioning that the land on one side of the cut is unregistered and that the applicant is going to clear the cut and then hand it back to whoever buys the houses as a riparian owner of the drain and asked if this was correct? Mr Atha responded that there is two ways that they could go about it, the first is they would try to agree a programme of clearance work with the residents so the cut is as it was when it was first cleared. He stated that alternatively, which is Councillor Sutton's point, they would go away and try to register that piece of land so it would come under their ownership and there is then the riparian responsibility on half of the ditch as they still would not own all of it and they would have future maintenance obligations that would be put into a management company who would oversee all the land and drainage responsibilities with a programme of work through the Section 106 Agreement over frequency of mowing, the frequency of strimming and clearing back vegetation. Councillor Meekins questioned that the other side of the ditch would still be the responsibility of the residents? Mr Atha responded legally those residents own it and they are unable to take land owned by others but things have moved on now and best practice is you put it into a management company so all the residents collectively fund the ongoing maintenance and management of drainage features. Councillor Meekins asked if the existing owners could be part of this deal as it did not look a very wide drain to him to be cleaning half of it? Mr Atha responded that he does not believe they could come into the new arrangement because they still have legal obligations and they own part of this drain so they cannot right the wrongs of the past but only try to manage and alleviate the situation that is there and they cannot have something that does not work for the future residents either. Councillor Meekins queried how half of a drain can be cleaned out? Mr Atha responded that it is not necessarily about cleaning and dredging the drain it is about clearing the banks back, cleaning the vegetation out and the LLFA and IDB

have also both got responsibilities in terms of enforcement capabilities to require landowners to do this but matters are being strayed into that are beyond planning.

- Councillor Murphy stated that he hopes the roads will be cleaned properly, providing an example of where the Council's road sweeper had been sent out to clean the road. Mr Atha responded that Richborough Estates are responsible house builders and developers who have a good track record of maintaining and delivering developments with as minimal impact as possible on existing local residents and there is the existing housing estate off Princess Avenue with residents who should be subject to minimal disruption whilst this development gets built out, which is why a condition exists and is enforceable.
- Councillor Sutton asked if there was the possibility that when the management company is formed whether those residents that back onto the cut would be invited to be a part of this company. Mr Atha expressed the opinion that this is quite difficult to happen in practice but he does not know the full details of how the management company would be structured but it is something that could be looked into but it may not be something that existing residents would want.

Nick Harding referred to some of the questions and answers given by the agent as follows:

- in terms of the Section 106 Agreement the agent gave a good summary of what the situation is and that the Section 106 ask from the various organizations is the size of a cake but the viability position of the development in the Fenland is only one third or a quarter of that cake, so that is all that can be realistically asked for to make the development viable and that is the way this has been operated for many years, although there has been a change slightly to the £2,000 pounds per property situation that exists today but that has come off the back of the latest viability advice that the Council got when it was preparing the first draft of the Local Plan.
- in terms of the road improvement scheme that is included in the MATS proposal, Councillor Mrs French is right in that there potentially could be the situation whereby who is going to do the improvements first, this development company or the County Council/Combined Authority, so if the Combined Authority get to do this first then the Section 106 would have the ability for a contribution to be made that ordinarily the developer would have spent on delivering the MATS scheme to refund the County Council/Combined Authority who have forward funded that improvement that was to be provided by the developer.
- in relation to the maintenance of the cut which was discussed greatly in the questioning, as has been explained the developer does not have any direct legal responsibilities for doing it and the fact they are going to try and do that out of goodwill is something that the Council cannot require as part of the planning consent. He advised that there is a group of owners out there who should be maintaining the ditch and they should not be potentially seen as holding new development to ransom because they are not fulfilling their legal responsibilities for maintenance.
- officers did consult the IDB on the application proposal but did not receive a response but the agent stated they have had some background discussions with the IDB so there is no concern there from an objection in principle from the IDB and if IDB consent is required for a discharge then that is a separate legal process to planning,
- from the planning permission perspective, the Council cannot require an applicant to go and acquire this additional slither of land that sits on the bank of the cut, it cannot require them to maintain land that is not theirs and it cannot require them to invite third parties to join forces in terms of maintenance because that is nothing to do with planning.

Members asked officers questions as follows:

- Councillor Meekins asked who is responsible for policing the riparian owners in keeping these ditches clear because from the photos shown earlier people are not keeping the ditch clear. Nick Harding responded that it is the residents.
- Councillor Cornwell stated in view of the photograph and the state of St Thomas' cut that sits at the end of the Council's own recreation field, he wonders if the Council should play its part in clearing this out and a request should be made to the relevant team.

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

- Councillor Mrs Mayor stated she has had personal experience of riparian ownership and states it is not easy and not a lot of people know about it and that is the problem, and unless it is explained to people properly they get away with it. She referred to a developer actually saying to her they were going to fill the ditch in and bring its boundary to her boundary to which she objected and what happened in the end is an engineer from a drainage board devised a scheme for the developer and they cleaned the ditch from their side as her side was clear, they arranged proper piping of that ditch, put inspection chambers in it and put a fence up down where the middle of the ditch.
- Councillor Mrs French stated that she is delighted someone is prepared to put their hand in their pocket with regard to the highway junction improvement but the point she was trying to make is how long is it going to take as MATS is ready more or less and she is not prepared to wait 10 years. She made the point that this site has been allocated for several years and does not think the development can be argued, but the biggest issue is drainage and what she does not want to see happen is the situation in Birchwood Avenue, Butt Avenue and Brewin Avenue, which has taken about 15 years to sort out as a dyke was filled in by the developer and every time there is a flooding issue in 2014 and 2020 these particular three streets flooded repeatedly and fortunately she has been pushing this through County Council and last week County Council have started the work at a considerable amount of money. Councillor Mrs French expressed the view that she does not want to see the same thing happening in the future on this site as it is a possibility it could, with the Cricket Club having a strategy document drawn up and the photographs they have are absolutely horrendous and some of the owners of the dyke were not aware of their responsibility. She advised the other area where there are great problems is Gaul Road, Ellingham Avenue and Sycamore, with this work having been agreed through the County Council to be undertaken, but she does not want to see in 15 years' time that the people living in Princess Avenue and the new houses are going to be flooded the way March was badly flooded in 2020. Councillor Mrs French stated she could not support this application at this time and would like it to be deferred until this riparian dyke issue is resolved because it only takes one resident to hold things up then it does not happen.
- Councillor Mrs French referred to another question she asked to which she has not heard an answer to regarding why only £5,944 for the NHS as this application is going to create about 500 additional residents in the town, and queried where are the doctors, where are the dentists, when £75,000 was asked for and only £5,944 has been offered.
- Councillor Purser agreed with the comments of Councillor Mrs French as his biggest concern is finding out who is responsible for the dyke because the dyke is there for a reason, and should not be filled in.
- Councillor Mrs French added she was quite disappointed that the LLFA at County Council has not picked this one up earlier as the County Council has been working hard on this issue since 2020 when March suffered from the floods and March was supposed to be fully mapped where the dykes are. She stated that she will be following this up with Enforcement at the LLFA.
- Councillor Sutton stated that he is fairly satisfied with the answers he has been given and there has been good discussion around the water issue, which, in his view, is the only issue although he recognizes that residents are worried about extra traffic in Princess Avenue but he is not sure this will increase so that it is a major problem and the LLFA have agreed the drainage strategy, so he feels happy to go with officer's recommendation.
- Councillor Mrs French expressed the view that it needs to be established who owns the riparian dyke, it is certainly not March Town Council, so Fenland District Council needs to be approached to see if they are responsible. She made the point that she has no objection to the principle of development but the flooding issues must be sorted now.
- Councillor Purser expressed concern about the local amenities and other services in the town being overrun, although he recognizes this is not a material planning consideration.
- Nick Harding stated in terms of the Section 106 situation there is only so much money

available that the developer is able to contribute if the development goes ahead and that is a point of principle the Council has agreed and it has determined applications previously using the £2,000 per house rule on developments south of the A47 and zero pounds for all development North of the A47 so that is established and it is not the applicants choice as to how much money goes to the NHS, what officers have said is how much is being asked by whoever and then just giving them a pro-rata amount with the pot available as a Council members can decide where the money is best spent but the amount the developers have to pay is a finite amount and it is what it is. He stated, on the issue of the drainage, members have seen the updated report from the LLFA and as mentioned the Council cannot be held to ransom by the absence of maintenance by third parties downstream from this development and it needs to be borne in mind that the amount of water going into that system will be significantly less than it is now and this problem that lies in the hands of many cannot be solved through the planning system.

