

# PLANNING COMMITTEE



**WEDNESDAY, 11 DECEMBER 2024 - 1.00 PM**

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

**APOLOGIES:** ,

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Gavin Taylor (Principal Development Officer), Tom Donnelly (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

## **P66/24      PREVIOUS MINUTES**

The minutes of the meeting of the 13 November 2024 were agreed and signed as an accurate record.

## **P67/24      F/YR24/0835/O LAND NORTH OF ANTWERP HOUSE, GOSMOOR LANE, ELM ERECT UP TO 5NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

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 Peter Bryant, an objector. Mr Bryant explained that he is addressing the committee to represent the hamlet of Colletts Bridge who are asking the Council to uphold their Local Plan and to show it cares about highway and flooding safety by voting unanimously to refuse as they did the near identical application earlier this year. He stated that the officer's report asserts the ELP has little impact, and he notes the huge disparity in LP65.1 (which is this plot, in LP65 which is Colletts Bridge) and, in his view, with regards to the update report, the ELP should be ignored.

Mr Bryant expressed the view that the application comprehensively fails to meet the Local Plan, and the west side of Colletts Bridge is a place that officers, the committee and Planning Inspectors have all agreed is predominantly open to the surrounding countryside with a handful of sporadic dwellings. and this application of a mini estate drives a coach and horses through. He made the point that clearly this proposal would be in total opposition to the form of the settlement and would adversely harm its character and appearance.

Mr Bryant referred to the presentation screen and stated that the red marks show a concentrated objection to development on this site from residents, the Parish Council and both District Councillors. He added that the more distant green marks show the residential support for the plan as supplied by the applicant's agent, which he feels paints a very clear picture, adding that the Highway Authority's first response to an application for this site required splays of 215m in either direction, or a traffic speed survey to show speeds are low enough and the applicant has done neither.

Mr Bryant added that the application claims a 69m splay which is only safe for speeds of about 40mph for light vehicles and yet this road is the only approved route for HGV's attending Fenmarc, 24 hours a day, seven days a week, with it being immediately adjacent to both a blind junction and a dangerous crossroads. He made the point that the visibility splay is significantly reduced by the hedge in the picture and that hedge is not in the control of the applicant, with the Highway Authority having never chosen to take any action on the hedge and he explained that the Highway Authority have stated in their follow up by indicating acceptability resting entirely on the phrase "...would be unable to build up speed".

Mr Bryant expressed the view that this statement is an evidence free assertion, and he referred to the presentation screen and explained the diagram shown on the screen, which demonstrates the actual speeds achieved safely during a test undertaken by him and he added that when cars exit Colletts Bridge Lane, vehicles from the left can be travelling at over 30mph when first seen, thus drivers have less than 2 seconds of clear, visible road. He explained that this includes HGV's necessarily cutting the corner on entering Gosmoor Lane from the A1101 and, in his view, it is unsafe so much so that some locals will not turn right into Gosmoor Lane because they find it too dangerous.

Mr Bryant expressed the view that this is mitigated because there is ¼ mile of clear road to the right towards Elm without junctions and when clear this gives drivers 15 seconds to focus entirely on avoiding traffic from the left and, in his view, the application destroys that mitigation as 15 seconds become 1 or 2, which, in his opinion, makes the junction dangerous in both directions. He stated that following an extended email conversation to which Councillor Mrs French was included along with the FDC Planning Officer and Elm Parish Council, Highways eventually acknowledged that this junction does not comply with Highway Standards because of very poor visibility.

Mr Bryant stated that both himself along with the Parish Council, assert that the application further endangers Colletts Bridge residents by reducing visibility times to 2 seconds in both directions, with the Highway Authority stating in their professional judgement that this is safe, however, they offer no metrics or standards to support this, and they do not even have a speed survey (as originally required) to consider if this could be safe. He expressed the view that if the 2 seconds to the left is dangerous then 2 seconds to the right is equally dangerous and would create a road configuration with enormous potential for injuries, damage and death and he rejects the Highway's judgement that it is safe and asked the committee to do so as well.

Mr Bryant referred to the presentation screen and stated that the slide tells 1000 words and he added that the quote is taken from the paragraph 5.2 of the conclusion in the applicant's own drainage strategy where it states that the site floods all year round as it is covered with reeds and marshy flora. He stated that in the officer's report it mentions that the remedial drainage strategy is outside the red line boundary and must be disregarded and he added that the IDB cannot even confirm if the mitigation would work.

Mr Bryant made the point that with the drainage strategy disqualified from consideration MLC's previous concerns stand and state clearly that the site is unsuitable for development, and he stated that MLC's hydraulic modelling is not even available. He expressed the view that the County's Principal Flood Risk Officer stated at a recent public meeting that the current system cannot cope and that there is nowhere for the water to go.

Mr Bryant concluded by stating that there is no local support, the application fails to meet numerous Local Plan policies and particularly drives a coach and horses through DM3, it severely increases highways dangers, and the existing flood and drainage issues remain and cannot be resolved.

Members asked Mr Bryant the following questions:

- Councillor Mrs French asked Mr Bryant to clarify the point he made with regards to email

correspondence. Mr Bryant stated that he had sent an email to the Highway Authority and copied Councillor Mrs French in as his County Councillor, along with Councillors Roy, Count and Summers on the Highways issue. Councillor Mrs French stated that she has declared that she has been lobbied so that is recorded.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent. Mr Walford stated that the proposal is in outline form for 5 plots and is in Flood Zone 1 as well as being in an allocated site within the emerging draft Local Plan. He explained that the site abuts the built form on Colletts Bridge and extends no further down Gosmoor Lane than the existing residential development.

Mr Walford added that on the opposite side of the road there is a building plot which was approved by the committee in 2022 and at that time it was recommended for refusal by Planning Officers and contrary to policy for similar reasons. He expressed the opinion that it is a logical development which helps to sustain local amenities and contributes towards the local housing need.

Mr Walford added that the submission is accompanied by a detailed surface water drainage strategy which was commissioned following the concerns of Middle Level Commissioners (MLC) and the committee at the last meeting. He explained that he is proposing a new open channel drain on the applicant's land to the west of the site which connects up to an existing drainage network to the north on a drain, with the strategy demonstrating that all surface water can be attenuated on the site via storage crates and then discharged into the open ditch at greenfield rate.

Mr Walford made the point that the ditch could have technically been a closed pipe underground, but it was felt that an open channel was more favourable towards ecological and environmental benefits and it also acts as a physical barrier between the site and future development due to the concerns over possible future development down Gosmoor Lane. He explained that since the resubmission, biodiversity net gain has been introduced and he has been able to use the drain as an environmental asset off site rather than in the red line.

Mr Walford made the point that MLC commented on the revised submission and have stated that the applicant has made a considerable effort in trying to resolve the drainage issues and flood risk raised previously including the formation of a new open channel to serve the proposed development and if dealt with correctly the water course may have the wider benefits in lowering the water level within the hamlet. He stated that he is aware that the hydraulic modelling checks have been referred to as to not being available to date, however, the drainage strategy shows that the attenuation will take place on site and will be discharged at greenfield rate and, therefore, regardless of what the checks identify the water can be discharged into the ditch at greenfield without consent and he is struggling to see why there is the need to wait for modelling calculations to confirm that is acceptable.

Mr Walford explained that the application has included an ecology appraisal to address any concerns with regards to wildlife and to bring it up to standard to comply with the biodiversity net gain policy. He made the point that Highways have supported the proposal, and he referenced the objector's presentation where concerns were highlighted with regards to visibility, highlighting that it is an outline application and access is not committed, however, a single access point could be an option and as the application is only indicative, the access could be moved along away from the hedge which is causing concern.

Members asked officers the following questions:

- Councillor Mrs French stated that only a few months appear to have passed since the application was recommended for refusal and she asked officers to explain what the difference is with the current application apart from the discharge of drainage water? David Rowen stated that in terms of the indicative details submitted, nothing has changed from the previous application. He added that the only change is the introduction in the drainage ditch

which does not form part of the application site.

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

- Councillor Mrs French stated that she cannot see any difference in the application and whilst it may be in the emerging Local Plan, this is yet to be adopted. She expressed the view that she does not see how the committee can make any other decision apart from the decision which they made a few months ago.

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

*(Councillors Connor and Mrs French declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they have been lobbied on this application)*

**P68/24      F/YR23/0208/F  
T KNOWLES (FARMS) LTD AT KNOWLES TRANSPORT LIMITED, MANEA  
ROAD, WIMBLINGTON  
ERECT AN EXTENSION TO EXISTING AGRICULTURAL GRAIN STORE, 2.5  
METRE HIGH PALISADE AND SECURITY MESH FENCING, INSTALLATION OF A  
WEIGHBRIDGE AND ASSOCIATED HUT, AND WIDEN EXISTING ACCESS  
(RETROSPECTIVE)**

David Rowen presented the report to members and drew their attention to the update report which had been circulated along with additional representations which had been received and sent directly to members of the Planning Committee.

Members received a presentation, in accordance with the public participation procedure, from Councillor Angela Johnson of Wimblington Parish Council who explained that she was also present to raise an objection on behalf of the community. Councillor Johnson expressed the view that retrospective planning applications are becoming more common place within businesses in Wimblington, with the error caused by Knowles Limited has cost the community and councils a lot of time and money. She added that she would also like to know whether Planning Officers have considered the installation of a weighbridge which has been added to the application is to be approved along with the retrospective application as it did not form part of the originally approved planning application.

