

PLANNING COMMITTEE



WEDNESDAY, 28 JUNE 2023 - 1.00 PM

PRESENT: Councillor I Benney, Councillor Mrs M Davis, Councillor Mrs J French, Councillor P Hicks, Councillor S Imafidon, Councillor C Marks and Councillor S Clark (Substitute).

APOLOGIES: Councillor D Connor (Chairman).

Officers in attendance: Nick Harding (Head of Planning), David Rowen (Development Manager), Nikki Carter (Senior Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services).

P16/23 PREVIOUS MINUTES

The minutes of the meeting of 26 April 2023 were agreed and signed as an accurate record.

P17/23 22/0098/PREAPP ADOPTION OF SOUTH EAST MARCH BROAD CONCEPT PLAN

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

Members received a presentation, in accordance with the public participation procedure, from Will and Andrew Hodgson, the agents. Will Hodgson stated that he is Strategic Land Manager at Barratt David Wilson Peterborough office and is leading on this site. He advised that Barratt David Wilson control 65% of the site and that is via way of option agreement or ownership and two of the other site promoters include Cannon Kirk Developments and March East Developments Ltd and they have been in discussion with both of these promoters throughout the BCP process and both support the principle of development on the site.

Will Hodgson stated from the outset their strategy has been to ensure the whole allocation can be delivered comprehensively in line with policy and, therefore, the BCP has been produced to ensure this is the case. He advised that they have provided access to the whole site and there is a comprehensive drainage strategy for the whole site and the site has been parcelled up in an equitable way to ensure a equitable number of houses can be delivered on each landowners parcel.

Will Hodgson expressed the opinion that going forward it is their intention to submit an Outline application next month for up to 425 dwellings out of the total of 650, just on the land that they control, and it would then lead to other landowners to prepare their own planning applications to deliver their land holdings, which one landowner has already done. He stated that the site would be delivered with both their house building brands, being Barratt and David Wilson, and this combination brings forward a greater house type, variety and choice for their customers as well as enhancing the ability to propose a master plan, different character areas and design traits.

Will Hodgson stated they are committed to delivering the scheme alongside the Council and the proposals set out in the BCP document are deliverable with the land under its control allowing initial phases of the site to be delivered in a timely manner whilst not prejudicing the development on the adjacent land. He feels this is a fantastic opportunity to create a legacy for the growth of March and urged members to support the application.

Andrew Hodgson stated that it is important to get BCP in place but it is also important that they engage with statutory consultees, which they have done and they are also in the process of producing a planning application for the site so have had engagement with the Lead Local Flood Authority and Highways, with the discussions being well advanced and those discussions have been fed into the BCP. He made the point that this is a BCP and the details in relation to technical matters will be in the planning application but they have tried to identify in the BCP what the scheme is going to look like, how it is going to be accessed and how they anticipate the development parcels to look so the planning application should not be too much different to what can be seen in the BCP.

Andrew Hodgson advised that the parcels will be delivered in phases and discussions are on-going with Cannon Kirk and there is already an application for another parcel of land in the BCP area. He stated that Barrett David Wilson have allowed access into all of the parcels across the site so there will be no ransom situations, with there being an application in on the north-west parcel which accesses from Barkers Lane but if that was not to be achieved there is still opportunity to access that parcel through their site and they want to develop the site comprehensively and he is sure the landowners will come together to achieve this.

Members asked questions of Will Hodgson and Andrew Hodgson as follows:

- Councillor Mrs French referred to mention that in a few months time an Outline application will be submitted and asked why only Outline and not Full? Will Hodgson responded that it is mainly a business decision from Barrett's as full applications tend to take a long time and they want to get Outline secured and then carry on with Reserved Matters as soon as Outline permission is received, the way they phase their programme ensures there are no delays and they are already preparing a Reserved Matters in the background.
- Councillor Mrs French stated that as a member of eleven drainage boards she is concerned around drainage in this area and know there are issues in the vicinity, especially Barkers Lane, but is aware of the separate application. She referred to the offer to March Town Council of allotments, which they are unable to take on, and suggested that they talk to Fenland Farmers who are working on a programme of community gardens. Andrew Hodgson responded that they have had that discussion and have now substituted this for a community garden scheme.
- Councillor Mrs Davis referred to a statement made that there is a full drainage plan but in the update members have received it says "in view of the potential impermeable area created it is suggested that the illustrative attenuation ponds shown are too small and in the wrong location" and also "the shape and dimensions of the attenuation pond are a key consideration" so obviously this is going to be part of the Outline application but asked if they are talking to the Lead Local Flood Authority? Andrew Hodgson responded that they have tried to engage with Middle Level Commissioners at an early stage but did not have a response until last week just before the plan came before committee so have not had time to respond to their comments and some of their comments are very specific to the details of the scheme so a letter was submitted to try and address those points but a lot of the points will be picked up at the detailed Outline stage. He advised that they have no objection from the Lead Local Flood Authority and a lot of the Middle Level comments were quite detailed and they need to look at these with their engineers to see if anything needs to be changed.
- Councillor Marks asked when the initial letter was submitted to the drainage board? Will Hodgson responded that the initial letter was in February and there has been various follow ups seeking responses but nothing had been received until the end of the last week to the Council and the note they have sent back to the Council on Monday includes a timeline of events in terms of approaches they have made with Middle Level.

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

- Councillor Mrs French stated that she is pleased to see that something is actually happening, it has been on the cards for many years but she is seriously concerned about flooding, she has spoken to Middle Level and the relevant drainage boards and they will

respond to the applicant accordingly. She made the point that she understands that there are serious upgrades needed by the drainage boards and they do not have the funding so she feels the applicant is going to have to speak to them and see how they can assist as whilst it might not be now it is the impact 25 years down the line.