- Councillor Cornwell stated he would like this plan to be deferred until the water and flood risk is sorted out as at the moment he is undecided.
- Councillor Sutton stated if the plans go back to the LLFA then they would come back and say everything is okay as before and he feels this would be a waste of time.
- Councillor Murphy stated it sounds like members are talking themselves out of this development and this will be stopping any future development in March.
- Councillor Mrs French stated the concern is about flooding and she feels it needs to be deferred.
- Councillor Sutton stated he was happy for all the money to go to the NHS but then there will be no money in the pot for potholes, education, etc.
- Nick Harding stated if different members wish to put more money into the NHS then that is down to members, but an application could not be reasonably refused on the basis that the £250,000 is insufficient. He stated that the application cannot be deferred or even refused for the reason of trying to find out who owns land downstream from this development because it is irrelevant to the determination of the application.

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

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

**P138/22 F/YR22/1156/O
LAND NORTH OF 96A TO 100 WESTFIELD ROAD, MANEA
ERECT UP TO 26 X DWELLINGS, INVOLVING THE FORMATION OF A NEW
ACCESS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT
OF ACCESS)**

David Rowen presented the report to members and drew attention to the update report which 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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall reminded members that they would remember this application previously when it was refused in June 2022 for the same proposal with 3 reasons for refusal. He stated that since this time the applicant has provided an ecology survey and submitted a Heads of Terms Section 106 Agreement for the site and, therefore, as David Rowen has said two of the reasons for refusal have been removed.

Mr Hall made the point that Manea is a growth village within the Local Plan and where the

dwellings are to be sited is all in Flood Zone 1, with there being no technical objections to this application. He expressed the opinion that the proposal conserves all the trees on site and along the frontage of the entire site there is a footpath continuing through to Manea.

Mr Hall referred to one of the key reasons for refusal and was raised as a concern with members was the lack of affordable housing and the Heads of Terms on the previous application being carried out by others. He stated that the submitted Heads of Terms was agreed with Mr Harding in September 2022 and this reason for refusal has been removed and he displayed a map on the presentation screen showing the site and another area highlighted in blue, also recommended for refusal, which was approved by members last year against officer's recommendation which extends back to Darcey Lode, is in Flood Zone 1 and has a footpath across the frontage of the site and between the two sites there is various other residential developments that are set back from Westfield Road.

Mr Hall displayed a location plan of the area and referred to the area to the south, which was a former grain store being a brownfield site which was also approved for a number of dwellings and there have been various approvals down Fallow Corner Drove so this area looking at the map is quite well built up. He reiterated that two of the previous reasons for refusal have been removed, the dwellings are all in Flood Zone 1, Manea is a growth village, a draft Heads of Terms has been submitted which has been agreed with Mr Harding, there are no technical objections, he considers it abuts the built up form of Manea and since the previous application was refused another application shown on the presentation screen was approved by members which also extends to the back of Darcey Lode.

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

- Councillor Benney made the point that when this application came before members previously members were not happy with the ecology and the Section 106 Agreement and the committee have just had a considerable debate on a Section 106 Agreement on the previous application and drainage, but this site is in Flood Zone 1, there is 20% affordable housing on offer, £2,000 per unit contribution and he thinks the emerging Local Plan is bringing in more money than he has seen on this committee for a long time. He feels this application will bring much-needed homes, including affordable, to Manea, which is a growth village and it needs the growth, having lost a shop in the last few months, and this is what brings sustainability to a village. Councillor Benney expressed the view that to say this is in the open countryside when you have Glebe Close one side and there is another house on the corner, this is just filling in a piece of land that is suitable for development and it provides good local need for the area. He does not consider this as building in the open countryside, he is pleased the ecology report has been submitted, he welcomes the 106 contributions that the applicant has agreed to supply and feels this is a good application, which he will support.
- Councillor Sutton made the point that two of the objections have been resolved but the third one has not been addressed because it is unaddressable as it was agreed previously this was out in the countryside and he cannot see how this has changed. He stated that he voted against the other area that was approved as referred to by the agent for the same reasons and he can remember Councillor Mrs Davis saying the difference to that site and this site is that one was closer to the village and he feels she is right. Councillor Sutton expressed the view that the same reasons for refusal exist as before and it is clearly in the open countryside.
- Councillor Benney made the point that as much as Councillor Sutton voted against it previously he voted to approve it and this committee has got different makeups and different members, with every week there being different people sitting on the committee and different answers. He feels that if members want consistency, if the other one was approved in Westfield Road the committee should be consistent with this one.
- Councillor Cornwell stated that he can understand where the recommendation is coming from and would have gone along with this line if the other development had not been

already approved. He feels the developments are so close together and he does not see why one should get approval and not the other and it seems sensible to him.

- Nick Harding drew members attention to the one reason for refusal which is the same as it was on the last application so this application needs to be determined on the basis of what is different now compared to when the previous application was determined. He stated that the agent has referred to the development that was approved contrary to officer recommendation just up the road so members have got to consider whether or not that represents a significant enough change in circumstances to render the reason for refusal on this scheme as no longer appropriate and it needs to be identified why does it make a difference. Nick Harding reminded members that in the Code of Conduct on Planning Matters the fact that there has been a significant change in the membership of the Planning Committee does not justify inconsistency between current and past planning decisions.

Proposed by Councillor Sutton, seconded by Councillor Mrs Davis to refuse the application, which was not supported by a majority vote.

Proposed by Councillor Benney, seconded by Councillor Skoulding and agreed that the application be APPROVED against officer's recommendation with authority delegated to officer's to formulate conditions and that a Section 106 Agreement be entered into.

Members did not support officer's recommendation of approval of planning permission as they feel that since the application for this site was refused previously another application has been submitted which changes the definition in terms of where members perceive the boundary of Manea to be.

(Councillor Murphy declared that he knows a partner of the applicant personally and took no part in the discussion and voting thereon)

(Councillor Marks registered, in accordance with 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)

(Councillor Benney declared that he knows the agent for this application and he has undertaken work for him and also worked with him on the Growing Fenland project at Chatteris and he also went to school with the applicants, but he is not pre-determined and will approach the application with an open mind)

**P139/22 F/YR21/0855/F
7 WISBECH ROAD, MARCH
ERECT 18 X DWELLINGS WITH ASSOCIATED GARAGES, PARKING AND
LANDSCAPING, AND THE FORMATION OF AN ACCESS, INVOLVING THE
DEMOLITION OF EXISTING OUTBUILDING**

David Rowen presented the report to members and drew attention to the update report which 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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey expressed the view that this is a non-controversial application, amendments were made with a previous officer and since then everything has been acceptable. He stated that the only thing he would like to make a point of is that the application has taken 86 weeks for a 12 weeks application and whilst he knows that there is negotiation and officers are busy he has still got to wait to get the approval and clear conditions, which might be another 12 weeks before they can start.