Councillor Johnson stated that the committee is aware of the history regarding planning applications for the site along with the appeal with the Secretary of State which was granted including conditions. She added that Knowles Limited then went ahead and built something different than that represented to the Secretary of State and this error raised concerns with regards to road safety and flooding.

Councillor Johnson explained that the site is situated close to the boundaries of flood zones 2 and 3 and local residents are already experiencing problems with heavy flooding especially within the proximity of the Knowles Limited site. She made the point that she is sure that both the committee and officers are fully aware that there are two types of flooding, namely river and surface water.

Councillor Johnson stated that this flooding occurs when ground or drains cannot soak up and transport away rainwater meaning that a property can be at risk of flooding even when it is not near a river, with some Cambridgeshire locations known as wet spots and are prone to surface flooding. She explained that a flood zone is a planning term used for deciding where the development should go and what planning officers are frequently forgetting is to take into pluvial flooding which is now becoming more and more prevalent in and around Wimblington and the surrounding areas.

Councillor Johnson stated that the construction built in error and without consultation is not

proportionate to the design granted by the Secretary of State and the drainage soakaway and runoff water from such a large impermeable surface is of great concern to close residents. She questioned whether the conditions put in place by the LLFA, and the Highway Authority are robust enough as, in her opinion, there are a number of them which are hard to implement since the work has already been completed.

Councillor Johnson questioned whether adequate measures have been taken to ensure that the draining soakaway and an attenuation pond have been installed to the correct specification. She explained that a local resident, Mr Jerry Smith, has already forwarded in depth reports to the committee highlighting the highway hazards and she explained that the new site entrance which is to be aligned with the new existing aperture is only metres away from the new A141 junction and traffic lights.

Councillor Johnson expressed the view that this is a busy junction for HGV vehicles and other traffic and this in itself is seen as dangerous, making the point that lorries slowing down to enter the site and slow lorries exiting the site at such a busy junction especially with already established businesses along the Manea Road which have heavy good vehicles raises more pressure on that junction. She expressed the view that Knowles Limited should be asked to correct the error and widen the canopy to allow for two vehicles to safely pass each other.

Councillor Johnson made the point that the Planning Officer has stated that the issues have been addressed and as such the application should be granted with a number of conditions attached but, in her view, the concerns are such that Knowles Limited has not respected the appealed planning application or conditions and she questioned how conditions can be monitored for the current application. She referred to condition 2 which states sole use for agricultural crop and storage and asked why there is a lorry parking area which is being used, with Mr Knowles advising the Parish Council that large articulated lorries would not be used at the application site but this, in her view, does not appear to be the case.

Councillor Johnson referred to condition 4 which states that hard standing within the site shall be constructed to include adequate drainage measures and she stated that hard standing from concrete has already been constructed and she questioned whether it has adequate drainage measures included. She expressed the view that conditions are there for a reason and the conditions need to be more robust and enforced strongly.

Councillor Johnson stated that Wimblington Parish Council and the community would ask the committee to seriously consider the application and conditions.

Members asked Councillor Johnson the following questions:

- Councillor Marks stated that Councillor Johnson had referred to a weighbridge and on the plan the weighbridge appears to be at the rear of the building. He asked Councillor Johnson to explain why she is objecting to the weighbridge?. Councillor Johnson stated that when a consultation exercise took place with Knowles Limited, they did not state that it was going to be used as a weighbridge establishment as well which will also mean that there will be more vehicles going in and out of the small narrow aperture. She added that it was not included in the planning application that went to appeal, and it has been added in retrospectively.
- Councillor Marks referred to the junction and the vehicles leaving the A141, he travels the road everyday and is yet to see a lorry having to hold back to let another vehicle out of there because, in his view, if a lorry does come then there is enough room to take an articulated lorry off the highway and wait for any vehicles coming out. Councillor Johnson made the point that if you are exiting the A141 to turn down towards Manea and a lorry found it necessary to wait to get into the aperture due to another vehicle coming out then that could be considered as a hazard. She added that the distance from that actual junction to the entrance of the actual aperture is only 90 metres.
- Councillor Marks asked Councillor Johnson whether she would agree that the turning into

the potato store where a vehicle has to actually turn across the traffic having come off the A141 would cause more of a problem than anything that pulls straight into Knowles Limited? Councillor Johnson stated that would be the same as if something is pulling out of Knowles and going across the road and if the lights have changed at that time and people are coming around off the A141 then that will also cause an issue and, therefore, both aspects need to be looked at.

- Councillor Sennitt Clough stated that she has read the information provided with regards to the rainwater coming off of the roofs and she asked Councillor Johnson whether that is something that she has significant concerns over? Councillor Johnson stated that when considering surface water and run off water, when you look at the area previously it was made up of grass and mud but that has now been taken away which has removed a great deal of permeable area where run off would have gone or surface water would have drained. She added that there is now a large area of roof which does have some drainage, and it has been stated that there are some drainage runs in the concrete.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford and Jordan Trundle, the agents and Mr Knowles, the applicant. Mr Trundle stated that he has been responsible for the current application and the previous withdrawal and Section 73 application, with Chris Walford being involved during the 2017 application and the 2018 appeal which was approved and forms the basis of the application before the committee today. He explained that Mr Tony Knowles is the applicant and is present to answer any operational input questions that maybe required.

Mr Trundle thanked the Planning Officer for her work during the application process and stated that he fully agrees with the officer's assessment and the recommendations put forward to the committee to approve the application.

Members asked the following questions:

- Councillor Gerstner asked for the number of HGV which are likely to visit the site each day? Mr Knowles confirmed that the maximum figure would be 20 vehicles. Councillor Gerstner stated that the conditions have been listed in the officer's report and he asked Mr Knowles to provide absolute certainty that all of the conditions will be met and adhered to. Mr Knowles confirmed that will be the case. Mr Trundle added that in relation to the surface waster drainage there is a condition for independent verification of the installation that the LLFA have put forward.
- Councillor Mrs French asked whether there are dykes and ditches surrounding the area and if so, will they be taking any surface water? Mr Trundle explained that there is a discharge point at the bottom right-hand corner. He added that there will be two discharge surface water manholes at the top right of the existing store and then bottom right of the existing store and they will both have flow controls that the drainage strategy has set out which meets the same peak discharge rate which was approved under the original application and then that will discharge into the eastern corner alongside where the basin is into the existing network.
- Councillor Mrs French asked whether any of the drainage comes under the actual drainage boards as she notes from the officer's report a 5-metre strip is mentioned and the normal access strip for internal drainage boards is 9 metres. Mr Trundle explained that the discharge into the initial network is into riparian ownership and the IDB has stated that with regards to the existing network he has controlled and attenuated the discharge to the edge of the site. He added that in terms of the riparian ownership, a meeting had taken place with the LLFA in July which concluded the resolutions and for the other points to reach a satisfactory conclusion. Mr Trundle explained that he has made contact with the Middle Level Commissioners, however, he is yet to receive a response from them. Councillor Mrs French stated that it is disappointing to hear and added that she is concerned about whether the width of the maintenance strip for the drainage dyke is going to be wide enough. Mr Trundle stated that there will be enough easement and maintenance on both

sides.

- Councillor Mrs French asked whether the weighbridge is part of the planning application? Mr Trundle confirmed that it is and is located on the plan in the middle of the site. He explained that the tracking shows the tipper units that are coming into the site so that the capacities within the grain store are known. Councillor Mrs French asked whether it was a commercial weighbridge? Mr Walford explained that it is not commercial and that a vehicle has to be checked when it leaves a site whether or not it is agricultural and whilst it may look to be a commercial enterprise a vehicle cannot go onto the road if it is over 44 tonnes.
- Councillor Marks stated that previously when the weighbridge was not at the site then vehicles would need to travel a mile into the village to the other Knowles commercial site to use the weighbridge facility and if they were overweight then they would need to come back again which is not good for the environment.
- Councillor Marks asked whether there are any plans to install any further gates to the front of the site which would mean that lorries would have to wait on the road if the site were not open. Mr Trundle explained that in the consultation exercise that was undertaken after the TRO was approved in late October, there has been a condition added in relation to gates not to be within 20 metres of the highway.
- Councillor Marks referred to the front hedgerow which had been shown on the presentation screen, there appeared to be what looked like trees being put along the front. He added that with regards to visibility is the hedge going to be kept at a low level or will it be left to grow higher. Mr Trundle explained that the landscaping has crossed over from the previous approved scheme and he added that there is the intention to maintain a lesser visual impact as possible to the roadside. He added that they will be fully maintained in order to prevent any visibility issues on the site, and they are planted far enough back to allow this to happen.
- Councillor Marks stated that as you come round the corner when you come up to the T junction there is a sign to indicate 30mph. He added that there has been a discussion today to move the 50mph sign back and in his opinion, it is adequate, but he asked whether they are comfortable with that being moved back. Mr Trundle explained that they have no problem and added that it currently sits adjacent directly outside of the current application site, by moving it further to the east and it extends that 50mph zone before it goes to the national speed limit. He added that the Highways Officer has indicated that there will be some works required when the TRO works are undertaken around the 30mph sign on the bend to prevent any confusion between the speed limits.
- Councillor Marks asked for clarification that there are no plans for the site to become anything else other than an agricultural store? Mr Knowles confirmed that is a separate side of the business and this is only for agricultural purposes.
- Councillor Sennitt Clough stated that LP16 of the Local Plan requires development not to have an adverse impact on neighbouring users through various elements. She added that she has concerns over noise and she asked what mitigation measures will be put in place to negate the impact on neighbouring users? Mr Trundle stated that with regards to the previous consent which was in place there is a bund in the back part of the yard which is where most of the traffic would be in terms of manoeuvring in and out of the site. He added that landscaping provides some form of comfort although it is not a formal attenuation measure which will lessen any sort of impact from outside to residents. Mr Trundle explained that the palisade fencing is there for security impacts, and these are the mitigation measures that are in place and have been accepted by officers. Mr Walford explained that the previous consent had a compacted stone yard at the back whereas this one is hard standing and will, therefore, be quieter in terms of vehicle movements on the yard. He added that the back stop on the previous approval and historically when he first visited the site in the early 2000's, it was a lorry depot and, therefore, this application is a lot better than it would or could have been if it had been left as the old former depot. Councillor Sennitt Clough stated that the application is dealt with in its current form and not what was there historically.
- Councillor Marks asked whether Knowles own the property to the roadside as you turn in?