Proposed by Councillor Mrs French, seconded by Councillor Mrs Davis and agreed that the Broad Concept Plan for South-East March be ADOPTED as per officer's recommendation.

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

(Councillor Mrs French declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that March Town Council had received correspondence in relation to this item but regarding access for future applications)

**P18/23 F/YR22/0633/F
HOOK DROVE POULTRY FARM, HOOK DROVE, WIMBLINGTON
ERECT 1 NO DWELLING (3-STOREY, 4-BED AND LIVING
ACCOMMODATION/FARM OFFICE IN ROOF SPACE) WITH DETACHED DOUBLE
GARAGE WITH STORAGE ABOVE, IN ASSOCIATION WITH POULTRY FARM**

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

Members received a presentation, in accordance with the public participation procedure, from Jamie Curston, a supporter. Mr Curston advised members that he is currently the Farm Manager, being a local man and is married to a local lady having a family of 3, who have connections to the District to assist with their childcare so that they can continue to work in the District and support local services and contribute to the local economy. He expressed the view that his family have outgrown the 3-bedroomed house and require a 4-bedroomed dwelling to give the children their own space, being both male and female he believes this is appropriate.

Mr Curston stated that he has spent most of his working life in the poultry industry and progressed through the ranks from a trainee stockman to the current position as manager at Hooks Drove Farm since its first opening 8 years ago and it is one of the biggest and high-profile farms in the country seen as a flagship farm. He expressed the view that they lead the industry in technology to promoting effective farming, produce antibiotic use and implement extremely high bird welfare, which has led to an increase in his responsibilities and an increase in the complexity of running the business including integrating renewable energy and water recycling that requires constant monitoring.

Mr Curston stated that the job is demanding upon his experience and understanding of the ever increasing bird welfare and husbandry, with developing environmental controls and improving health and safety conditions for workers all contributing to ensure the health and successful growth of the birds on the farm. He added that he is also responsible for the welfare of the staff and the health and safety of the farm, with lone working considerably frowned upon and they are trying to eradicate it, which can be overcome by two people working together as there are many dangerous aspects to their work such as working at height, machines jamming, electrical malfunctions, etc and being a livestock farm these need to be dealt with immediately, often out of hours greatly increasing the demands on the labour force.

Mr Curston advised that the farm has 4 full-time workers during normal working times but out of hours there are only 2 living on the farm, emergencies often occur out of hours times and if he or his stockman are on holiday then there is only 1 person to deal with the risks of ½ million birds spread over 11 acres and dealing with the operation and safety of the farm's systems, which, in his

view, is not reasonable as at times someone travelling in from distance would not fulfil the requirements of the birds welfare. He expressed the opinion that at a time of emergency a call for assistance to one of its off-duty staff living off-site, may or may not be successful and may take up to 30 minutes to respond, with the delay possibly causing serious health problems to the flock estimated to be worth £1.5-2 million.

Mr Curston expressed the view that within the industry statutory holidays and part weekends off duty this amounts to 87 days per year for each employee based on their 6 day working week and with only 1 man on site the farm operation is at serious risk and the employees welfare is compromised, the third dwelling now requested is required to allow 3 workers to live on site full time so there will always be a minimum of 2 men enabling 1 man to be absent on annual leave, sickness or for any other reason. He feels the erection of the third dwelling as proposed is in an ideal situation close to the farm entrance and immediately adjacent to the farm buildings and the proposed 4-bedroomed size will provide adequate accommodation for his family and assist his continued management and operation of the farm.

Members asked questions of Mr Curston as follows:

- Councillor Marks referred to bird flu and the recent experienced outbreak and asked if the farm is closed to anybody coming in thereafter and then staff try and live on site? Mr Curston responded that restrictions are in place so visitors are kept to a minimum and it is just essential visitors, such as feed deliveries and staff.
- Councillor Marks asked if the birds are being fed during the night as well on a 24-hour basis? Mr Curston responded that it is a 24-hour production and there is a 6-hour dark period but a 24-hour constant monitoring system to ensure the birds are well looked after.

Members received a presentation, in accordance with the public participation procedure, from Dominic Parker, the applicant, and Derek Salisbury, the agent. Mr Parker expressed the opinion that this application with an officer's recommendation for refusal is largely due to the difference of opinion relating to the agricultural need and he employed Brown & Co to consider the agricultural need relating to an additional residential property, with the author of the report spending time on the farm assessing the factors and interviewing the staff gaining a sound understanding of the complexities for running a large modern flagship poultry farm, with their approach being thorough and their conclusions in favour of the requirement for a third dwelling, in his view, a well justified and well documented need in the 34 page report. He expressed the view that Sanham Agricultural Planning Limited were recommended to the Local Planning Authority by the first-choice planning consultant who withdrew, as a micro company with 1 director, 1 employee and limited resource it could not have the resource available to properly assess this complex application.

Mr Parker expressed the opinion that their report was unsubstantiated with broad sweeping statements that did not reflect the reality on the farm and the author did not accept an offer to visit the farm to understand the justification documented by Brown & Co instead it carried out a desktop assessment with no regard to the scale of the operation or the advancing requirements of bird welfare and it makes no comment on the health and safety issue of lone working as documented by the NFU nor the increasing security concerns of a single man dealing with the potential theft or violence at an isolated farm. He feels the lone voice recommending refusal contradicts the support of the NFU, CLA and numerous experienced members of the poultry industry who understand the operation of a poultry farm thoroughly and they all confirm the need for three dwellings to enable 2 workers to be always available on the farm.