Members asked questions of Mr Humphrey as follows:

- Councillor Benney asked why there is no Section 106 Agreement on this application? Mr Humphrey responded that if you sat in his position a Section 106 would not be offered as if the Council have not asked for one they are certainly not going to offer one but the viability does show that nothing can be offered. Councillor Benney expressed the view that on the number of houses being proposed here it is unsatisfactory that the Council is not getting any money out of it and asked if a Section 106 was asked on this proposal? Mr Humphrey responded that not that he is aware of. Councillor Connor agreed with the comments of Councillor Benney.
- Councillor Mrs French asked if the applicant had any money that could be applied to a Section 106? Mr Humphrey responded no but made the point that the application stands as it is without any Section 106 contributions.
- Councillor Connor made the point that it is within his gift to say that he could. Mr Humphrey responded that it is if the client instructs him to do so.
- Councillor Mrs Mayor asked if Mr Humphrey was prepared to make a Section 106 contribution towards the NHS? Mr Humphrey responded that it depends upon how much the request is. Councillor Mrs Mayor referred to Page 56 where it mentions £15,500. Mr Humphrey responded that he is sure the client would pay that.
- Nick Harding asked for an apology stating that the application was submitted with a viability assessment so given that was submitted in the first place and it was checked to see whether it was all right and proper, why would officers ask for a Section 106 Agreement given that officers were satisfied with the results so he believes the agent has been misleading. Mr Humphrey agreed that the viability assessment was submitted with the application which said there was no money available which is why he answered Councillor Mrs French in the manner he did and it was asked again by another councillor and the viability shows there is no money available to make any contributions at all. Nick Harding asked if Mr Humphrey was going to apologise or not as, in his view, he cannot stand there as an agent not being untruthful to committee. Mr Humphrey apologised to the Head of Planning.

Members asked questions of officers as follows:

- Councillor Benney asked why no money was requested under a Section 106, although he can see that a viability report was submitted but it is only £2,000 a unit for March and why is this money not being asked for from developers. David Rowen referred to Section 5.15 of the report, which he read out, and as Mr Humphrey alluded to viability information has been submitted that has been assessed and the conclusion of that is that the application for development cannot deliver any Section 106 contributions. Councillor Benney acknowledged this but stated that it does seem wrong.
- Councillor Cornwell wondered whether there were lessons to be learnt from this so that if an applicant comes and proves that there is no money available the Council goes back to them and asks if they are 100% certain because it looks as if in some instances there is money available so there could be something wrong with the Council's viability checks.
- Councillor Mrs Mayor referred to 5.15 of the report and made the point that this was stated on 5 May 2022, which is 50 weeks ago and things could have changed since then. David Rowen responded that in reference to things changing since May last year, build costs have gone up considerably so he does not believe there would be any real change in the viability situation.
- Councillor Sutton made the point that the agents have a process to go through that is nationally agreed and officers check this and this should go to an independent to check these figures but it does seem rather odd that on a development of 18 dwellings £2,000 per dwelling cannot be managed. He stated that he knows of a development that did a viability assessment and the selling price in the assessment was £156,000 per dwelling and when the properties got built some of them sold for £250,000 so he is wondering whether there should be some kind of timeline in place whereby if they are not built out in a certain time

then that viability is reassessed because on that development of around 15 dwellings the selling price was very much different to the viability test result and whilst he understands that is more work for officers the area needs to be getting as much free infrastructure as it can, although, in his view, £2,000 is too low but he is sure there is room in the system to challenge it more robustly. David Rowen responded that the review of build costs and sales values is done as part of the viability assessment so if the sale value that has been quoted for a certain property is well below market value that is the issue that should be getting picked up as part of the assessment review. He stated that in terms of putting review mechanisms in place that is very difficult to do where there is an application saying it is unviable as why would the Council and the applicants enter into an agreement to review something that has already been assessed as being unviable, however, a review mechanism can be incorporated where you have got a viability where there is a Section 106 Agreement which may have demonstrated for example that only 10% affordable housing could be delivered and this may need to be reviewed 5 years down the line potentially on larger schemes to see whether 15% or 20% could be delivered.

- Councillor Skoulding expressed the view that from the comments it looks like this application might be rejected and asked if there is any chance that the agent can be asked to come back and to ascertain whether he would submit a Section 106 as he has already waited a long time for this application to be determined. David Rowen responded that the agent indicated that his client may be willing to pay the £15,000 NHS contribution but ultimately if it is the resolution of the committee to go down that route then committee can propose this, with the usual caveat that if a Section 106 Agreement is not progressed within a certain period of time then it is potentially refused. The Legal Officer added that committee need to be careful to distinguish between as what may be offered as a 'gift' and what may be required to remediate the effects of the development so if officers have looked into the viability and concluded there is no legal requirement for payments to be made, members cannot then go to the agent and say yes we will have your £15,000 extra that you have offered unless officers are satisfied that £15,000 is necessary to enable the development to proceed but reading the report the officers have assessed it on the basis that they cannot require any payment to mitigate the development so it would be contrary to the CIL regulations for the Council to accept this extra money as things currently stand. Nick Harding stated that if members forget the viability situation for a moment, consultation was undertaken with a number of statutory consultees who came back and said they need x amount of money to mitigate the development and here is our evidence to justify that request so in normal circumstances those asks would be included in a Section 106 Agreement but in this particular application it is a situation whereby the applicant has submitted the site specific viability exercise which has concluded that no contributions of any sort can be provided and then today the agent has said that a hit would be taken on the profit in order to make a £15,000 contribution to spend on the NHS or anything the committee chooses it be spent on provided that it is asked for by the consultee identified in the report and from that point of view he would consider this passes the CIL regulations. The Legal Officer agreed that, what has been said is that notwithstanding that the scheme is not viable, therefore, no payments can be justified the applicant offers to pay a contribution towards a necessary mitigation and it is regarded as such then it probably can be accepted.
- Councillor Cornwell queried that as a committee the Portfolio Holder could be asked to revisit the whole question of viability and comes back to the committee at a later date as he does not think anything can be done about this application and feels the committee is going around the houses.
- Councillor Mrs French agreed with the comments of Councillor Cornwell, making the point that this application is for 18 dwellings which equates to 50-60 people who are all going to need doctors and she thinks without contributions for developments over 9 dwellings it is going to be a mockery and the district is going to end up with no contributions at all. She feels that committee needs to be very careful that this is not setting a dangerous precedent for the future.

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

- Councillor Sutton stated that he has no problem with the development in principle but share members concerns about the viability and he cannot see where there is anything specific to this site that would increase the costs such that nothing can be offered when just an hour ago there was lots on offer on another application, although it remains to be seen whether that will be delivered. He made the point that Councillor Mrs Mayor asked a direct question of Mr Humphrey on whether the £15,552 could be found and he replied in the affirmative that he believes his client would do this so he believes it would be remiss of the committee to not at least try to get that contribution, which he assumes would be to approve subject to either a unilateral agreement or a Section 106 Agreement, with a unilateral agreement being quicker and Mr Humphrey did express his disappointment with the length of time taken to determine this application and it is known that the planning department is not in the best health due to various reasons.
- Nick Harding stated that in regard to the Section 106 he would ask that flexibility is included in that agreement given his experience of how well things work out when it comes to draw downs and requests for money to go towards health service improvements so that if a health service improvement proposal that is acceptable does not come forward in a timely manner then that money can be diverted to any of the other asks that are listed in the committee report.

Proposed by Councillor Sutton, seconded by Councillor Mrs French and agreed that the application be APPROVED as per officer's recommendation, subject to entering into a Section 106 Agreement for a contribution of £15,552.

(Councillors Connor, Mrs French, Purser and Skoulding declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

**P140/22 F/YR22/1190/FDC
LAND NORTH OF 84 UPWELL ROAD ACCESS FROM SMITHS DRIVE, MARCH
ERECT A DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN
RESPECT OF ACCESS)**

Nikki Carter 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)) during its deliberations.

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

- Councillor Cornwell expressed the view that officers have carefully considered this, they have taken into account strict planning rules just as would occur with any private applicant and have reached a recommendation, which he believes is the right one.
- Councillor Sutton agreed with the comments of Councillor Cornwell. He feels that there are some sites that are just not developable because if you go single-storey at this location it would be out of keeping with the street scene, if it is two-storey then there is overlooking issues to the rear and he feels the best use for this is the same usage as it has had in the past and that is for a car park.
- Councillor Skoulding stated that on looking at the site he thought it was a little bit tight but went again the next day looking at No.58 and that plot is smaller and so is every plot along that road and, in his view, it is a lot larger plot than the houses in the surrounding area so is of the view that something could be built on here.
- Councillor Cornwell stated that the point is that it is a single-storey and everything around it is not single-storey so he does not feel it is all about the plot size, it is the proposal's relationship to the surrounding area, which is important to consider as well as the committee would do for any other application.