Mr Knowles confirmed that is his home. Councillor Marks stated that it is only one property which would be affected by noise as the other two are shielded from the building and any turning vehicles.

- Councillor Mrs French asked whether the distance between the site and the church is known due to concerns associated with flooding at the church. Mr Trundle stated that this information is not known.

Members asked officers the following questions:

- Councillor Mrs French asked for the distance between the site and the church? David Rowen stated that the distance is 101 metres from the site to the church. Councillor Mrs French added that it is quite a long way.
- Councillor Benney stated that members have been made aware that this is a retrospective planning application and when he undertook his planning training, he was advised that a retrospective application is treated no differently to a full application and he asked officers for clarification. David Rowen stated that is correct and the legislation does not differentiate between a proposed application and a retrospective application. He added that a retrospective application has to be considered on its own individual planning merits.
- Councillor Benney stated that the applicant's character and business conduct has been raised today by the objector and he added that it is his understanding that the character of any applicant is totally irrelevant to the application and has no bearing on the application and it should only be judged on its planning grounds. David Rowen stated that the character of an applicant is not a material planning consideration.
- Councillor Gerstner stated that with regards to the planning conditions there have been instances where conditions have been added to applications and then they have not been adhered to and the local community appear to have concerns that the conditions are not going to be met and adhered to in a proper and correct fashion. David Rowen explained that officers would not be recommending conditions to the committee if they did not feel that they were robust conditions and enforceable and officers are content that the conditions that are recommended are reasonable, enforceable and lawful. He added that with regards to the possible breach of any conditions, the Council has a Planning Enforcement Team who investigate breaches of planning control including breaches of conditions and have a reactive service so that any reports of breaches can be investigated and dealt with accordingly. Councillor Connor confirmed that any planning breaches will be dealt with accordingly.

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

- Councillor Mrs French stated that Knowles Transport are one of the largest employers in the area and, in her view, it would not be in the company's best interest not to comply with any conditions.
- Councillor Benney stated that the officer's recommendation is to approve the application which, in his view, is a good solid application. He added that he has heard no evidence that supports anything to the contrary and the application needs to be approved.
- Councillor Marks added that Knowles is a transport company and has to have an operator's licence and good reputation at all times. He stated that he has never heard anything to the contrary to suggest they are not a good transport company. Councillor Marks added that he is mindful that he voted against the Woodbury application, however, in that case it meant vehicles would be turning across the traffic as opposed to vehicles turning in and then straight into the yard. He made the point that the potato store probably has more congestion than Knowles will ever have, and the applicant is moving the speed limit and making it better and he fully supports the application.

**Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be APPROVED as per the officer's recommendation with delegated authority be given to officers to apply suitable conditions.**



*(Councillors Connor, Marks, Sennitt Clough and Mrs French declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they have been lobbied on this application)*

**P69/24**

**F/YR24/0456/O**

**LAND NORTH OF LAMBS HILL DROVE, MARCH**

**ERECT UP TO 50 X DWELLINGS INVOLVING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Gavin Taylor presented the report.

Members received a presentation, in accordance with the public participation procedure, from Andrew Hodgson, the agent. Mr Hodgson stated that the application represents the final piece of the southeast March allocation and is for 50 units for Canon Kirk. He explained that in an ideal world he would have liked to include this element in the application which came in with Barratts David Wilson site, however, that was not possible as it was in the ownership of Canon Kirk.

Mr Hodgson explained that he is the agent for Barratts David Wilson and Canon Kirk and both companies are in full dialogue with each other in order to bring forward a comprehensive scheme. He stated that in terms of the site itself, it is for up to 50 units and is in outline form in order that when the reserved matters come forward for the Barratts David Wilson scheme it makes it very flexible for the application to be designed so that it fits in.

Mr Hodgson explained that there will be some sharing of infrastructure and drainage and the Barratts scheme is fairly well advanced in terms of the Section 106 which is due to be finalised and the reserved matters is already underway for that and the land adjoining and around will be coming forwards fairly imminently. He made the point that there does not appear to be any reasons for refusal from a statutory consultee point of view and he explained that the site has been designed carefully to ensure that it fits with the surrounding development.

Members asked Mr Hodgson the following questions:

- Councillor Mrs French asked for details concerning the width at Wimblington Road and she added that there was a planning application for the access at Lambs Hill Drove which was withdrawn recently. Mr Hodgson explained that it does form part of the proposal before the committee, and that the two accesses mirror exactly the approved applications which were submitted by Barratts David Wilson. He added that they replicate the accesses which have been approved for the 425 units and he referred to the plan and made the point that they match up identically to the red line of the wider site. Mr Hodgson made the point that he cannot recall the measurement, however, it is the same arrangement of that which is already approved.
- Councillor Mrs French referred to the reserved matters application, and she asked when that will be ready for submission. Mr Hodgson stated that design is being worked on at the current time and the Section 106 has to be completed which is likely to be early on in the new year.
- Councillor Marks referred to the drainage and the SUDs, and asked that as it appears that the developers are working together will it mean that the layout will be changed. Mr Hodgson explained that all of the site was designed at the same time and the application before the committee actually improves things as it allows for more sufficient drainage to be implemented across that area and is a more efficient SUDs arrangement.
- Councillor Connor made the point that it is good to see developers working together and the same drainage system is going to be used along with the same entrances and exits. He added that he will be pleased to see when it all comes to fruition.

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

- Councillor Mrs French stated that she feels that it is a good application, and she is pleased to hear that all the developers are working together. She added that she had a meeting with Anglian Water, and she is satisfied that the sewerage system there will cope and there is enough capacity.

**Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be APPROVED as per the 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)*

**P70/24**

**F/YR23/0993/O**

**LAND SOUTH WEST OF THE HOLLIES, HOSPITAL ROAD, DODDINGTON**

**ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) AND ASSOCIATED HIGHWAY IMPROVEMENT WORKS.**

Gavin Taylor presented the report to members.

Members received a presentation in accordance with the public participation procedure, from Mark Smith, an objector. Mr Smith stated that he represents CB6 developments, and he is before the committee on behalf of Mr and Mrs Percival together with a number of their neighbours in Askham Row to voice a collective objection to the planning proposal. He added that the application is recommended for refusal by Planning Officers for three reasons and he stated that in respect of the first reason it is highly relevant to note that planning permission was refused on land to the west of Hospital Road for three dwellings by the Planning Committee in April 2023, with the proposed application being immediately to the north of the application which was refused and, therefore, it is further away from the centre of the village and in an even more sustainable location than the site which was recently refused planning permission.

Mr Smith expressed the view that it would be illogical and irrational to approve three dwellings on the site when considering that previous decision and whilst it may be suggested that development has been approved to the east of Hospital Road, that land relates to the hospital grounds whereas the current proposal is fully within the open countryside. He expressed the opinion that the application has no relationship at all with any other built form and it is open to agricultural fields on three sides with the mature trees and hedges of Hospital Road forming the other side and the site is clearly and fully within the open countryside for the purposes of applying planning policy.

Mr Smith stated that the second reason for refusal relates to highway safety and the County Council have confirmed that the development would not be safe and that accidents could take place which, in his view, provides a clear reason to refuse planning permission. He stated that the third reason for refusal also relates to highway safety and the absence of visibility splays and he made the point that it is possible that third party land would be required to ensure sufficient visibility, and it is clear that a substantial number of established trees and hedges along Hospital Road would need to be removed to accommodate the splays.

Mr Smith made the point that there is no refusal reason in respect of ecology which he finds surprising as the trees and hedgerows along Hospital Road are known to be used by bats and there are existing ponds nearby. He expressed the opinion that the applicant assessment in terms of ecology is flawed and incomplete and he added that he has also raised objections to the absence of any Section 106 considerations given that the application would cumulatively propose up to 12 dwellings along Hospital Road within the applicant's ownership.

Mr Smith made the point that the application is also contrary to LP5, which is very relevant as the

local Primary School is at capacity ahead of any new houses being built in Doddington. He added that, therefore, in his opinion, there are very clear reasons to refuse the application in order to be consistent in decision making when considering the very recent refusal of planning permission for an identical scale development immediately to the south of the proposal and he concluded by stating that the Parish Council also objects to the proposal.