Mr Parker expressed the view that provision of quality housing on an established farm business within the existing farm for a local family would be a positive outcome and the proposed residential dwelling would save car journeys, use the farm's renewable energy and contribute to the water recycling, an added bonus in reducing the farm's carbon footprint. He stated that if it would help the committee assess the scale of the farm, they would welcome a visit but, in his view, the farm scale justifies a minimum of 2 men on duty at any one time and, therefore, 3 dwellings, with the

farm having a value of about £8 million with stock value of around £1.5-2 million so it is a very important part of his business and a big responsibility for his Farm Manager, with the additional dwelling having an agricultural occupancy restriction and he cannot think why anyone would think why he would want to invest and build this property unless he required it.

Mr Parker hoped that the committee could look favourably on this application for his farm business, farm and employees, with a vote in favour of the application being a vote in favour of enhanced bird welfare, enhanced health and safety, enhanced employee welfare, enhanced sustainability and a reduced carbon footprint and a vote for high quality British agriculture.

Mr Salisbury informed members that he is a Chartered Architect and has worked for 17 years with all sorts of farms at the cutting edge of major improvements in animal welfare and farming practice. He expressed the view that the proposal for the third worker cottage is well founded and justified as demonstrated by the forensic appraisal produced by Brown & Co.

Mr Salisbury stated that the application was registered in June 2022 and they have responded to matters raised intermittently resulting in no objection from Environmental Health, the Wildlife Officer, Environment Agency and Highway Authority and have consental support from the Town Council, from neighbours and poultry users, Middle Level Commissioners, National Farmers Union and the Countryside Land Association, with the sole dissenting voice arises from the unsubstantiated desktop study by the Council's advisor. He stated that no response was received to their Flood Risk Assessment when submitted in January until the officer's report and they have submitted an update which considers that if the essential need for the dwelling is accepted then the sequential and exceptions tests are not applicable and reason 2 for refusal falls away and they contest the third reason regarding the relationship of the garage, which they do not think dominates the existing poorly designed bungalow.

Mr Salisbury stated that the proposed dwelling is critical to continuation of the farm as a flagship operation and requested that members approve the application with appropriate conditions.

Members asked questions of Mr Parker and Mr Salisbury as follows:

- Councillor Mrs French asked who the poultry farm supplies to? Mr Parker responded presently the birds are going into Sainsburys and there is a new contract for a higher welfare bird again, which started about 2 months ago and the monitoring involved is onerous.
- Councillor Mrs French asked if CCTV was installed on the farm? Mr Parker responded that there is CCTV installed on the outside of the buildings for security purposes and part of the proposal for the new Sainsbury's contract is that CCTV is going to be placed inside as well so the birds can be monitored.
- Councillor Marks referred to there being an office in the roof space and asked if an office was being removed or is this a new office? Mr Parker responded that this is a new office, the existing farm office will continue but there is a bio security fence which means that when you cross it into the farm you have to carry out security verification and this will enable the Farm Manager when he is off duty or at home to still monitor and work on the flock, it will be connected to the main office but means he does not have to walk in and out all the time if there is an issue breaking the bio security and enhancing the risk of AI.

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

- Councillor Benney expressed the view that this falls into the remit of a grey area, he can see why officers have reached their conclusion and as much as you can get experts to come in and say what is and is not needed the best person to know what is required is the person that runs it and very often the committee have to take what people tell them at face value. He expressed the opinion that this is a serious business and if the people running it say they need 3 people it seems perfectly reasonable, with you not being able to have 1 person working now anyway due to health and safety. Councillor Benney stated he has never kept

chickens but he has helped rear pheasants for pheasant shooting and he knows the work that goes into looking after any bird of any sort and he feels the owner would not be spending money to build a house with agricultural restrictions if he did not have to spend this money. He reiterated that the best person to say whether something is needed for the business is the person running it and he can take this at face value and can see the problems in relation to health and safety, animal welfare and it falls in the grey area where members needs to make a decision about supporting a local business, which the Council is committed to doing, and this business will grow. Councillor Benney expressed the opinion that the reasons for refusal are outweighed by the need for this business and he does not accept this is damaging the landscape or the area, it is not in a built-up area, this is where this enterprise belongs on a farm. He stated that he will be supporting the application.

- Councillor Hicks referred to the site being in Flood Zone 3 and feels a precedent has already been set by allowing other buildings to be built on the land previously so he cannot see this as a valid reason for refusal.
- Councillor Marks referred to the committee passing one very similar for a potato farmer as they had to live on site 24 hours and the security issue with the gliding company near March so he will be supporting this application.
- Councillor Mrs French stated that until she read the report she did not realise there was such a business in the District, she referred to the Council being Open for Business and the owners of this farm should be helped, with it being remarkable that they are prepared to build a house for farm workers, the owners are prepared to provide high quality work and build a high quality home so she will not be supporting the officer's recommendation.
- Councillor Mrs Davis stated that she agrees with the comments of Councillors Benney and Mrs French but made the point that it is difficult when members know what the Local Plan says should be allowed but as Councillor Benney says there is that grey area and, in her view, this proposal falls squarely in this. She feels it has been clearly explained why the owner needs this property, it is not going to be built for the sake of it, it is clearly needed and it is tied to an agricultural condition so she will be going against officer's recommendation.
- Nick Harding reminded members, seeing how the vote is likely to be going, that if minded to approve the development that delegated authority be given to officers to apply appropriate conditions. He stated that in the reasons for going against officer's recommendation that if committee feels there is an essential and functional need for the dwelling it does not agree with officer's conclusion on the impact and appearance of the dwelling in a countryside location and if members feel there is an essential and functional need the flood risk reason falls away.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to formulate conditions in conjunction with the Chairman and Proposer.