- Councillor Skoulding stated that his comments are not in relation to it being a Fenland District Council application but on its own merits he feels the car park where it stands is a big space and something can be built here.
- Councillor Sutton agreed with Councillor Skoulding that the site is big enough for development but the question is the street scene and a bungalow does not fit in and with a two-storey there are other issues so it is one of those plots that is almost impossible to develop and it should not be any different due to its being a Fenland District Council application.
- Councillor Marks expressed confusion about street scene as 80A is a bungalow that was built in the back recently and he has sat in the dentist chair looking out across and he cannot see that it would be detrimental to the street scene.
- Councillor Sutton reiterated that it is clearly a single-storey between a built up two-storey area so it is clearly out of keeping with the rest and to compare it with the one to the rear of 80, which is nowhere near it. He feels to suggest that a bungalow would be placed here and not affect the street scene is perverse and ridiculous.
- Councillor Murphy stated that on site visit he did say there was plenty of room to put a dwelling on this site but after further reflection he feels it should be left as a car park as it is now, there were six cars parked there and putting in a bungalow will be out of kilter with everything else and the six cars will be parked on the road creating more chaos.
- Nikki Carter stated that this would be seen in the context of the two-storey dwellings on Smiths Drive and the two-storey property of 84 Upwell Road and also the site opposite has got planning permission for a two-storey dwelling showing this area on the presentation screen.
- Councillor Marks stated that this put a different perspective on the application as if the site opposite is being developed which also contains a car park and members should have been informed of this.
- Councillor Murphy stated that on site visits the other car park is not used as a car park, it is just a piece of land that is vacant so it would not remove anymore car parking from the streets as it is a separate piece of land which is cordoned off that is going to be developed in its totality.
- David Rowen stated that the application in front of members is not being recommended for refusal on the basis of a loss of car parking. He stated that in relation to the two-storey development on the site to the west of the application site that is a two-storey dwelling and, therefore, if anything reinforces the two-storey character of Smiths Drive in this location and would have the effect of obscuring the bungalow at 80A further from the street scene of Smiths Drive, which reinforces the reason for refusal in front of committee.

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

(Councillor Benney declared that he is a member of Cabinet and as this is a Fenland District Council application he would take no part in the discussion or voting thereon)

(Councillor Mrs French declared that whilst she is a Cabinet member of Fenland District Council she was not aware of the application and is not pre-determined and would approach the application with an open mind)

(Councillor Murphy declared that whilst he is a Cabinet member of Fenland District Council he is not pre-determined and would approach the application with an open mind)

(Councillors Connor, Mrs French, Purser and Skoulding registered, in accordance with the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

LAND NORTH OF 10 PRIMROSE HILL, DODDINGTON
RESIDENTIAL DEVELOPMENT OF UP TO 9 X DWELLINGS (APPLICATION FOR PERMISSION IN PRINCIPLE)

Nikki Carter 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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey displayed a map of the emerging Local Plan showing the site outlined in blue and stated that this is a PIP application and from the draft policy map June 2022, accepting that it is a draft and carries no weight, it does show the thinking of the policy makers who are planning officers that they could see that the village could extend in this manner with the red shaded area in the corner of this site. He stated that the Environment Agency has no objections providing flood mitigation measures are incorporated and a sequential and exception test is completed at the technical stage.

Mr Humphrey expressed the view that it is all about location and land use, making the point that Doddington is a growth village and this land is clearly adjacent to the existing developed footprint, which is in accordance with LP12A that allows development adjacent to existing villages. He stated that the site access will be within the 40mph speed limit, with details to be agreed with highways at the technical stage.

Mr Humphrey stated that the land is grade 3 the lowest quality of land that could be built on and hence it has been set out to grass and trees. He displayed a flood risk map and expressed the opinion that whilst the planning officers state the site is partly within Flood Zone 2/3, this is not being disputed and they are happy that development can be made on the other two-thirds of the site, with attenuation within the Flood Zone 2 and 3 area, they do not have to build within the Flood Zone.

Mr Humphrey expressed the view that this application can deliver a quality scheme similar to that already delivered on Benwick Road just past Hospital Road in Doddington, which has been built out and shows what can be done when such applications are supported.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French referred to the proposal being for up to 9 dwellings and the development not making effective use of land and assumes that these are executive homes being proposed. Mr Humphrey responded that they are.

Nick Harding made the point that the plan showed by the agent was not the correct plan so no part of the application site is within the settlement boundary as per the consultation that took place on the draft Local Plan.

Members asked questions of officers as follows:

- Councillor Cornwell stated that he thought he had heard that this was in the 60mph limit and asked if this is correct? Nikki Carter responded that the speed limit changes alongside the site and the majority of the site is within 60mph limit but because of the type of application it has not been clarified at this stage where the access will be, however, highways have indicated that on the basis of information they have received they cannot be sure that a safe access can be achieved.

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

- Councillor Sutton stated that he can see that the application does have some merits but he

feels that with the Local Plan in its infancy there is still much better areas in Doddington that can be brought forward at this stage. He feels it is a balance as he was born and bred in Doddington and cannot say he is overly keen on the way it has expanded but that has brought its benefits because to get the services you need the people to be using them but on this occasion he would go with officer's recommendation and he also notes that Doddington Parish Council are against it.

- Councillor Cornwell stated that it has been a long time since he has seen such a long response from a Parish Council, it has obviously looked at it very carefully and they do not seem to be happy with the proposal so he feels committee should take notice of this.
- Councillor Benney made the point that there has been development along Benwick Road in Doddington and on the opposite side of the road on the bend to this proposal committee approved an application which had an officer's recommendation for refusal. He can see both sides of the argument but feels this proposal does have merit and to say it is in a boundary when Fenland does not have any boundaries at the moment. Councillor Benney expressed the opinion that he would like to see more details or maybe a change of the speed sign so the access is not on a 60mph limit but feels it would bring 9 very nice executive homes to the area and he likes to see nice big houses where you come into a village.
- Councillor Connor stated that he disagrees with Councillor Benney's comments, it is out of the village footprint, it is on a 60mph road and very rarely has he seen a Parish Council go so severely against a development and as Councillors Cornwell and Sutton have intimated committee should support the officer's recommendation. He made the point that the other development that was approved for 9 dwellings was on the other side of the road and a lot nearer in the village than this proposal so he feels the officer's have got the recommendation correct.
- Councillor Mrs French expressed her disappointment that on a PIP there is not sufficient information as members could have a better discussion on the proposal if it known for example where the access is. She supports the building of executive homes as there is going to be a reservoir built and executive people moving into the area but it is just lack of information on a PIP.
- Councillor Mrs Davis expressed concern over the speed limit, the 60mph limit comes along part of the site and then just as you get to the village gate it changes to 40mph and if you put executive houses on here you are talking up to 4 vehicles and they are coming onto this road at the change of speed so she feels it is in the wrong place and is worried that highways have said they do not have enough information to even know whether they have got enough of a visibility splay. She cannot support the application as it is.

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

(Councillors Connor and Mrs Davis registered, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are District Councillors for Doddington and Wimblington and do attend Doddington Parish Council meetings but take no part in planning)

**P142/22 F/YR23/0188/O
LAND SOUTH OF 30 EASTWOOD END, WIMBLINGTON
ERECT A DWELLING (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

Nikki Carter 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)) during its deliberations.

Members asked questions of officers as follows:

- Councillor Meekins asked about the accuracy of the recording of objection and support letters as it says there are 19 letters of objection and then it says 27 letters of support but the number on the report is 40 so is it 27 or 40 letters of support because this is a significant difference. David Rowen responded that he is assuming that the 27 letters of support is the accurate number and there has been a mathematical or typographical error in terms of the split of where those letters are from, it says 16 of letters were from March and 16 from Chatteris but he is guessing that one of those is possibly 6.
- Councillor Cornwell questioned that this application is exactly the same as the application that came in before and was refused? Nikki Carter confirmed this to be correct.