Members asked the following questions:

- Councillor Marks asked Mr Smith which organisation he represents? Mr Smith explained that he is from CB6 Developments. Councillor Marks asked Mr Smith whether he is a developer? Mr Smith confirmed that he is a contractor. Councillor Marks asked him whether he is developing in the Doddington area? Mr Smith stated that he is working on one of the neighbouring properties currently.
- Councillor Marks stated that Mr Smith had mentioned that some of the recent applications relates to the hospital land, and he asked for further clarity on that as it is his understanding that there is the hospital boundary and then there are the houses along from there. Mr Smith explained that it is the area to the east that he is referring to and the area surrounding the hospital grounds as opposed to the fields which are countryside all the way round.
- Councillor Marks asked for further clarity, referring to the site plan where the red square is shown which is four sides of open land which Mr Smith is intimating when in fact it is not.
- Councillor Sennitt Clough asked Mr Smith whether or not he lives in Doddington? Mr Smith confirmed that he does not.
- Councillor Imafidon stated that Mr Smith referred to Section 106 monies and also further development and he asked for clarification as to where those contributions come into the current application? Mr Smith stated that he would need to consult with Mr and Mrs Percival with regards to that matter as it is something that they had asked him to raise.
- Councillor Marks asked Mr Smith to clarify whether the presentation he gave to committee was actually as a result of third party as there does not appear to be any clear answers on questions being asked of him by members of the committee? Mr Smith stated that the presentation was a collaborative effort. Councillor Marks asked Mr Smith which part he added? Mr Smith explained that he pulled the presentation together.
- Councillor Connor asked for clarification with regards to the work that he is carrying out with a neighbouring property and for Mr Smith to clarify whether that would be to a property on the corner as you enter Hospital Road on the left-hand side? Mr Smith confirmed that this was correct.

Members received a presentation, in accordance with the public participation procedure, from John Cutteridge, the applicant. Mr Cutteridge stated that he is a resident of Hospital Road in Doddington, with the residents who are objecting to the application and who live on Askham Row having built their new properties on the same piece of agricultural land that he is applying for this application on. He made the point that if the schools are at capacity then he would hope that the new residents in Askham Row have no children because they are relatively new dwellings.

Mr Cutteridge stated that when the application was submitted, he did state that he would agree to the highway improvement and will widen the road. He added that the report states that the road is single carriageway, and this will be difficult to access for the new residents, therefore, he is widening it and pedestrianising it.

Mr Cutteridge made the point that he did email officers to ascertain whether further drawings were required and officers advised him that this information was not required. He explained that a detailed engineers drawing of all of the work that has been carried out has been provided to the Planning Officers because the five dwellings on the opposite side have been approved with this engineer drawing.

Mr Cutteridge explained that the five dwellings were approved by the committee some time ago and he was told that with the addition of conditions the road could be widened and pedestrianised.

He added that he has received agreement from the Highway Authority with regards to the boundary and where the works will be undertaken.

Mr Cutteridge stated that originally the plan was going to be to change the speed limit to 30mph along this piece of road, but the application has been in over 12 months and the rules have changed and he has now been told that he can no longer be included in the application because that is something outside of the planners control. He stated that he is still applying for this to be changed to 30mph to the other side of Megaplants which will be better for those customers going to the garden centre.

Mr Cutteridge explained that he cannot understand why the Parish Council did not support this as well as the District Council on the grounds of access. He explained that the Council have approved a cafeteria and shop to be added to the Megaplants site and he questioned whether the Parish Council did not believe that those additions would not have an impact on traffic volume on Hospital Road, with that application he did not offer any highways improvements but with the current application there is a guarantee that there will be widening and pedestrianising.

Mr Cutteridge explained that the access point to the previously approved nine plots is slightly further along the road and closer to the bend and the proposal is further away from that and is closer to the village which, in his view, is a better location as opposed to the others in terms of access. He expressed the opinion that the photographs are very unfair as they are very old and since that time the hedges have been cut back considerably since they were taken.

Mr Cutteridge stated that it has been mentioned that the three plots were refused which are located closer to the village than the current application, but made the point that they did not offer to widen the road or pedestrianise it, with him offering to spend £350,000 in order to widen the road and to make it two-way traffic and pedestrianise. He explained that it has taken a long time to sort this issue out with highways in order that all the boundaries are correct to be able to undertake the works.

Mr Cutteridge explained that with regards to the description to the north it is woodland and to the north east the new dwellings can be seen which, in his view, are an asset to Hospital Road, they can also be seen from the east making the point that to the east it does look upon the hospital grounds which is the same as the previous application. He referred to the points made concerning the fact that the application is not near the grounds of the hospital, however, the site is directly on the opposite side of the road to the hospital grounds and, in a southerly direction, Askham Row can be seen and to the west is the extension to Askham Care Home.

Mr Cutteridge made the point that it is only 0.4 miles from the centre of the village measured from the clock tower and the village spreads 1.6 miles in most directions, with the site being located in Flood Zone 1. He added that the proposed dwellings will benefit from treatment plants and will not affect the local sewerage system, with there also being a streetlight at the end of the road.

Members asked Mr Cutteridge the following questions:

- Councillor Marks asked for some further clarity with regards to the street light that he had referred to. Mr Cutteridge stated that he has walked home on many occasions throughout his life and there is a street light right at the end of the road which gives sufficient light to allow visibility to walk over the hill before you go into darkness.
- Councillor Marks referred to the presentation screen and asked Mr Cutteridge to explain how out of date he believes the photograph to be? Mr Cutteridge stated that there has been further development which has taken place and has been there for at least 12-18 months. Councillor Marks referred to the presentation screen and asked Mr Cutteridge to identify where the most recent development is located? Councillor Marks asked Mr Cutteridge whether he would describe the areas as an elsewhere location? Mr Cutteridge confirmed that he would not.
- Councillor Sennitt Clough stated that, although the application is in outline form, could Mr

Cutteridge provide details of the types of dwellings that will be constructed. Mr Cutteridge stated that he would expect them to be 4 four bedroomed homes.

- Councillor Mrs French asked Mr Cutteridge to provide further detail concerning the point he raised with regards to the Highway Authority stating that he did not need to submit any more plans. She added that with regards to the suggested proposed improvements for Hospital Road she agrees that the road needs improving, and she added that he should be commended if he is prepared to spend that amount of money. Councillor Mrs French asked Mr Cutteridge to confirm whether he contacted the County Council or District Council? Mr Cutteridge explained that his agent, Mr Gowler, asked whether any further drawings were required for the Highways and engineers' reports. He added that the engineers' reports had already been submitted for the previous approval for 5 dwellings.
- Councillor Imafidon referred to the point made concerning the highway improvements including 2-way traffic on Hospital Road, along with pedestrian access and asked Mr Cutteridge to confirm that he owns the land in order to undertake those works? Councillor Imafidon further asked for clarification as to how the surface water will be dealt with? Mr Cutteridge stated that he owns 15 acres to the rear of the site so he can easily deal with surface water and sufficiently pond it if required. He added that with regards to land ownership, he owns not quite all of the land adjacent to it, however, the neighbour has granted permission should any of that land be required. Mr Cutteridge added that highways have already stated that the works can be carried out within highways owned land following very lengthy discussions. He added that a great number of conversations have taken place with regards to where the boundary meets the highway, but those discussions have taken place with the County Council over a period of months.

Members asked officers the following questions:

- Councillor Marks referred to a drawing shown earlier which included applications which had been turned down, with it being his understanding that F/YR22/0390/F was not refused for housing, and it was refused for other properties. David Rowen confirmed that the application was to change the use from paddock land for residential purposes as domestic garden and the Planning Committee took the view that extending the residential use out into the countryside would be to the detriment of the character and appearance of the area. Councillor Marks asked whether that particular application included a shed for chickens? David Rowen stated that it did along with a pond and some raised planting areas.
- Councillor Mrs French referred to the update and the objections from residents, and she made the point that she is concerned to read that the application form indicates a relationship with a Council employee/member, and this has been identified as a reason for the application being reported to the Planning Committee. Councillor Mrs French stated that she would like clarification on this matter, because whilst she knows the answer for a lay person, they would not necessarily know the answer. David Rowen stated that the relationship refers to the agent for the application being Ian Gowler, whose brother is Councillor Alan Gowler, and under the Council's Scheme of Delegation such a relationship does not trigger any requirement for an application to come to Planning Committee which is why it is not referenced. He added that Councillor Gowler is not a member of the Planning Committee and, therefore, it is not really material to the determination of the application.
- Councillor Mrs French stated that when reviewing the objections it states that 'should planning permission be granted for the application then the irrationality of the decision would be brought to the attention of the courts'. She stated that she takes offence to being threatened by an objector to the application. David Rowen stated that the statement made by the objector is not material to the determination of the application, however, when making any decision members need to be aware of the potential to be challenged and need to be aware of making decisions as robust and as rational as possible. Councillor Mrs French expressed the view that the way that the objector has written their comment appears to be threatening.
- Councillor Connor stated that he agrees with Councillor Mrs French and the comment is in the public domain.