Members do not support officer's recommendation of refusal of planning permission as they feel there is an essential and functional need for the proposal and this is the right location for this type of business, it will not be harmful to the area and as it is considered that there is an essential and functional need this overrides the requirement for a sequential test to be undertaken.

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

(Councillor Mrs French declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that she had been lobbied on this application)

P19/23

F/YR23/0252/O

LAND EAST OF 12 EASTWOOD END, WIMBLINGTON

ERECT 1NO DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Nikki Carter presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Ian Gowler, the agent. Mr Gowler stated that the application is for a single plot which would make an ideal single family home or self-build property. He referred to the committee report describing this application as being sub-standard due to it being backland when Eastwood End is primarily linear development and made the point that the existing Rhonda Park is located 150 metres along Eastwood End, which is a development already in depth which was approved some years ago.

Mr Gowler referred to a photo on the presentation screen which shows an application that was recently submitted and approved by the committee of 9 dwellings also in depth, therefore, in his view, the statement of linear development is not as true as it may seem. He expressed the opinion that there has also been recently approved a barn conversion to the west of the site which will also introduce some backland development, although this was given under the Prior Notification system it will introduce that residential feel in a backland situation.

Mr Gowler noted that a further reason for refusal is the effect on neighbours in terms of noise and loss of privacy but made the point that as this is an Outline application the details of this could easily be resolved during the Reserved Matters with careful design of either a single-storey or chalet bungalow to avoid any overlooking. He expressed the view that the site has no effect on the open countryside, is not in the flood zone and with a development of 3 dwellings further to the south is very similar in appearance.

Members asked questions of Mr Gowler as follows:

- Councillor Mrs French asked what is different about this application to the previous one? Mr Gowler responded nothing apart from the fact that the surrounding area has had more growth approved.
- Councillor Imafidon asked for clarification that it is going to be a single family dwelling and has the application been submitted with someone in mind to live there or is it going to be sold. Mr Gowler responded that it is only outline at the moment but the size of the indicative property would be a small family dwelling and his client if given approval is not sure whether he will build it and sell it on the open market or whether he will sell the plot as the plot size makes it an ideal self-build plot but the final design is not set.

Nick Harding made the point that the application is for a market house rather than a self-build.

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

- Councillor Benney stated that he thinks officers have got the recommendation correct on this application, this is backland referring to the sites shown by the agent on the presentation screen, with one being for 9 dwellings and one being passed on appeal, and nothing has changed on this application to the previous one, it was refused before there is nothing new and he feels this should also be refused.
- Councillor Mrs French stated that she cannot see any difference and it was confirmed by the agent there is no difference, there is always talk about consistency so the officers have got this right and committee would, in her view, look foolish to overturn this application when it was previously refused.
- Councillor Mrs Davis stated that it is on record that an application was refused at 30 Eastwood End for a similar scheme being backland development and in the interests of consistency this application should be refused.
- Councillor Mrs French pointed out the comments of the Parish Council and this needs to be taken into serious consideration.

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

(Councillor Marks registered that the applicant is known to him via business and took no part in the discussion and voting thereon. Councillor Mrs Davis chaired this item)

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

(Councillor Benney registered that the agent is the brother of a fellow Chatteris Town and Fenland District Councillor but he does not associate with the agent and it will have no bearing on his determination of this application)

P20/23

F/YR23/0077/O

**LAND SOUTH OF FERRY FARM LONDON ROAD AND ACCESSED OFF STOCKING DROVE, CHATTERIS
ERECT UP TO 6NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Slater, on behalf of the applicant. Mr Slater stated that members will note from the report that there are no technical or amenity objections to the proposal and the key reason for refusal relates to the officer's interpretation of the strategic settlement hierarchy, Policy LP3. He expressed the opinion that both the application submission and the officer's report address this matter and the issue of the precedent of residential development is established through the recent grant of permissions in the vicinity, with there being 8 plots approved in the vicinity since 2013 and 5 dwellings approved immediately adjacent to the site since 2019.

Mr Slater expressed the view that it is the most recent approvals that are most relevant as they have been approved pursuant to the current Local Plan and more recent editions of the NPPF and he feels it is clear, looking at the planning history, in relation to development around the current application site that the committee has consistently taken a different view to officers in respect to the interpretation of LP3 and the definition of an elsewhere location. He referred to the committee's consideration of all of the recent developments on the adjacent sites and the resultant decision notices notes that "the committee in their consideration of the scheme concluded that the application site was not considered to be an elsewhere location under the terms of policy LP3".

Mr Slater referred to a decision at the March 2023 committee where "Members feel that the proposal complies with LP3 as the site does lie within Chatteris" and feels that with committee taking this consistent position it is clear that members consider that the principle of development in accordance with LP3 is established in this location. He expressed the view that the recent planning decisions by this committee in 2019, 2020, 2021 2022 and 2023 have all been made under the currently adopted Local Plan having complete regard to the wording of and meaning of LP3.

Mr Slater expressed the opinion that in relation to refusal reason 2 it is reiterated that the application is made in Outline with all matters reserved and it is not accepted that the proposal would cause significant harm to the local countryside as the site will be seen as part of the cluster of developments in and around the junction of London Road and Stocking Drove, with the ability of the Local Planning Authority to consider layout, design and landscaping in the Reserved Matters submission providing them with control in terms of appearance and visual impact. He stated that the application referred to the proposal being possibly for workplace homes as these have been successful forms of economic development within Fenland and it is noted that the emerging Local Plan in Policy LP15 makes reference to "support the growth of small and micro businesses, encourage business start-ups and promote an entrepreneurial culture".