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

- Councillor Mrs Davis stated that there is a pending application for the opposite side of that field, behind she believes 12C, so it will set a precedent as stated in the officer's report.
- Councillor Sutton made the point that there have been some more objections very recently and the total now is 51, 23 in objections and 28 in support. He stated that most of the objections are on Eastwood End and lots of the support are not in the vicinity. Councillor Sutton feels that officer's have got the decision correct as it is not in keeping with the area and whilst each application is looked at on its own merits it would set a very dangerous precedent should this be approved.

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

(Councillor Marks declared that he has business dealings with the applicant so took no part in the discussion and voting thereon)

(Councillor Mrs Davis registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is Chairman of Wimblington Parish Council, but takes no part in planning)

(Councillor Connor registered, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Doddington and Wimblington and does attend Wimblington Parish Council meetings but takes no part in planning)

**P143/22 F/YR22/0493/O
LAND NORTH AND EAST OF GOOSETREE HOUSE, SELWYN CORNER,
GUYHIRN
ERECTION OF UP TO 2 SINGLE-STOREY DWELLINGS INVOLVING THE
DEMOLITION OF EXISTING OUTBUILDINGS (OUTLINE APPLICATION WITH ALL
MATTERS RESERVED)**

Nikki Carter 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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the scheme is before committee with a recommendation of approval and they have worked closely with officer to achieve this. She expressed the view that the development will infill the gap to the north and east of the existing dwelling at Goosetree House to reflect the form and pattern of development which characterises Selwyn Corner.

Mrs Jackson made the point that the indicative drawings show that two modest dwellings of a scale and character which reflect the surroundings can be achieved on site and each dwelling will be

provided with at least one third of the plot as dedicated private garden space and two parking spaces each. She expressed the view that two parking spaces can also be provided for the host dwelling as well as a central turning area in order that all properties can turn so that they enter and exit Selwyn Corner in forward gear, with the existing access to the site being used and this has been acknowledged as an acceptable arrangement by officers.

Mrs Jackson stated that the site lies within Flood Zone 3 and a Flood Risk Assessment has been provided to demonstrate that the scheme will be technically safe from flooding. She advised that a sequential test has been carried out which confirms that there are no other sites available to accommodate this development and this has been acknowledged as acceptable within the committee report.

Mrs Jackson expressed the view that the application complies with policies of the development plan and the proposal will bring forward two new dwellings within a sustainable location which will contribute to the ongoing vitality of Guyhirn. She requested that members support officer's recommendation of approval of planning permission.

Members asked questions of officers as follows:

- Councillor Cornwell stated that the access looks very narrow and asked if it meets the standards? David Rowen drew Councillor Cornwell's attention to 5.4 of the officer's report and the comments of the Highway Authority who is not raising any concerns or objections to the application from that perspective. Councillor Cornwell acknowledged this but his question is about the actual access which is not on a road, the access to the property may be acceptable but he is talking about the section that goes alongside the existing structure to actually get to the site which is not a highway. David Rowen stated that they will look at the plans and provide measurements so the dimension shown is 3.475 metres.

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

- Councillor Skoulding agreed that it does look cozy but, in his view, that is the nature of everything around it so he cannot see a problem himself.
- Councillor Benney stated that the previous application was just refused for backland development and this is backland, it seems to him to be crammed and overdevelopment, with it is backing onto everybody's land.
- Councillor Cornwell stated that was his interpretation when he visited the site that it was a little bit small, enclosed and had a narrow entrance but when you do get into Selwyn Corner the whole built area follows that system and has been developed piecemeal over time. He stated that he was told at the visit it meets all the amenity standards so maybe because of where it is and the way the area is set out then perhaps it is acceptable but it certainly would not be attractive for him but could be to others so on this basis he could support it.
- Councillor Sutton expressed the view that it is cozy and if it had been anymore cozy he would have been struggling to support it but members were assured on the site visit that it meets the amenity area standards on both dwellings, they are small but there is a market for small places and he feels this is nothing like it the Eastwood End proposal as Eastwood End is linear all the way across and whereas this is like a compact hamlet and he feels that it fits in quite well with the area.

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

P144/22

F/YR22/0640/O

LAND WEST OF BROADLANDS, WHITEMOOR ROAD, MARCH

ERECT UP TO 3NO. DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that this site is part grassland, part approved overflow car park and, therefore, as officers have said part brownfield and feels it is well related to the town of March as looking at the 2014 Local Plan it can be seen that it is next to the built form so it clearly shows it is abutting the urban area and Policy LP12d is met. He expressed the view that the application will comply with the interpretation of Policy LP16d as it will make a distinct demarcation between development and the open countryside, with the existing landscaping still acting as a boundary between the two.

Mr Humphrey made the point that the application sits next to and opposite a new dwelling so, in his view, these three new dwellings will fit into place. He stated that it was proposed to remove the conifers and replace them with native species but the client is happy to take a condition to ensure the conifers are left should officers and committee so wish. Mr Humphrey requested that the site be deemed acceptable and asked for members support.

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

- Councillor Skoulding stated that he cannot see any problem with the proposal, apart from the sequential test, as there are houses opposite it and he would have thought this would be the boundary of the town.
- Councillor Mrs French agreed with Councillor Skoulding as other development has been allowed in this area and it is a brownfield site so she is not sure why it has not passed the sequential test.
- Councillor Cornwell expressed the view that if you know March it is an elsewhere location, it is not part of the town there are a few businesses here but most of the businesses are in this location as it is the best place for them and as far as he is concerned it is an elsewhere location.

Proposed by Councillor Mrs Mayor, seconded by Councillor Cornwell to refuse the application which was not supported by a majority at the vote.

Nick Harding reminded members in regard to reasons if going against the officer's recommendation that one of the key ones has to be how has the sequential test been passed. He stated he has had a skim read of the applicant's submission and it appears that the search has been restricted to sites that have been available for sale which falls short of what the requirement is in the Council's Flood Water SPD, but he might be wrong and if he is then he would provide an apology. Nick Harding subsequently did provide an apology to Mr Humphrey as sites have been included and been discounted and officers have disagreed with those sites that are being discounted.

Councillor Mrs French proposed that the application be approved against officer's recommendation as she feels that it does comply with policy LP16d as it does make a positive contribution to the local distinctiveness and character of the area, it enhances the local setting and responds to and improves the character of the local built environment, it does comply with LP12d as it is not considered to be an elsewhere location and is part of March and in relation to the sequential test it is felt this is the right site for this development and sites in March are hard to find that are suitable for this type of development.

The Legal Officer stated that the position is that the Code of Conduct on Planning requires a proposer to provide reasons for going against a recommendation and although some reasons have been heard from Councillor Mrs French he is of the view, as is Nick Harding, that those reasons are very flimsy but ultimately it is a matter for the committee to take the view whether it is happy to

proceed with those reasons with the clear risk that if that decision is challenged that the permission may be overturned, which will involve costs against the Council.

Councillor Meekins asked if the application could be withdrawn for the applicant to provide a sequential test. Councillor Connor stated that there is a sequential test but it has failed.

Councillor Sutton requested that Councillor Mrs French withdraws her proposal as she cannot come up with appropriate reasons because there is not one that would stand the test of lawfulness. Councillor Mrs French stated that she was not prepared to withdraw her proposal.

Proposed by Councillor Mrs French, seconded by Councillor Benney that the application be approved against officer's recommendation but this was not supported by a majority at the vote.

Proposed by Councillor Sutton, seconded by Councillor Cornwell to refuse the application, which was not supported by a majority with the use of the Chairman's casting vote.

Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed that the application be APPROVED against officer's recommendation with the use of the Chairman's casting vote, with authority delegated to officers to formulate conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel that it does comply with policy LP16d as it does make a positive contribution to the local distinctiveness and character of the area, it enhances the local setting and responds to and improves the character of the local built environment, it does comply with LP12d as it is not considered to be an elsewhere location and is part of March and in relation to the sequential test it is felt this is the right site for this development and sites in March are hard to find that are suitable for this type of development.

(Councillors Connor, Mrs French, Purser and Skoulding registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

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

**P145/22 F/YR22/0783/F
LAND NORTH OF 20 EASTWOOD INDUSTRIAL ESTATE, EASTWOOD END,
WIMBLINGTON
CHANGE OF USE FROM AGRICULTURAL FIELD TO A BUILDER'S YARD (B2)
INCLUDING THE SITING OF A PORTACABIN OFFICE, AND ERECTION OF
AGGREGATE BAYS AND A 2.4M PALISADE FENCE, AND THE FORMATION OF
A SWALE (PART RETROSPECTIVE)**

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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Victor Aveling, a supporter. Mr Aveling stated that he said he would speak in support of the application as he probably knows more about this site than anyone as it was part of Eastwood Farm, which he farmed for many years and eventually Fengrain decided it would be a nice place for them to build a grain store as it was central for their members and the soil type is ideal as it has a very good bearing capacity. He stated that the application was approved, which was before the Isle of Ely Way was constructed and Fengrain used the old railway line as an access so they could

get to the Manea Road.

Mr Aveling advised that eventually when the Isle of Ely Way was constructed several people came to him asking if they could buy some land for a small industrial use and he approached Fenland and the Industrial Development Officer thought it was a very good idea stating that it was an ideal site to have industry that you would not want alongside residential accommodation and consequently over the years several plots have been sold. He felt that there should be a decent pre-planting scheme to screen the site and he employed a firm of landscape architects to design it, with quite a lot of trees being planted and the ones adjacent to the site are a wide mixture of native trees.

Mr Aveling expressed the view that the footpath is the other side of the trees and was surprised by the comments of officers regarding the footpath as you cannot see anything through these trees. He expressed the opinion that on the refusal reasons for planning permission at an earlier date he did know a little bit about it as Mr Lefevre of Data Shredders came to him and said he had been refused could he help or give advice and he asked three councillors to speak with him and when they heard what Mr Lefevre actually wanted to do they thought it was a good idea and they said the reason for refusal was the application was for lorry parking and the site would contain 200 lorries and this was not wanted, which seemed logical as no one wants 200 lorries parked there, and the Council at that meeting said if another application was submitted it would be looked at probably very differently to the first one but Mr Lefevre decided he had enough of planning and would leave things as they were.

Mr Aveling stated that he cannot see that this is an open agricultural site, it is just to the north of the industrial area, it is surrounding by trees on two sides and the industrial estate on the other side so, in his view, it cannot be called open countryside. He feels it is a logical extension of the existing industrial area and stated that he has got no personal financial interest at the present time except that he owns the access road which is more of a liability than an asset.

Members asked questions of Mr Aveling as follows:

- Councillor Marks asked if that the road that Mr Aveling owns is a private and concrete road. Mr Aveling confirmed this was correct and that he has done everything the Planners have asked him to do.
- Councillor Meekins referred to the location map and expressed the view that it looks pretty open on three sides and then the industrial units to the south. Mr Aveling responded that there is a thick belt of trees to the north and west. Mr Meekins questioned that trees are part of the countryside. Mr Aveling responded that they were planted as a screen to the industrial area. Councillor Meekins stated that looking at the map he can see the trees by the industrial area and the site where this application appears to be it is just trees shielding a field in his view. Mr Aveling reiterated that the trees were originally planted here to shield the whole of the industrial area, the basis being that you do not put trees just at the edge of one plot you put them further away and provide a decent screen and now they are mature. Councillor Meekins reiterated that it still looks like they are trees surrounding a field and he has always thought trees surrounding a field are in the countryside.
- Councillor Cornwell agreed that from the plan it does appear that they are trees surrounding open land but it is known that there is no open land there where the trees surround. Mr Aveling responded that he does not own it and has not done so for many years but he understands that the applicant has undertaken some work on the land without planning permission and he is applying retrospectively but whether the land had no development or not it was surrounded by the trees that shade the industrial development.
- Councillor Connor expressed the opinion that a retrospective planning application has to be given the same weight as any other.
- Councillor Mrs French asked Mr Aveling if he could remember what year these trees were planted? Mr Aveling responded about 1990.
- Councillor Skoulding expressed the opinion that the trees have been put in a straight line

which indicates screening, if the trees had been dotted about you could understand saying that is a field or whatever but these have been deliberately put in a straight line.

- Councillor Marks asked that when the trees were put in in 1990 was it future proofing for the industrial area? Mr Aveling responded that there was industrial development that has expanded slowly.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the applicant has been self-employed in business in Fenland for over 20 years, all of this in construction and the applicant presently employs 12 people in the business which is both on-site construction, deliveries and yard work, with the activities generally being 6 days a week. He made the point that the applicant has a number of plant including JCBs, mini-diggers, lorry grabbers, trailers, front loaders, company vans, dumpers and teleporters.

Mr Hall advised that a previous application at this site was refused in 2018 for storage and distribution, however, this was for a greater number of vehicle movements from the site including the weighbridge and was not this applicant. He expressed the view that this proposal is for a builder's yard which is considerably less vehicle movements and at present the applicant has advised him that he has got three lorries that run from this site and there would be storage of various aggregates, ballast and topsoil, with the material's used on the applicant's own construction sites with the remainder being delivered locally to other sites.

Mr Hall stated that a full drainage design has been provided and the LLFA has been consulted and raised no objection. He referred to the officer's report which advises the nearest Listed Building is approximately 450 metres away from this site and the proposal would be neutral.

Mr Hall made the point that an ecology survey has been provided and accepted and the applicant is happy to carry out any landscaping required through any planning conditions. He referred to Mr Aveling mentioning that there are a number of trees that surround this site, some of which are subject to Tree Preservation Orders and all of the trees and hedges around this site are to be maintained and the officer's report even confirms these would not be affected by the proposal.

Mr Hall expressed the view that members will be aware that between this site and the main A141 bypass between March and Chatteris there is a substantial tree line, all of which is to be maintained and some of it is even outside of this application site when travelling along the A141 in either direction you are unable to see this site. He displayed a photo taken on Saturday showing the applicant's existing yard at Whittlesey Road in March West, that site is in Flood Zone 3 and the site in Eastwood End is in Flood Zone 1, with the site at Whittlesey Road being full with sheds, various vehicles and aggregates, and all the land around this site is not owned by the applicant or any of his family members so it could be said why does he not look at expanding this yard and purchasing the land, however, it is in Flood Zone 3, the south side of this site there is a board main drain and then Whittlesey Road so it cannot be expanded that way, to the east again there is Whittlesey Road and if they were to expand in the other direction to the north approximately 90 metres away there is a line of residential properties and on the other side of Whittlesey Road there are other residential properties, with this proposal being not the sort of thing you would want near residential properties.

Mr Hall expressed the view that the site at Eastwood End abuts the existing industrial estate which is referred to in the planning officer's report, it is in Flood Zone 1, the applicant has provided full drainage design scheme with no objection from the LLFA, the site has an existing access used by the existing industrial estate that has been in existence 35-40 years and this is an ideal location for this type of business away from residential properties. He feels the applicant has been proactive in searching for a piece of land in Flood Zone 1 abutting existing industrial development.