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

- Councillor Mrs French stated that she has sat on the committee for a number of years where applications have been approved in Hospital Road. She added that Mr Smith is an objector to the proposal but, in her view, he has a conflict of interest when he is working on another planning application yet to be seen by the committee. Councillor Mrs French expressed the view that she does not have any issue with the current proposal apart from concerns regarding the highway. She stated that Mr Cutteridge has stated that he is prepared to spend money in order to improve the highway and, in her view, the road is appalling, has a 60mph limit, has many potholes and has very few passing places and she explained that Mr Cutteridge has stated that he has sought approval for a new cafeteria which will bring further custom. Councillor Mrs French added that the last time she visited Megaplants it was very busy and when using the road, she has never had any issues with trying to pass other vehicles. She expressed the opinion that if the applicant is prepared to spend a substantial amount of money by introducing passing places and a pedestrian link then that should be commended. Councillor Mrs French stated that every year there are local highway improvements, and it is known fact how difficult it can be to implement footpaths, and she finds it surprising that the village have not submitted a local highway improvement request as the road is in desperate need of upgrading. She reiterated her view that the applicant should be commended for investing his own money into improving the road.
- Councillor Marks stated that he does not believe that the application site can be classed as an elsewhere location due to the fact that there are other properties in the vicinity and, in his view, it has almost become a hamlet, and he feels he can support the application.
- Councillor Sennitt Clough stated that she agrees with Councillor Mrs French and Councillor Marks, adding that she is concerned that there is nothing that she can see which would suggest a material consideration for refusal of the application based on the forthcoming highways improvements.
- Councillor Connor stated that the applicant should be commended for his investment in the highway. He added that the difference between the other application which was refused was for three properties, but this application is different. Councillor Connor stated that the applicant is going to spend a significant amount of his own money, and he agrees with the points made by other members, and he will support the application.
- Councillor Connor stated that with regards to a local highway improvement for Doddington, Benwick Road is being upgraded in order to give it better access in and out of the village and pavements will be incorporated.
- Councillor Mrs French asked whether the Highway Authority are satisfied with the plans which have been submitted with regards to the widening of the road or do they still require further information? David Rowen stated that contrary to what the applicant had already indicated the highway plan which formed part of the officer's presentation is the only plan which has been submitted. He added that the plan was submitted in September 2024, and it is on the basis of that plan that the Highway Authority have provided the comments which are detailed in the officer's report. David Rowen explained that the Highways Authority are not satisfied that there is an adequate level of detail, and they are not satisfied that adequate visibility can be achieved from the indicated access point and, therefore, there is an objection from the Highway Authority on two grounds.
- Councillor Mrs French asked officers whether there is the possibility that the application could be deferred on highway grounds in order that the applicant can be given the opportunity to resolve the outstanding matters and whether the deferral could be for three or six months which, in her view, is not unreasonable. David Rowen referred to the presentation screen and highlighted to Members the planning permissions and planning refusals in the vicinity and indicated to the south of the application site, closer to the village, the Council has stated that the location is not suitable in principle for residential development because of the impact on the character and deemed it as not an appropriate location. He explained that to the rear of that site, the Council has also stated that the site

is not appropriate to be used for residential purposes to be used as land for domestic garden.

- David Rowen added that he has concerns as to how reasonable a decision would be for a site that is further out into the countryside which is disconnected from the built form of the settlement to then say that is acceptable. He advised members that the first two planning permissions both to the east of Hospital Road, which is the infill plot for two dwellings and then the first further development to the back of that were both in place at the time that the two other refusals were made and he made the point that he does have concerns with regards to consistency.
- Councillor Marks referred to Planning Application F/YR/1243 and stated that had that come in and if the committee were to grant the one above that then he would accept what David Rowen was stating, however, it came in as a separate entity and stood alone at that time. He added that there are now properties across the road which match into the roadway and, therefore, the previous block that has been turned down does stand on its own, but the one above has a connection across the road with other properties and he asked officers whether they agree with his view. David Rowen stated that he wholeheartedly disagrees with the point made by Councillor Marks. He added that the Planning in Principle site was immediately adjacent to properties on Askham Row and it is opposite the built form of the hospital and he stated that if the committee took the view that the site was inappropriate for residential development in principle, he fails to see how developing a site further out beyond that would also be acceptable.
- Councillor Marks expressed the view it comes down to interpretation and he stated that the properties on Askham Row have very long gardens which means that the previous application, which was refused, stood in a block in the middle of nowhere. He added that when considering this application, at least one of the properties is almost going to be across the road from the other property. Councillor Marks explained that the application which was refused beside it, included a chicken shed and the debate included discussions concerning rats which was part of the reasoning for refusing that particular application. He expressed the opinion the application cannot be considered as an elsewhere location. Matthew Leigh explained that it is his understanding that the application was refused due to the impact on the character of the area and that was the reason that the committee determined to refuse it. He expressed the view that a chicken shed and some raised flower beds would have less of an impact on the character of the area than the provision of three dwellings.
- Matthew Leigh referred to the point made by Councillor Mrs French with regards to seeking a deferral for a 6-month period. He explained that he would look to discourage deferring applications for that length of time and the committee should be determining applications that come before them in a timely manner, and he added that it would be very unusual to look to defer items for that long. Councillor Mrs French stated that it was only a suggestion.
- Councillor Marks stated that with regards to the chicken shed, it was quite a sizeable property, and he added that whilst it could be said that it would have looked out of character as would the PIP application which would have stood in the middle of nowhere at that time, however, that would not be the case if permission was given to the one above. He reiterated the point that at least one of the properties is across the road from a site which has gained planning permission recently and a new build property.
- Councillor Benney stated that he has reviewed Google Maps and further out on Benwick Road there is a bungalow which has been built within the last two years which is further away from the centre of the village. He added that the objector to the application has stated that one side of the road is different to the other side, and he added that there is a dwelling which is hundred metres further down the road. Councillor Benney added that if that can be considered to be in Doddington then the principle of development has already been accepted because it is in Doddington. He made the point that whilst it maybe in a different road, members are often told that they cannot have linear development and must have depth of development because it is good use of space. Councillor Benney added

that the application could be looked at in both ways and the committee need to decide whether they feel it is a good application and take the view that it is not an elsewhere location and the highway improvements bring community benefit to it and, therefore, approve it.

- Gavin Taylor stated that it is of particular importance to note that given the PIP refusal to the south and reference to the officer's report at 10.2 and 10.3 which layout the policy test, with members having a duty to determine applications in accordance with planning policies and at section 10.2 and 10.3 which sets out when an application site is considered to form part of the continuous built settlement and continuous built footprint. He stated that he has considered the points raised by Councillor Marks, however, when what is referenced in 10.2 and 10.3 of the officer's report is applied there is essentially an extent of open countryside with no continuous development on that side of Hospital Road. Gavin Taylor added that whilst it maybe on the eastern side that is not how the policy is set out and it is not exactly how the policy asks the Council to consider and assess sites against.
- Councillor Gerstner stated the application is being determined as it stands now with the highway detail as it currently stands on the plan, with his concern being that the applicant has offered to make highways improvements, but they are not on the plan which is before the committee.
- Councillor Mrs French suggested that the application be approved subject to the Highway Authority being satisfied.
- Councillor Connor stated that the proposal is subject to the highway being made safe and the works undertaken in order that the road will be brought up to standard.
- The Legal Officer stated that you cannot resolve to approve the application, subject to the Highway Authority approving some scheme in the future and the only course of action which could be taken is to approve the application subject to a condition that the layout as proposed is constructed prior to occupation.
- Councillor Mrs French stated that she would like to recommend the application for approval subject to the conditions and obviously if the conditions cannot be met then the scheme will not be built.
- David Rowen stated that he would like to remind the committee that as it stands currently, there is an objection from the Highway Authority on the basis of a lack of detail over the road and also concerns about the visibility that is achievable from the proposed or indicated access points. He added that as a consequence he would have some concerns over the approach that Councillor Mrs French is recommending being flawed in the sense that a condition is being imposed where there is no certainty over whether that is actually deliverable and achievable.
- The Legal Officer stated that if there is evidence that the Highway Officer has already stated that they are unhappy with the application as there is insufficient information then there are no guarantees that the Highway Officer may approve the further details submitted for the application in the future.
- Councillor Mrs French stated then surely that is a reason why the application could be deferred.
- Matthew Leigh stated that members are aware that there are six tests required for conditions which sit alongside case law and as decision makers there needs to be some level of comfort when imposing conditions that there is likelihood that the conditions can be met. He added that in this case it would need to be a Grampian worded condition, a negatively worded condition which requires information to be provided to the Council although there has to be some level of comfort that it can be achieved. Matthew Leigh made the point that as it stands there is an objection from the Highway Authority which is of a significant concern and, therefore, would very much undermine the Council's position that a condition can safely within the eyes of the law be imposed. He added that another factor to consider is that it would be a very dangerous precedent to look to say that the Council should just be approving highways works with a condition if somebody such as highways is objecting as that could then translate to other statutory consultees and that is



not how the planning system is set up to work. Matthew Leigh explained that if a condition is added to an application which is not lawful and fails the tests then the applicant has the right to appeal to the Secretary of State to say that the condition is not lawful and if that is proven then the condition falls away and disappears which would then mean that as submitted the application would be approved without the need for that condition. He added that the reality is that the only option is for the committee to defer the application is if they are very reluctant to refuse it but his advice to the committee is that the application should be determined as it is. Matthew Leigh explained that if the committee do not find an issue with the location, then that is within their gift, however, the committee should then look to refuse it on highways grounds only, but the application should be determined as it is. He added that the application has been with the authority for over a year, there are significant concerns, Highways Authority have objected, and the planning system is designed to reflect that the application before the committee should be refused.