Mr Slater stated that it is likely that the properties will be self-build properties and this gives the opportunity for bespoke dwellings and workplaces to meet individual needs and of the highest quality to be built. He requested in the interests of good planning and consistent decision making that the committee takes the same approach to the current application as to previous applications and that planning permission is granted.

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

- Councillor Benney stated that this site falls within his ward, he knows the area well and LP3 and the issue of elsewhere location has been discussed on every other application that committee has approved in very close proximity to this one. He stated the Chatteris and Welcome to Fenland sign are at the bottom of Ferry Hill, which is further out of town and there is development in the area, with the committee passing two adjacent to this site and three on London Road opposite the junction and earlier this year a single bungalow was passed which is more or less opposite this site on the opposite side of the road. Councillor Benney expressed the opinion that members need to be consistent in its approach and it has been covered that the committee does not think this is an elsewhere location and he feels there is a difference of interpretation between officers and members but the committee has to be consistent. He referred to the mention of workplace homes and feels there a need, referring to the workplace homes at George and Albert Way in Chatteris which were snapped up and there are businesses running from these properties and he sees no reason why this would not happen here. Councillor Benney stated that he looks at this as a local councillor, he interprets the policy differently, does not accept the refusal reason of LP12A and there is a need for workplace homes.
- Councillor Mrs French stated that she does agree with the comments of Councillor Benney in part but her understanding is there is no policy for workplace homes, it was scrapped in 2009 due to the shambles that occurred at Manea.
- Nick Harding highlighted the statement made by David Rowen that explained the differences between this site and the locations where committee have previously approved development in this location contrary to officer's recommendation, which is key to the determination of policy. He referred to the agent mentioning that this would be a self-build proposal, that was not what was identified in the application form so if the applicant is now saying that this is a self-build development then that would have to be taken into consideration, ie a Section 106 Agreement would be required in order to secure the units as being self-build. Nick Harding expressed the view on the issue of work units that he would guard against putting any conditions in relation to controlling this as the chances of enforcement are generally quite slim.
- David Rowen stated that whilst Councillor Benney is correct in that there has been a precedent set by the committee over whether this is an elsewhere location or not and members may accept that it is part of Chatteris and, therefore, complies with LP3 there is still a character issue here. He feel from looking at the photos on the screen the site is clearly just open Fen countryside and the application site would take up part of an open field, there are no natural boundaries and the sites that have been granted elsewhere on London Road have generally filled in gaps between existing properties or been within the confines of existing properties there has been no encroachment out into the countryside whereas here there are 6 dwellings on a site of 120 metre length extending out into the countryside with a clear character impact as a consequence.
- Nick Harding asked if clarification could be obtained from the agent as to whether or not this is a self-build planning application or a market housing application as this is important in terms of any resolution the committee may make. Mr Slater responded that they are not specifically self-built plots but would be individual plots sold as bespoke units.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply appropriate conditions.

Members do not support officer's recommendation of refusal of planning permission as they feel that the location is not an elsewhere location under the terms of Policy LP3 and they do not consider under Policy LP12A that it would not be harmful to the existing character and appearance of the countryside.

Councillor Mrs French stated that she would be concerned about a condition regarding workplace homes be placed on the approval. Nick Harding stated that this is noted.

(Councillor Marks registered that the applicant is known to him via business and took no part in the discussion and voting thereon. Councillor Mrs Davis chaired this item)

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

P21/23

F/YR22/1405/F

LAND SOUTH WEST OF 241 NORTH BRINK, WISBECH

CHANGE OF USE OF LAND FOR THE SITING OF 4 X MOBILE HOMES FOR USE AS HOLIDAY ACCOMMODATION

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Truswell, an objector. Mr Truswell stated that his objection is largely due to the proximity to his property next door, he lives adjacent at 251 showing on the plan displayed on the screen where his property was, and the negative impact the proposal will have on available daylight and the associated noise pollution. He believes there is a more suitable location away from his boundary but still on land believed to be owned by the applicants, with there being a large expanse of unused land to the north, north-west and north-east, land which is already served by an adequate point of access from the main road.

Mr Truswell stated that there have already been several planning applications for this small piece of land which have been refused and this application in its current form affects 2 households, 6 people, 2 families but if it was to be moved to elsewhere on that land it would not impact any households. He feels the proposed holiday village will have an adverse impact on his quality of life in its current proposed location.

Members asked questions of Mr Truswell as follows:

- Councillor Imafidon asked for clarification on how the proposal affects his property apart from noise pollution. Mr Truswell responded that as they are semi-detached the ground floor light comes in through 4 windows so down the side of the house consists of 75% of their light, the applicant is already growing bushes that are up to 12 feet high which is already affecting his light and he did submit in his objection a side aspect showing, using a telegraph pole at the top of road as a reference point, where the highest point of the static caravan next to his property would impact. He feels it would impact with available light and noise. Councillor Imafidon questioned that he stated that there is already a 12-foot hedge. Mr Truswell responded that it was 10-feet 3 months ago and it is now 12-foot and will be 14-foot imminently. Councillor Imafidon asked if that hedge is already there how will the caravans impact, will they be taller than the hedge? Mr Truswell responded that this is a conversation he plans to have with the applicants as he feels the hedge is now getting too high and affecting their available light.
- Councillor Mrs French asked if he had spoken to his neighbours about the hedge as there is legislation on overgrown hedges and the owners have a statutory duty to keep them under control. Mr Truswell responded that the applicants have been really good up until recently keeping them maintained and he does not think it is noticeable from their aspect but there has been a surge in growth this past few months. Councillor Mrs French asked again if he

had tried to speak to the neighbours. Mr Truswell responded not as yet but to be fair he feels slightly aggrieved that the planning application has been applied for and he found out after it had been submitted and he does not feel they are on a friendly chat over the fence footing anymore.