Mr Hall stated the applicant lives approximately 2½ miles away from this site and the existing

industrial estate has been in existence since the late 1980s to his knowledge prior to this the area was agricultural land, just like this site, and over a number of years the estate has expanded onto this agricultural land which is what is proposed here. He made the point that at previous meetings members have said Fenland is open for business, this site and application is a business application adjacent to an existing industrial development.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French stated that she knows the site in Whittlesey Road well and asked if this application is approved is this site going to be moved to Eastwood End or is it going to continue to be there? Mr Hall responded that vehicles, plant and storage would be moved away, the sheds would remain as before the applicant took on the site it was a lorry yard and it would be utilised for this again.
- Councillor Meekins asked what a swale was? Mr Hall responded that on the application site to the north east corner a swale is similar to a large pond where all the rainwater from this development would go into and attenuate, there would be a hydro break before it discharges into the ditch slowly.
- Councillor Cornwell asked that before the unauthorised work started on the land was it agricultural land? Mr Hall responded in the affirmative. Councillor Cornwell asked then at what stage did the applicant realise he needed planning permission? Mr Hall responded that when he visited the site in March/April 2022 it was an agricultural field, the application was submitted April/May 2022 and the application has been submitted for more or less a year and the applicant has moved onto the site and that it is why it is termed part retrospective, which was not submitted as this he believes because nothing had taken place at the submission stage.
- Councillor Benney asked if there was a need to start using the yard because this is a business and businesses need to thrive. Mr Hall responded that he also lives in March and the applicant's existing yard is in Whittlesey Road which he frequently passes, with the photo that he displayed if members had gone there last year or even the start of this year there was stuff piled up everywhere and the applicant could not carry on like this. He made the point the applicant found another site and whilst it is acknowledged that he should not have moved on there without planning, he has employed additional people, there is an obvious need for what he does both in his own work and through selling to others and has had to for natural expansion.

Members asked questions of officers as follows:

- Councillor Murphy stated that on the site visits at the end of the roadway there is a stop line and then all of a sudden there is a substantial steel fencing, earth removal, etc and has anything on this site had planning permission at all or is it illegal and if so is this application now illegal? David Rowen responded that nothing on this site has obtained planning permission so everything that is on site at the moment is unlawful from a planning point of view. He stated that the planning application before members is a lawful application, there is nothing in planning legislation that says that a planning authority cannot deal with a retrospective application and the retrospective application must be considered on its own merits in relation to material considerations and planning policy.
- Nick Harding stated that as members would have seen from the reports there was the earlier planning application relating to Data Shredders, which was mentioned by the supporter of the application and whilst the exact boundary of that application to this is slightly different broadly speaking it is the same parcel of land. He advised that the Data Shredders application was not refused on highway impact grounds, it was refused consent in terms of its impact and intrusion on the open countryside and in terms of committee's deliberation it is what has changed in circumstances since the refusal of that application in 2017 on that site. Nick Harding made the point that part of the consideration on Data Shredders was does the economic benefits of allowing the expansion of the business outweigh the impact on the open countryside in terms of the damage that is going to be caused and the answer was no.

- Councillor Cornwell referred to the report and that the archaeology team were trying to ask for conditions and as he understands it at the site at the moment it would be impossible to operate those conditions because the site has surely been excavated and damaged so any archaeological findings that were there would be gone. Nick Harding responded that it all depends on how deep the archaeology is below the surface and this is not known until such time as the evaluation has been undertaken so having the archaeology condition if this application was approved would not be a waste of time.
- Councillor Marks stated that he went and looked at the site and there is a lot of earth on top so what is stopping that being removed to carry out the archaeological dig as it is not as though there is tons of concrete poured on the land or buildings as at the moment what is there could be moved and the likelihood is the spoil will move anyway as that is part of the business.

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

- Councillor Skoulding stated that he was on the site inspections but had to go back and visit the site and walked the whole length of the road and, in his view, it is full of industrial factories and this proposal fits in here perfectly and also the road leads to this site so it was put in here for a purpose. He feels it is nice to see businesses succeeding and the committee should not want to stop this.
- Councillor Purser stated that open for business is correct, his family come from a building background so he knows how these businesses operate and he feels it is superb to see that someone starts up on their own and expands employing more and more people and getting a larger yard might mean even more people are employed. He expressed the view that businesses such as these just need to dump their materials to be used the next day and it does not want to be an eyesore in everyone else's way and being at the bottom of a yard like this is an ideal place to put it. Councillor Purser expressed the view that it has outgrown the original site at Whittlesey Road and he feels this is an ideal place for it to go and he cannot see how this encroaches on the countryside, it is out of the way, secure, an ideal place, hurting nobody and he welcomes the application.
- Councillor Mrs Davis stated that she does not support the application, it is very easy to say it is at the end but for 20 years it has been just a bit more and it has grown and over doubled in size over 20 years. She feels the problem is that the Council has allowed private residences to be built in that area alongside the industrial estate and, in her view, you can only have one or the other and that has not happened and now the residents are suffering as the industrial area is now too big. Councillor Mrs Davis stated that there are lots of problems with lorries turning off the A141 into Eastwood End and there have been two accidents and there are lorries parking up just on the inside of Eastwood End and when another lorry tries to come off he is unable to as there is one in front of him and he cannot get round it, which makes it very dangerous for other traffic. She feels it is also OK to say that a retrospective application should be treated as normal but questioned what message does this send out that someone can come along and put a load of fencing and earth and do what they want with a piece of land. Councillor Mrs Davis expressed the view that it is going out into the open countryside, it is agricultural land and if it is allowed here the rest of that field going the other way will go the same way becoming bigger and bigger.
- Councillor Marks stated that he respects everything that Councillor Mrs Davis has said but feels there is another side to this as well. He expressed the view that as he knows the area having dealt with a number of businesses in this location, there was a fire there approximately 17 months ago which had an effect with pollution and there is also Law's Fertiliser here, which has an impact with smell and the earth that stands in this yard is going to have minimal environmental impact compared to other businesses that are already there succeeding in Fenland. Councillor Marks advised that there is a business on the corner, CDT, that are pulling out so that will probably become another business and he feels this is the right place to put this proposal, there is shielding, you cannot see it from the bypass, you can take lorries down there as he has done it and it is out of the way. He knows that Data Shredders due to the lack of electric on its site have had generators going from 6am until

10pm, which cannot be heard so nobody there is going to have any sound problems, no dust pollution and businesses like this need to be supported, a business that is growing in Fenland and members keep giving permission for housing applications the spoils have got to go somewhere and those spoils get reused and a lot of it is going to be recycled referring to the railway, which is exactly the same as this it is a big open yard where they bring back items for recycling and you cannot see this either.

- Councillor Mrs Davis stated that she understands what Councillor Marks is saying but it is to the detriment of local people, who have paid a lot of money for their properties and there is the Woodman's Way that runs to the side and Fenland sells as a tourist attraction and the two just do not go together in her view. She feels the time has come when this industrial site has met its maximum.
- Councillor Marks stated that if you drive along as you get past Pavemac there is a big field here for development, a bit further along where the gates are. He expressed the view that he could be nimby and say he did not want a car park in the back of his garden but he did not he supported what he thought was right and this is the same here, yes there are residents but a lot of these residents houses have come in after the industrial estate so those people have to realise what is on their doorstep.
- Councillor Purser made the point that, whilst he understands and respects what Councillor Mrs Davis has said, in his father's day planning permission was not needed for uses such as this and they could do what they like and at least now permission has to be given to do this.
- Councillor Benney referred to the discussions on whether this is retrospective or not and stated that on his first planning training with Nick he was told that you do not need planning permission to build anything but if the Council do not like it they will make you take it down. He expressed the opinion that looking at this application nothing has been done wrong and the applicant has been pushed into a position where the business has expanded faster than the Council can react and, therefore, he has had to what he has had to do to look after his business and if the application is rejected the applicant will have to look at other options. Councillor Benney made the point that this is a business that is growing and when he visited the site he could see it is a major business, which is in the middle of an industrial site and questioned where else would this yard be located as it could not be placed in a housing estate and this is, in his view, far enough away from residents and if people have brought houses next to an industrial estate then this is buyer beware. He feels the site is a natural extension and there is a need for this, making the point that the Council is supposed to be open for business but yet when an application is submitted such as this, which has taken a long time to get to this position, the members are dithering over whether they support this or not and to him this is the right place for it as it is far enough away from where residents are and in the middle of an industrial area.
- Councillor Mrs Mayor stated that her only concern is this proposal rounds this piece off and what is going to happen with the next piece and the next piece. She made the point that this is supposed to be a small industrial area and, in her view, this finishes the area off.
- Councillor Marks questioned what a small industrial area is, what is a small industrial area compared to an industrial area or a large industrial area, how many companies is needed, what size of units as it is known that Fenland is short of units especially in March and going down to Chatteris so what is the definition of a small industrial area is there anything in Planning that defines it. Nick Harding responded that there is not a planning definition of small, medium or large industrial estates. Councillor Marks asked for clarification that there is no set remit of the size so members have heard it is a small industrial estate but there is not acreage or similar that defines an industrial estate up to that size. Nick Harding responded that no because there is not an outline planning consent that covers the whole of that industrial area as one. Councillor Marks made the point then in theory units could keep being placed in this area until the land runs out. Nick Harding responded that it does not matter whether or not planning permission is granted in outline for example 10 hectares that does not stop anybody from applying to make it even bigger so if there is an industrial estate that has simply grown purely by a series of small planning applications and there is a

situation that exists in Fenland where there are not any settlement boundaries each application has to be judged on its submission.