- Councillor Marks stated that there has been a previous application which has shown this scheme which Highways confirmed was OK and now the current position is that Highways are not comfortable, and the committee are being advised that the application should be refused or deferred for further highways details. He added that information seems to conflict from Highways having already passed an application along the road.
- Councillor Connor referred to another planning application in Chatteris which was approved on a similar issue and a precedent has been set. He added that officers have given planning permission for a cafeteria at the current site which will have an impact on the number of vehicles using Hospital Road and the applicant is only proposing an additional 3 dwellings which might only mean an additional eight or nine vehicles.
- Matthew Leigh stated that the application is totally separate, and it is his understanding that the application contained a greater amount of detail upon submission. He added that when considering the current application that level of detail has not been submitted with the application before members. Matthew Leigh made the point that as advised by the Legal Officer the committee would be guessing that the Highway Authorities requirements have not changed since the previous approval. He reiterated that the information has not been submitted and as an authority there needs to be confidence in the decisions being made and not guessing or making assumptions. Matthew Leigh stated that planning does not really set a precedent and when referring to the application highlighted by the Chairman, officers were very reluctant in the use of the condition applied to the application and by taking an approach once, which is not robust, should not be a reason to do that again and again as it would only extrapolate the likelihood of the Council being found to have acted incorrectly.

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

*(Councillor Connor registered that he knows the applicant, agent and is a customer of Mega Plants but is not pre-determined and will approach the application with an open mind)*

*(Councillors Mrs French and Marks registered that they use Mega Plants as customers but are not pre-determined and will approach the application with an open mind)*

**P71/24**

**F/YR22/0848/F**

**LAND NORTH EAST OF 81 - 87 HIGH STREET ACCESSED FROM SLADE WAY, CHATTERIS**

**ERECT 8 DWELLINGS COMPRISING OF 1 X 2-STOREY 3-BED, 2 X SINGLE STOREY 2-BED AND 5 X SINGLE STOREY 3-BED WITH DETACHED GARAGE TO PLOT 2 ONLY**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent. Mr Walford explained that he has worked with officers to revise the site layout and has reduced the density, improving the spacing between the plots as well as increasing the garden sizes. He added that he has simplified the road layout which has meant that the houses have been moved away from the flats so that the houses are now looking onto the road and not into the private amenity.

Mr Walford added that with the exception of plot 1 all of the plots within the site are now bungalows which has helped to reduce the overlooking, and he made the point that there is a significant need for bungalows. He stated that the application has been accompanied by a detailed surface water drainage strategy which overcome the earlier concerns with drainage and surface water flooding.

Mr Walford stated that all consultees are in support of the application, and he is happy to agree with all of the pre commencement conditions that have been put forward and he thanked officers for working proactively with him on the application.

Members asked Mr Walford the following questions:

- Councillor Gertsner asked for clarification as to how many trees are to be removed from the site? Mr Walford explained that an arboriculture survey was undertaken on the site and whilst a period of time has elapsed, he has tried to retain trees. He added that the key areas were at the back at the far right of the site which are being kept, however, to give a precise number then the report would need to be consulted.

Members asked officers the following questions:

- Councillor Gerstner asked officers to explain how many mature trees are being removed? David Rowen stated that the arboriculture report would need to be consulted in order to provide a precise number. He added that there are quite a few trees that are being removed from within the site, however, that has been assessed by the Council's Arboriculture Officer who has concluded that the trees are not of sufficient standard to justify any further protection or to justify refusing the application. David Rowen added that as part of the application there is a condition regarding landscaping which will look to get a replacement tree planting schedule submitted through a condition. He stated that the agent, Mr Walford, has indicated from the public gallery that there are 5 trees due to be removed as part of the application.

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

- Councillor Benney stated that the agent has worked well on the application and felt that the previous was over development before it was refused. He added that the site is going to be developed at some point and the agent has worked well with officers to achieve a recommendation for approval.

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

**P72/24**

**F/YR24/0661/F**

**PECKS BARN, CROSS DROVE, TYDD ST GILES**

**INSTALLATION OF 1X BIOMASS BURNER INCLUDING SITING OF 1X STORAGE CONTAINER (RETROSPECTIVE)**

Gavin Taylor presented the report.

Members received a written representation, in accordance with the public participation procedure, read out by Member Services on behalf of Tony Gent, a supporter. Mr Gent stated that he had

farmed this land for his whole life, and this includes the 2000-acre farm of which the AgriGrub site is a small part, with over his lifetime he has seen how farming has had to change, and it is now farmed completely regeneratively. He added that a key part of this is sustainable energy and heating, as fossil fuels cannot be continued to be used, with the biomass system at AgriGrub being renewable and makes use of sustainably managed timber from around the farm.

Mr Gent stated that the installation is a significant distance from any other property, and he has never witnessed any smell which might cause an issue to local residents.

Members received a presentation, in accordance with the public participation procedure, from Joe Halstead, the applicant. Mr Halstead explained that he started his company AgriGrub with the express goal of helping the environment and the last thing he would want to do is to pollute or cause any kind of nuisance to anyone nearby, with him taking all the necessary steps to ensure this. He explained that in 2022 he saw his energy bills triple almost overnight due to the fluctuating cost of energy and, therefore, he turned to a biomass boiler as the only renewable and cost-effective heating option available to keep his animals warm.

Mr Halstead stated that at the time he was assured by multiple sources that the biomass boiler did not need planning permission and, therefore, he did not apply, however it now appears that these sources were mistaken. He added that he is now aware that biomass boilers such as this do require planning permission if they are within 400 metres of a dwelling, however, the Council has granted planning permission to several other very similar biomass boilers including one only 25 metres from a dwelling and all without incident.

Mr Halstead advised the committee that AgriGrub has a licence to operate from the Council which is entirely contingent on the control of odour omitted from his site. He added as a result of complaints from neighbours due to a smell of smoke, the Council's Environmental Health Team carried out extensive monitoring on the site and only on one occasion could the officers smell anything at all and the officer stated that other than a very faint quite pleasant burning wood smell they did not witness any odours or smoke.

Mr Halstead explained that the biomass boiler does produce some smoke especially when it is first lit and is just getting going but this clears rapidly and he added that this is the issue that the complainants have, that occasionally outside of their property for a short period of time they can smell a very faint smoke smell and that is all that can be evidenced. He added that in order to monitor this he set up a dedicated complaints email address for neighbours to report any issues with complaints being received on average, every 33 days with the most recent complaint being received in August 24 and no complaints received since.

Mr Halstead explained that all of the complaints have been as a result of one property, Pecks Farm, which is also where 7 out of the 9 public comments on the Public Access system were made from and before the biomass boiler was even installed the residents of this property were outraged that he would site his business on the farm within 300 metres of their property. He expressed the opinion that he believes the residents have become extremely sensitised to any occasional slight smoke smell and their behaviour as a result of the sensitization has made him feel extremely unsafe and has not been a pleasant experience due to the worry for the safety of his staff.

Mr Halstead expressed the opinion that the comments made on Public Access are filled with falsehoods which include a serious allegation that the biomass boiler is used to burn general waste, something which would be illegal and completely pointless seeing as he has a 2000 litre general waste bin on site supplied by the Council. He made the point that waste in general makes for a horrible fuel and apart from some recycled cardboard or the odd broken pallet, waste is not used in the biomass boiler.

Mr Halstead expressed the view that of the 3 complainants, 2 have log burners, including multiple

wood stoves at Pecks Farm and all 3 complainants regularly burn garden and building waste in their gardens. He stated that the Council has a robust system in place for monitoring and acting on any potential nuisance and by not granting planning permission would contradict the work undertaken by Planning and Environmental Health Officers who both support the granting of the application.

Mr Halstead added that if the committee wish to add conditions to any planning approval such as not to cause a nuisance, he will welcome that as he added he can state with complete certainty that the biomass boiler does not cause a nuisance to any nearby properties.

Members asked the following questions:

- Councillor Sennitt Clough stated that she was under the impression that the farm was arable, however, in the presentation Mr Halstead had made reference to the fact that the boiler assisted in keeping animals warm and she asked for clarification. Mr Halstead stated that the majority of the 2000 acre farm is arable but his business specifically grows insects and was the first to do so in the United Kingdom. He added that they are grown on site using food surplus and in turn the product is supplied to poultry farms and the pet food sector.
- Councillor Mrs French stated that she finds this most interesting and asked who the product is sold to? Mr Halstead explained that the grubs are sold to several local chicken farmers as feed for their chickens and he also produces dried calci worms for the pet food market.
- Councillor Mrs French asked Mr Halstead to confirm what he actually burns in his biomass boiler? Mr Halstead explained that he uses a combination of logs and pallet wood to get the logs started and he sources his logs from Wisbech St Mary.
- Councillor Marks asked whether AgiGrub is the only company who operates this type of business in the area? Mr Halstead stated that he believes that there is another company operating in Cambridge who are expanding into Peterborough.