- Councillor Hicks referred to there being a gap between the building and his house so it is not right on his border? Mr Truswell responded that looking from the street scene view it does look closer but he believes there is going to be hot tubs on the ends of these caravans. Councillor Hicks asked how do he know this? Mr Truswell stated that it is in the planning application text and there would be extra noise when there is a massive amount of land over to the north which has no households near it demonstrating this point on an aerial plan of the area shown on the presentation screen.
- Councillor Mrs Davis asked what the workshop on his property is used for? Mr Truswell responded that it keeps his Land Rover Defender away from the rain and he does odd jobs within it as he is a lorry driver by trade.

Members received presentations, in accordance with the public participation, from Beverley Wakefield, the applicant, and a written representation from Alexandra Patrick, the agent. Mrs Wakefield stated that she has lived along North Brink for 20 years and her neighbours at 255 previously provided holiday accommodation for many years but due to their retirement and moving the business has now ceased and people often enquire whether they could use their land for holidays due to its location to the town and declining numbers of hotels available in Wisbech. She expressed the opinion that the sunset and sunrises are amazing which are easily viewed from her property and will also be of benefit to the occupants of the proposed holiday accommodation.

Mrs Wakefield provided details of a particular request they had received and since then they have toyed with the idea of providing hotel accommodation on the land and decided last November to formally submit an application. She stated that they will be available to personally manage the holiday lets and answer any questions or issues that may arise as they have a vested interest in running it peacefully and with the littlest amount of disruption to all concerned.

Mrs Wakefield stated that they also propose to retain as many of the pear trees as possible and will site the holiday lets among them providing fruit for the benefit of the occupants when they are in season, additionally there are blackcurrants, raspberries, gooseberries and rhubarb which will also be freely available for the proposed occupants to help themselves to experience the localised fruit during their stay and enhance their enjoyment of staying in the Fens. She added that they also proposed to put nest boxes around the trees to encourage more wildlife, which she has great pleasure in observing daily and hopes that she can count on members support for her proposal.

Member Services read out the written representation from Alexandra Patrick. Ms Patrick stated that in accordance with the officer recommendation of approval for this application she would naturally like the committee to agree with this recommendation. She expressed the view that within this village and the surrounding villages are a number of holiday let sites, all thriving and bringing business and tourism to the local area and the site fits well within the character of the area with a natural boundary to the front and surrounding perimeter of the site.

Ms Patrick expressed the opinion that foraging the extant fruit trees and an abundance of nature walks supports this development's location and amenities, but the location is not too far away to miss out on the local tourism the Georgian town of Wisbech can provide; Peckover House, Elgoods Brewery and Octavia Hill's Birthplace to name a few. She feels the mobile homes are typical to those in this Fenland locality as seen at Tall Trees caravan and camping park in Guyhirn and mobile homes at Manor Lodges, Seadyke Bank, Murrow, with the natural screening to the front and position of the holiday lets not being detrimental to the neighbouring properties, no overlooking or overshadowing of any kind given they are single-storey developments.

Ms Patrick made the point that there are 6 letters of support for this application and only 2 negative

letters. She acknowledges that the flood zone is a high one in this locality but stated that the site will have evacuation plans and a roof escape window should the committee deem this acceptable and given the recent approval of a bungalow and full-time living accommodation for mobile homes further west along North Brink, a development such as this for tourism and restricted to 10 months of the year seems, in her view, acceptable.

Ms Patrick stated that the holiday accommodation will be managed by the owners of 241 North Brink, given the very few numbers of mobile homes proposed, which should not take away the aesthetics of North Brink.

Members asked questions of Mrs Wakefield as follows:

- Councillor Mrs French referred to the comments of Mr Truswell and asked Mrs Wakefield to tell her about the height of the hedge as she has obviously got a duty to keep it under control and she cannot see anywhere in the report where it says about hot tubs. Mrs Wakefield responded that they always trim the hedges in January/February before the birds nest and whenever they are starting work, especially on that boundary, they send a text message to the neighbours to inform them and they always work on their side so all the rubbish comes their way. She stated that the fence that is there is 1.8 metres so they usually work to this height and they did cut them in February but the new growth is incredible and they will be cut again in October, always undertaking the work twice a year. Mrs Wakefield stated that there are no plans for any hot tubs.
- Councillor Imafidon appreciates that due to the nesting season that the hedges cannot be cut regularly but referred to the mention that they were cut in February. Mrs Wakefield reiterated that they were cut in February before the birds nested and they were cut right back and Mr Truswell was quite happy with the height. She made the point that Mr and Mrs Truswell have lived next door for 7 years and they have never had a problem or a query regarding the hedges until today.

Members asked questions of officers as follows:

- Councillor Mrs French referred to officer's being satisfied that there will be no overlooking and asked if this is correct, as it is contrary to what the objector is saying. David Rowen responded that the report in a couple of places addresses the relationship between the development and the adjacent property and concludes in planning terms that this is acceptable.