- Nick Harding reminded members that there has been a previous refusal for the same piece of land, it was a Data Shredders proposal so it was for business and looking to become more efficient and effective but notwithstanding that the decision was to refuse on the grounds of the impact it would have on the countryside so it has to be considered in what way is this application any different to that previously refused.
- Councillor Marks asked for clarification on the Data Shredders application, was that for open storage of paper and their product or was that for the holding of vehicles before it went up to their main sites. Nick Harding responded that it was to create a lorry trailer and mobile shredding machine storage and siting of a weighbridge so it was moving certain aspect of its business from where they were to a different site to free up land within its existing site. Councillor Marks expressed the view that it was actually a holding area for lorries coming into their business so there was going to be a lot more vehicle movements hence why they wanted it in this area with a weighbridge. Nick Harding stated that he does not disagree but the issue is it was still a business proposal on the site and it was felt that this did not outweigh the impact it would have on the loss of the countryside.

Proposed by Councillor Mrs Davis, seconded by Councillor Meekins to refuse the application as per officer's recommendation, which was not supported by a majority on a vote.

Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the application be APPROVED against officer's recommendation, with authority delegated to officers to formulate conditions to include an archaeological condition in association with the Chairman and Councillor Benney.

Members do not support officer's recommendation of refusal of planning permission as they feel the benefit of this business being in this location and expanding by far outweighs the loss of open countryside and that this application is different to the previous one as that was for lorry use and this is for running a building business so it is felt to be a different type of business.

(Councillor Sutton declared following Mr Aveling's presentation that as Mr Aveling owns the access road and he has attended a social event at which Mr Aveling was present he would leave the meeting for the duration of the discussion and voting thereon)

(Councillor Mrs Davis registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is Chairman of Wimblington Parish Council, but takes no part in planning)

(Councillor Connor registered, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Doddington and Wimblington and does attend Wimblington Parish Council meetings but takes no part in planning)

(Councillors Benney, Connor, Mrs French and Purser registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

**P146/22 F/YR22/1037/F
LAND SOUTH WEST OF THE OLD POST OFFICE, UPWELL ROAD,
CHRISTCHURCH
ERECT A DWELLING (SINGLE-STOREY, 2-BED)**

David Rowen presented the report to members and drew attention to the update 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)) during its deliberations.

Members asked questions of officers as follows:

- Councillor Connor asked for clarification on whether the mobile home on site is authorised or unauthorised. David Rowen responded that it is unauthorised.

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

- Councillor Cornwell acknowledged that the Parish Council are not very happy with the proposal saying the position of the dwelling would ruin the Grade II Listed Building and when you look at the way the site has been divided up it seems to have been done in such a way that it does not provide a proper access to it, which is very long and narrow, and then the dwelling would be totally not in keeping with the Listed Building being effectively in the garden of the Listed Building. He feels that officers have got the recommendation right on this application.
- Councillor Skoulding agreed with the comments of Councillor Cornwell. He expressed the view that the proposal is too close to the Listed Building and when it was viewed on the site inspections members were all shocked by the scheme.
- Councillor Mrs French agreed that the officer's recommendation is correct, this is part of her County Council division and she gets complaints repeatedly about what is already there without this proposal. She made the point that she would like to see the unauthorised mobile home enforced and removed as it another issue she is getting complaints about.

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

(Councillor Sutton declared that the applicant is known to him through involvement with the local boxing club and took no part in the discussion and voting thereon)

**P147/22 F/YR22/1259/F
3 SILVER STREET, MARCH
ERECT 1 X DWELLING (2-STOREY 3-BED), AND ERECTION OF A SINGLE-STOREY REAR EXTENSION TO EXISTING DWELLING, INVOLVING THE DEMOLITION OF EXISTING CONSERVATORY AND OUTBUILDING**

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)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, on behalf of the agent Craig Brand. Mr Hall expressed the view that the only issue with this application highlighted in Paragraph 1.3 and 10.7 of the report is the proposed dwelling does not comply with Part D of Policy LP16, all other relevant sections of Policy LP16 are met. He stated that Part D relates to assessing the proposal's impact on the character and appearance of the area's street scene.

Mr Hall stated that Silver Street is a private residential cul-de-sac of mainly two-storey housing with no passing traffic, the existing late 1960s bungalow has a shallow pitched roof, which exaggerated the difference in height between the original submitted proposal and the bungalow and after being told that the proposal was cramped and incongruous the depth of the dwelling and roof pitch was reduced. He made the point that no objections were received to the original proposal from residents on Silver Street, Bronze Street, Norwood Road or March Town Council.

Mr Hall referred to photos on the presentation screen, with the first slide showing a view from Norwood Road down Silver Street with only the front of the host bungalow visible on the left and

stepped back two metres behind the bungalow front wall only a small part of the new dwellings gable and roof will be seen above the existing hedge. He referred to the second slide which shows a similar development 200 metres from this application site in Norwood Road near the railway level crossing, this application was refused in June 2018 as not being compliant with Policy LP16 Parts D, E and H in the refusal notice and is in a highly visible location to traffic to and from Hostmoor Industrial Estate and the Recycling Centre, the Planning Inspectorate in June 2019 overturned the refusal as the Inspector considered the main issues were the effect of the development on the character and appearance of the area and whether it would provide satisfactory living conditions in respect of outlook and private amenity, the Inspector found the dwelling design and layout with the private amenity space set adjacent to the public highway and to the side of the dwelling to be acceptable and not detrimental to the character and appearance of the area.

Mr Hall expressed the opinion that this application proposes a modest dwelling with a traditional site layout of private rear amenity space and front garden set 1.1 metres from the side boundary and 2.2 metres from the host bungalow and will not detrimentally harm the street's character. He hoped that members would support the application so that the applicant's son and partner can get on the property ladder.

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

- Councillor Cornwell stated that the agent's representation said there is no passing traffic, which he agrees there is not but the day it was visited the site inspection bus could not get anywhere near the site anyway because of people who are parked in Silver Street that go to the shop and this is a regular occurrence. He made the point that the road is unmade, dusty and awful and the site for the new build is more or less in the back garden of the shop with a very exciting outlook into the sheds. Councillor Cornwell expressed the view that Silver Street has a history of sporadic development of various shapes, sizes and conditions, it also has a history of flooding which he does not know has been rectified. He feels it not a fantastic site and it is going to be a small construction as the plot itself is small.
- Councillor Sutton stated that it is unfortunate where the current dwelling is as the site does lend itself to further development but the current situation is the only way of developing that site would be, in his view, the demolition of the bungalow. He stated that in 2014 himself and Councillor Cornwell stood in the Fenland Hall and watched the rain and he knows that in Century Way, which is only across the road from this site, one of the factory units was 500 ml under water so there is and he believes remains a flooding issue in this area. Councillor Sutton expressed the view that the proposal is too cozy and the officer's have got the recommendation correct.

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

(Councillors Connor, Mrs French, Purser and Skoulding declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning)

6.30 pm

Chairman