*(Councillor Marks declared at this point that he had not realised earlier but he deals with this company on a professional business level, and took no further part in the discussion or voting thereon.)*

- Councillor Gerstner asked Mr Halstead whether there is a planned maintenance schedule for the boiler, and whether this is undertaken by a company or are they works that he undertakes himself? Mr Halstead explained that in the biomass boiler information request form which was submitted as part of the planning application process, it lays out the maintenance schedule which is used. He explained that he undertakes the weekly and monthly maintenance himself and then the manufacturer undertakes a service once a year.
- Councillor Gerstner referred to the odour and he asked whether there is any other means of monitoring the smell or smoke omitted from the boiler or is there any particulate matter which is released? Mr Halstead explained that he does not know of any way that the smell can be mechanically measured and he added that he has looked into the possibility of adding abatement systems to the flue, however, the companies he has approached have stated that they cannot assist due to the fact that abatement systems are for black smoke which have particulate matter and what comes out of the biomass boiler is white smoke which is effectively from residual moisture in the fuel. Councillor Gerstner stated that in commercial boilers they have a part called a scrubber which removes some of the pollutants and he asked Mr Halstead whether his boiler has something similar within his flue? Mr Halstead explained that it does not.
- Councillor Gerstner asked for clarity that whatever material is being burnt just goes out of the chimney or the flue? Mr Halstead confirmed that is correct.
- Councillor Sennitt Clough asked for further detail concerning the particulate matter that emanates from the boiler? Mr Halstead confirmed that the particulate matter emissions are no greater than 30 grams per gig draw for particulate matter which falls way below the standards set by Environmental Health.
- Councillor Sennitt Clough clarified that the business Mr Halstead operates uses a biomass boiler to heat up a room to keep insects warm which are then used as food for other animals.

Mr Halstead confirmed that summary is correct.

- Councillor Imafidon asked for clarification that there is only an odour or smoke when the boiler is first lit, and he asked Mr Halstead to confirm how often the boiler is lit and whether it goes out or burns continuously? Mr Halstead explained that with regards to the frequency of lighting the boiler is all dependent on the ambient temperature and in the middle of the summer it will only require to be lit once every two or three days and in the winter, it will be lit every day. He made the point that in an ideal world it is only lit once a day first thing in the morning and then fuel can be added as needed throughout the day but sometimes it does go out and needs relighting.

Members asked officers the following questions:

- Councillor Sennitt Clough asked officers to confirm that when Environmental Health visited the site did they do so to see if they could smell any odour or did they take any kind of air pollution monitors with them as that equipment records levels accurately. Gavin Taylor stated that that level of detail is not held, however, as per the officer's report the Environmental Health Officers have been out to the site and carried out monitoring for smoke and odour but he is not aware of the level of detail that the monitoring would be. He added that officers would have read the submitted biomass boiler form which provides the detail concerning the level of particulates that Mr Halstead spoke of. Gavin Taylor added that it appears that the Environmental Health Team have considered that the particulate matter along with other elements of the boiler including the operational hours are suitable. He explained that the boiler details in section 3 of the report set out that the emission limits will be no greater than 30 grammes per gig draw of particulate matter. Gavin Taylor explained that he is not familiar with that terminology as it is a technical matter, however, the team in Environmental Health have considered it and deemed it acceptable.
- Councillor Sennitt Clough referred to the height of the chimney which is 5 to 6 metres, and she added that as it is closer to ground level would it create more of an issue with regards to pollution as she is aware biomass burners can omit a number of pollutants including nitrogen dioxide, particulate matter and sulphur dioxide. Gavin Taylor stated that he cannot answer that as it requires more of a technical response, but he added that when considering particulate matters the form that has been completed and submitted which forms part of the approved details and the condition that is tied to it sets maximum emission limits. He added that there is sufficient detail within that form in order for the Environmental Health Team to monitor and take necessary action if required.

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

- Councillor Gerstner expressed the view that the applicant has submitted a very good application, and the site is located far enough away from most people. He added that officers have visited the site and have found no major issues, and the applicant has answered most of the committees' questions. Councillor Gerstner expressed the view it is a good way to burn old wood and pallets and there is little or no pollutants which have been reported and he will support the application.
- Councillor Sennitt Clough stated that she disagrees with the viewpoint of Councillor Gerstner, and, in her opinion, there is not enough information which has been provided concerning the monitoring which has been undertaken to form an opinion on the application.
- Councillor Mrs French stated that she disagrees with that view as the Council's Environmental Health Officers are extremely experienced and the information which is in the officer's report is more than enough in order to be able to approve the application.
- Councillor Connor stated that he agrees with the view of Councillor Gerstner and Councillor Mrs French, and he added that the Environmental Health Officers are very good at their job and the committee needs to take their expert advice and opinions into consideration.
- Councillor Gerstner stated that this is a very small biomass boiler not a large operational plant.

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

*(Councillor Connor declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he has been lobbied on this application)*

**P73/24**

**F/YR23/0209/RM**

**LAND SOUTH WEST OF 317 WISBECH ROAD, WESTRY**

**RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PERMISSION F/YR20/0905/O TO ERECT 3 X DWELLINGS (3 X 2-STOREY 3-BED)**

Gavin Taylor presented the report.

Members asked officers the following questions:

- Councillor Benney asked for confirmation that the application had been deferred previously in order to ask for further information to be provided on the drainage strategy, both foul and surface water as well as the detail concerning the bin collections. He stated that it appears that there has been no change and that no further information has been provided. Matthew Leigh stated that as per the officer's report there has been no interaction with the applicant.

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

- Councillor Benney expressed the view that as the information that the committee asked for previously has not been provided by the applicant the application is incomplete and, therefore, the application cannot be determined and should be refused. He expressed the view that he is sure that Matthew Leigh will want a decision to be made on the proposal, however, in light of the fact that the information requested by the committee has not been forthcoming and it would appear that the applicant has chosen to ignore that request the application should be refused.
- Councillor Marks stated he agrees with Councillor Benney, the applicant has either ignored the request for the information to be provided or cannot be bothered and as it is an incomplete application he certainly will not be supporting the application.
- Councillor Sennitt Clough stated that she agrees with the points made by Councillors Benney and Marks, however, when considering the information before members, an applicant cannot be punished because they did not provide information that can be conditioned. She added that whilst she is still undecided with regards to her decision on the application, points 6, 7 and 8 can be conditioned.
- Councillor Benney made the point that whilst certain aspects can be conditioned, the committee specifically requested the detail concerning drainage and foul water. He added that he recalls that there are problems with flooding and also the location where the bins were to be stored. Councillor Benney stated that without a refuse strategy the application is incomplete, and he added that the committee refused an application in Chatteris earlier in the year because it did not contain a drainage strategy.
- Councillor Marks stated that the road does flood, and he is aware that there were pumps taking the water away via tankers and there was a large quantity of water removed. He added that he cannot give agreement to the application at the present time without seeing the applicant's drainage strategy. Councillor Marks expressed the view that at the current time the applicant does not appear to be bothered and 6 months is an awful long period of grace for him to be given and there is no way that he can support the application.
- Councillor Benney added that he recalls that there was a resident of Wisbech Road who was pumping water out into the road and was told to stop by the Police, or she would face prosecution. He added that the committee cannot put the residents at that sort of risk and the applicant has been given the chance and opportunity to come back with the information, but it has not been forthcoming and is an incomplete application.
- Councillor Sennitt Clough asked for confirmation of the flood zone that the site is located in,

and it was confirmed as Flood Zone 1.

- Matthew Leigh stated that case law is clear when it comes to making the determination of a planning application and states that an application cannot be refused if a condition can overcome the harm. He added that he understands that there is anecdotal and experience of flooding which has occurred and there maybe concerns as to whether the bin strategy can or cannot be delivered but the the Council have the powers to impose conditions that officers consider as safe to impose and that they have some level of certainty that they are deliverable. Matthew Leigh added that the information is required prior to commencement and those details would be considered and fully assessed and if found to acceptable would then be implemented and it is quite reasonable to impose the conditions particularly taking into account the Council's position earlier in relation to the highway when initially the Highway Authority had objected, and the Council thought it was ok to condition. He added that he does not see in planning terms what the difference is here considering that the consultees are happy in this situation subject to the conditions, making the point that it would be dangerous for the Council to refuse the application on the basis of a lack of information especially when considering that conditions 6, 7 and 8 will be able to ensure that information is provided to the Council, and it can be fully and robustly reviewed at the correct time.
- Councillor Marks referred to planning training that he had attended where incomplete and complete applications were discussed. He stated that the applicant has been given time to come back and complete his application and the application is incomplete and does not contain a drainage or refuse strategy and, in his view, as it is incomplete application it needs to be refused.
- Councillor Connor expressed the view that he totally agrees.
- Councillor Benney stated that he has listened to the advice and guidance provided to the committee by the Head of Planning, however, as decision makers, the committee can make its own minds up when determining applications. He added that whatever decision is made, it comes down to the fact that it is a committee's decision and not an individual. Councillor Benney added last Christmas, the bungalows along that stretch of road were running pumps 24 hours a day and as a committee there needs to be confidence that whatever is there is robust and without seeing a drainage strategy then the committee cannot make a decision or comment.
- Councillor Connor stated that he is absolutely adamant that it should be refused, and he would be happy to propose.
- Stephen Turnbull stated that if a Planning Inspector disagrees with members and that the matter could be dealt with by a condition then there is a risk of costs as well. Councillor Connor stated that if that is the case then so be it, but the committee also have a duty to residents in the surrounding properties as well.
- Councillor Gerstner stated that he has heard the advice what the Legal Officer has given, and he added that surely that is setting a precedent for future people to come along and do exactly the same thing.
- Matthew Leigh explained that the Council has granted permission before for sites with conditions similar to the application before members. He added that the information has not been required for every site and cautioned that committee that to refuse the application on lack of information would not be advisable in his opinion.
- Councillor Marks stated that members have been advised that if an application is incomplete, it should not be approved and, in his view, he cannot see how it cannot be seen as anything else other than an incomplete application. He added that whilst he appreciates that the application can be conditioned, the committee need to be aware of what is going to be on the site before a decision can be made and it is known that the site floods and if it went to appeal then there could be a cost implication, however, the committee are doing their job by objecting to it. Councillor Marks made the point that he would be content to attend an appeal and put his point across which is that the site floods and the applicant has not provided a drainage strategy at all after being given 6 months grace and for that reason it is incomplete and should be refused.