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

- Councillor Benney expressed the view that whether the height of the hedge is 8 foot or 15 foot does not make any difference to a planning application as there is a mechanism in place to deal with high hedges, talking to your neighbour being the first thing. He feels that whether it is wanted or elsewhere it is in front of members today and he can see no evidence to say that there is anything contrary to what policy says and cannot see no material planning reasons to refuse this, with every application that is approved being next to someone who may not want it but that is not a reason to refuse, although he acknowledges the concerns of the objector.
- Councillor Mrs French agreed with the comments of Councillor Benney.
- Councillor Imafidon stated that being from Wisbech and knowing that developments are needed in Wisbech for tourism he supports this application. He acknowledges the comments from the objector but Mrs Wakefield has informed members that noise will be minimal and she will continue to maintain the hedges.
- Councillor Hicks referred to noise and queried what age groups would be expected in these caravans? Councillor Marks reminded him that members were now in debate and the question should have been asked earlier.
- Councillor Imafidon asked if it is officer's responsibility to put a condition on noise control? David Rowen responded that no noise conditions are recommended to the committee but if the development occurs and there are noise issues there are controls through the

Environmental Health legislation to address those.

- Councillor Mrs Davis asked for clarification that if there are noise complaints Environmental Health could get involved and it could be like on other sites that conditions could be applied such as no vehicle movements after 11pm. David Rowen responded that what would happen if the development was to take place and was to generate a level of noise complaints could be made to the Environmental Health team by local residents, those would be investigated and if it was demonstrated that there was a statutory nuisance created then there are controls which can be applied to address those.
- Councillor Benney made the point that members are looking at a planning application in front of them today and members cannot pre-empt what might happen, with mechanism being in place to deal with possible future issues.

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

P22/23

F/YR22/1137/F

**LAND WEST OF 70-71 SOUTH GREEN AND FRONTING FIELDSIDE, COATES
ERECT SINGLE STOREY 1-BED DWELLING AND FORMATION OF A NEW
ACCESS**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Hall, the agent. Mr Hall stated that there are no technical objections to this application and within the officer's report there are concerns regarding the neighbouring windows overlooking this proposal but expressed the view that those two windows, which are first floor and he believes bedrooms, overlook the garden area of this site at the present time. He expressed the view that with this proposal one of the windows will directly look at the bungalow and by splitting the garden and building this bungalow, in his opinion, it will offer more privacy to the garden of No.75, which is spilt to the rear and front of the property.

Mr Hall stated that in 2017 an application by a different agent was refused, which did have an objection from the neighbour but this revised application by themselves does not have any objections at all. He expressed the view that previously on this site there have been approvals for a dwelling, with an application being rightly refused previously for two-storey and the last application was refused in 2017 which was for a bungalow built on the boundary and also had roof lights, which attracted the neighbouring objection and this proposal has removed the roof lights and showed the bungalow to be set in the site about 1 metre from the boundary.

Mr Hall stated that, since the previous refusal for this site, on the opposite side of this road directly opposite this site planning approval has been given for 8 two-storey houses in July 2020 by the committee. He added the existing property No.75 still retains its parking and still has over half its site area as garden and this proposal is for a 1-bedroom starter home on a site in Flood Zone 1, a third garden area, no overlooking from the proposal, adequate parking, no technical objections and no neighbouring objections.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French referred to 5.2 and the comments of the Definitive Map Team and asked for further explanation and is the proposal going through a public right of way? Mr Hall responded that the actual access to this site runs at the back of property at the moment and from the deeds that he has seen the applicant does have a right of way onto that public byway, which is used by numerous other properties. Councillor Mrs French requested clarification that it is not going to be blocked off? Mr Hall responded that it was not.
- Councillor Mrs Davis asked what the amenity areas for the two properties would be and do they fall within the normal regulations? Mr Hall responded that if this is approved and built

the existing property No.75 still has over half its site area as garden, which is split at the back and a substantial area at the front, and this proposal has a third garden area and there has been no concerns raised by officers in relation to the garden area.

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

- Councillor Mrs French stated that she does have concerns about this proposal as looking at Whittlesey Town Council comments it recommends refusal due to over intensification and it could be detrimental to the health and wellbeing of any occupants. She further expressed concern about public rights of way being blocked off because over years they just seem to disappear.

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

(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, but he is not pre-determined and will approach the application with an open mind)

P23/23

F/YR23/0230/O

**LAND SOUTH EAST OF TALL TREES, STATION ROAD, WISBECH ST MARY
ERECT UP TO 3 X DWELLINGS WITH GARAGES (OUTLINE APPLICATION WITH
ALL MATTERS RESERVED)**

David Rowen presented the report to members and drew their attention to the update report that had been circulated. He stated that further comments have been received from the Highway Authority in respect of the revised plan referred to in the update and these comments are still that it has not been demonstrated to their satisfaction that suitable visibility can be achieved.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal seeks outline planning permission for 3 dwellings, with all matters being reserved and, therefore, the drawings are completely indicative. She feels the proposal has raised issue with the principle, visual impact and highway safety and with regards to the principle the site lies within Wisbech St Mary which is identified as a growth village within Policy LP3 of the Local Plan, with growth villages being second on the settlement hierarchy demonstrating that these are the areas where the Council wants to see new housing and, in her view, it is a given that infill development is acceptable in such locations and Policy LP3 specifically states that village extensions may be appropriate.

Mrs Jackson expressed the opinion that the application site is positioned next to the built-up frontage of development to the south and this development extends from the village centre up Station Road with continuous residential development along both sides of the highway. She feels the application site physically adjoins the frontage development on the western side of the highway and there are other dwellings to the immediate north, with it constituting a gap in an otherwise built-up frontage and, therefore, she feels it constitutes infill development, which is supported in policy terms.

Mrs Jackson expressed the view that if it was considered that the development did not constitute infill development the scheme would compromise of 3 new dwellings which are attached to the existing built form and as such the proposal would be a village extension and this would comply with Policy LP3. In her view, any interpretation of the site is supported in principle in planning policy terms.

Mrs Jackson referred to the issues with regard to visual impact and feels they are a misnomer as the scheme is submitted in outline only and, therefore, the specific appearance of the development is currently unknown. She feels that as the principle of development is acceptable in policy terms

the physical development of this area is a given and, therefore, the second proposed reason for refusal in terms of urbanisation falls away.

Mrs Jackson referred to the update which includes a further plan demonstrating that the development can be achieved using a single point of access taken from the existing access point and shared across the 3 properties and she feels that as the existing access serves agricultural land it is capable of accommodating any number of vehicles, at any scale and at any time, therefore, it is considered that the access is capable of safely accommodating the movements associated with 3 dwellings. She acknowledged that the County Highways have requested visibility splays associated with speeds of 60mph, but, in her view, given the proximity of the site to the existing 30mph speed limit and given the junction at Volmary and Garden Lane it is unlikely that speeds of 60mph will actually take place, this is referenced as Leverington Common which is to the north of the site is a 50mph highway.

Mrs Jackson referred to Highways asking for visibility splays of 2.4 x 250 metres, which can be achieved to the north and to the south 150 metres can be achieved, which is 110 metres over what is required for a 30mph area and she feels that safe access be achieved. She made the point that there are no technical concerns with the development and the scheme is before committee with support from the Parish Council and local residents and she hoped that members would be able to grant planning permission.

Members asked questions of officers as follows:

- Councillor Benney referred to the report stating that the safe access cannot be proven and asked if this is still correct? David Rowen responded that the advice of the Highway Authority is that it has not been demonstrated to their satisfaction that the visibility splays that Mrs Jackson referred to are appropriate and they are saying to accept a lower standard of visibility there would need to be a speed survey, which has not been undertaken.
- Councillor Mrs French made the point that speeding is a problem right across the District and asked if it is possible that this application could be deferred until the speed survey is undertaken? Nick Harding responded that technically this could be done but he would counter against this because with minor applications there is the approach whereby one round of amendments is permissible with development proposals and if the problems identified by officers are not resolved after one attempt then they invite the application to be withdrawn or alternatively a decision is made on the application. He stated that a deferment is usually used to get clarification on a particular issue whereas in this instance it could be some time before the speed survey could be undertaken, verified by the County Council and the junction redesigned as may be appropriate. Councillor Mrs French questioned that officers are saying this application is not complete without the survey. Nick Harding clarified that the application is not approvable in its current state.
- Councillor Marks asked for clarification that this is the second time the access has been questioned and there is a verbal response this time as someone has gone back to ask questions. David Rowen responded that Highways have provided a written response and his understanding is that initially comments were made by Highways setting out their concerns with regards to the lack of visibility splays, a drawing has then been submitted by the applicant demonstrating a lower standard of visibility splay and Highways have then said these splays are not adequate and to justify them they would require a speed survey, a further drawing has then been submitted which has sought to change the indicative layout from 3 access points to 1 shared access point and the further advice from Highways is that it still has not been demonstrated that these lower standard visibility splays are adequate as there is no speed survey.
- Nick Harding added that the slide on the presentation screen shows that there is clearly not continuous development from the main part of the settlement, there are clear gaps between development along Station Road so he finds it difficult to agree with the comments made by the agent, it is outside the settlement and it is not an infill proposal as outlined in the Local Plan.

- Councillor Clark asked if there is a development on-going currently on the opposite side of the road? David Rowen responded that there is a single dwelling that is being built on the opposite side of the road, which was a committee overturn and went against a previous appeal decision on that site.

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

- Councillor Benney expressed concerns over the access and visibility splays but made the point that there are 3 reasons for refusal and committee should look at what grounds it turns the application down. He believes it should be refused on highway grounds but are all 3 grounds relevant, should reasons 1 and 2 be discussed because it is only reason 3 that is of concern to him. Councillor Benney expressed the view that Wisbech St Mary is a growth village, there is building on both sides of this site so it could be said that it is infill, with it being a difference of interpretation and he could have a difference of interpretation on refusal reasons 1 and 2 but reason 3 does need resolving and he does not think it can be deferred.
- Councillor Mrs French agreed with the comments of Councillor Benney and that members need to be looking at Parish Council views and they have no concerns knowing the site well.
- Councillor Mrs Davis referred to 1.3 of the officer's report where it says in relation to LP3 and LP12 "an argument that is supported by conclusions drawn by the Planning Inspector in a previous appeal decision approximately 100 metres closer to Wisbech St Mary than the current application site" and she feels it does fail on the other reasons for refusal.
- David Rowen reiterated that from the aerial photograph he is not sure how this site can be considered to be part of the continuous built form of Wisbech St Mary given the significant green gaps that are on that photo. He referred to the comments of the agent on consideration of appearance being a misnomer, which he feels is incorrect, the issue is not one of the design of the properties but the impact of the development on the character and appearance of the area being a matter of consideration by committee today and putting 3 dwellings on what is a green paddock or field and removing the front hedge is going to have an impact on character and appearance, with the officer view that this is unacceptable and committee are entitled to come to a different conclusion.

Proposed by Councillor Mrs Davis, seconded by Councillor Hicks to support the officer's recommendation, which was not supported on a vote by the majority of members.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be REFUSED on refusal reason 3 only in that it has not been substantiated that a suitable and safe access to the development can be provided.

Members do not support officer's recommendation to refuse the application in relation to reasons 1 and 2 as they feel Wisbech St Mary is a growth village and the proposal is infill as it has buildings either side of the site so it does comply with Policy LP3 and the proposal would not be detrimental to or harm the character and appearance of the area so would not be contrary to Policies LP12 and LP16(d).

**P24/23 F/YR23/0310/O
LAND SOUTH WEST OF THE HOLLIES, HOSPITAL ROAD, DODDINGTON
ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

This item had been withdrawn.

3.20 pm

Chairman