- Councillor Benney referred to an application in Doddington where the committee were advised by the Head of Planning that there was not a drainage strategy to accompany the application, and it was refused because of that. He added that at that time the committee asked about conditioning and were advised that they could not condition it. Councillor Benney expressed the view that the two applications are to him very similar, and that application was refused due to the absence of the strategy when it is his understanding that both himself and Councillor Marks would have otherwise supported the application.
- Matthew Leigh explained that the applicant has supplied some information, however, officers feel that a greater level of detail is required which is materially different to there not being any information. He added that it comes down to officers ability to feel some level of confidence and understanding of the ability for the planning harm and he advised members again to consider the matter carefully.
- Councillor Benney stated that this was the reason that the other application was refused and whilst there was a drainage strategy it was a discharge point.

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

Members do not support the officer's recommendation of approval as they feel that the agent has not provided the drainage strategy, foul and surface drainage, and refuse strategy and, therefore, application is incomplete.

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

**P74/24      F/YR24/0772/O  
LAND SOUTH OF 4 - 16 BACK ROAD, GOREFIELD  
ERECT UP TO 9 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED)**

Tom Donnelly presented the report.

Members received a written representation, in accordance with the public participation procedure, read out by Member Services from Councillor Michael Humphrey on behalf of Gorefield Parish Council. Councillor Humphrey stated that the Parish Council does not support this application and would draw members attention to its concerns as per the officer's report. He added that the Parish Council is also concerned on the grounds that this application has been brought to the committee and considers that the use of letter templates to support this application is a misuse of the system.

Councillor Humphrey reminded members that Gorefield is designed as a village of limited growth, yet it has permission for in excess of 50 homes still to be built out. He hoped that unlike the application approved against officer's recommendation in August 2023, the Planning Committee members will be mindful to support the officer's recommendation to refuse the application.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson referred to the presentation screen and stated that the application has taken a considerable time to go through the validation process. She stated that the application is for up to nine dwellings within the centre of Gorefield and it is quite a unique site due to the fact that despite it being located in Flood Zone 3, the technical Flood Risk Assessment demonstrates that it can accommodate bungalows on the site, which is a significant benefit as nowadays it is rare to be able to build bungalows within the district.

Mrs Jackson explained that the application is submitted in outline with all matters reserved and the indicative layout demonstrates that a spacious layout can be achieved which respects the established loose knit development along Cattle Dyke. She expressed the view that it



demonstrates a really good transition between a densely built-up development which is proposed at Dennicks Yard and the very low density along Cattle Dyke, with the proposed density being appropriate and not harmful as mentioned in the second reason for refusal.

Mrs Jackson stated that Gorefield is classified as a small village where infill development is supported by Policy LP3 and she explained that the application site is located between the Dennicks Yard development and the established development along Cattle Dyke and, in her view, it would infill this part of the village without encroaching further into the countryside and the surrounding development. She expressed the opinion that the proposal complies with the spirit of Policy LP3 and that it comprises with residential infilling within the footprint of the village.

Mrs Jackson made the point that she has noted the reason for refusal with regards to the proposal comprising back land development but, in her view, she cannot see how the site is considered as backland when the scheme can be laid out comprehensively and it is no different in terms of its locational aspect from the Dennicks Yard site to the east. She stated that as part of the submission a flood risk sequential test was undertaken and given the location of the site within the built-up footprint of Gorefield, the sequential test was carried out on sites within Gorefield, which was the case for the development site to the east and, in her opinion, she can see no reason why the same approach cannot be taken.

Mrs Jackson explained that despite the fact that she has demonstrated that there are no available sites for development at lower risk of flooding within Gorefield, officers have proposed a reason for refusal which states that the site does not pass a sequential test due to the fact that the search area should be the whole of the district and, in her view, the reason for refusal is entirely unreasonable given the location of the site in relation to the village and the fact that the site to the east was limited to the search area of Gorefield for its sequential test. She explained that there are no technical objections to the proposal and the Parish Council have stated that the road is narrow, however, the Highway Authority have raised no objection.

Mrs Jackson made the point that there are significant benefits to the scheme which includes the provision of new housing within a village which would sustain the amenities of the village and the fact that bungalows can be provided which is a rare opportunity in the area. She expressed the view that the reasons for refusal are subjective and the proposal would not cause harm to the settlement, it would comprise residential infilling and it is appropriate in terms of flood risk.

Mrs Jackson asked the committee to consider granting planning permission with appropriate conditions.

Members asked Mrs Jackson the following questions:

- Councillor Connor asked Mrs Jackson to clarify why the application is only for 9 dwellings as it could be considered that the site is underdeveloped just for nine when it could be capable of 15 or 16 dwellings? Mrs Jackson stated that if you look at the development site to the east which is the Dennicks Yard redevelopment it is very dense along with the Cattle Dyke development to the west which is very loose. She added that she tried to make a transition between the two and nine dwellings sat really well on the site as biodiversity net gain also had to be provided and there are areas which include pockets of landscaping. Mrs Jackson explained that it felt right in terms of the sizes of the houses and the transition.
- Councillor Gerstner asked whether the refuse truck can access the development site? Mrs Jackson explained that the layout of the site is not committed at the current time but there is scope to build it to an adoptable standard so it can include turning for large refuse vehicles.

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

- Councillor Benney expressed the view the site has merit and very often many sites are crammed in and do not make good use of land and when a low-density application is submitted such as this then it is criticised for being a low-density application. He stated that

the application site is located in Flood Zone 3 and referred to the planning training he received where members were advised that if it fails the sequential and exception test then when considering the application before the committee he does not see how it can be supported. Councillor Benney stated that he would only refuse the proposal on the grounds of the exceptions test, and he expressed the view that the houses would be good solid houses and would make lovely homes for people regardless of the fact that the site is in Flood Zone 3.

- Councillor Mrs French stated that she agrees with Councillor Benney that the design looks good, but it is in Flood Zone 3 and it is disappointing that there is not a sequential test properly sorted out otherwise the application could be supported. She expressed the opinion that if flooding could be overcome it is a good application.
- Matthew Leigh stated that when the density of a site is looked at the Government guidance is clear that the Council should be looking to deliver the maximum it can on sites that it wants to develop if it is felt that the site is appropriate to be developed, with the agent indicating that the density is trying to act as a transition between the denser development to the east and the lower development to the west. He referred to the presentation screen and highlighted that there are 8 properties which are just adjacent to 5 properties and that when considering the density in relation to the width of the site it is very generous and he advised members that if they do feel that the site is developable then the number of dwellings for the site should be higher. Matthew Leigh stated that consideration has to be given as to whether a site for backland development should be developed and whether properties are put on there. He added that there is the inclusion of a landscaping scheme and a development of nine dwellings does not require an affordable housing contribution whereas a scheme of 10 does and, in his opinion, if the scheme was to come forward properly then the number of dwellings would need to be substantially higher. Matthew Leigh made the point that whilst it might be an attractive scheme when considering the plot widths, they do not reflect the adjoining site and whilst an attractive lower density scheme may be nice to have, in his view, nice dwellings is not enough for the site.
- Councillor Marks stated that members are often told that the amenity space is not big enough and applications are refused and whilst he accepts that land usage has to be considered the proposal before the committee is spaced out and looks good, however, the flood zone issue still needs to be considered.
- Councillor Benney referred to the presentation screen and stated that on the left-hand side there are 8 houses as opposed to five and highlighted the spaces around the houses on the left, making the point that if a development took place today on that land there would be a significantly higher number of houses placed on that site. He added that planning is an evolving thing that changes all the time and as land is becoming more valuable, therefore, there is an element of higher density. Councillor Benney questioned whether members want to see small houses all crammed in on an area or would they rather see some nice houses for families to be able to grow. He added that as much as policy may dictate, members know that there is the need for a mix of house types and whilst he could support the proposal, ultimately the site is located in Flood Zone 3 and the application cannot be passed without an exception and sequential test.
- Councillor Gerstner stated that if the committee are considering approving development in Flood Zone 3 then there needs to be consistency.
- Councillor Connor made the point that in Wisbech most of the area falls in Flood Zone 3 and if the application was in Wisbech, apart from the density, then the officer's recommendation would likely to have been one of approval.
- Matthew Leigh stated that when looking at the indicative plan there is space for four cars and detached garages and whilst he accepts that planning evolves, he would implore members to refuse the application on density. He added that the application is a very poor use of land as it is and whilst it does not mean it needs to be a highly dense scheme like you find in an inner city area, in his view, you can have very nice attractive houses but adding slightly more.
- Councillor Marks stated that his concern is how can bungalows be located in Flood Zone 3

that the agent has said should be approved. Matthew Leigh explained that consideration needs to be given with regards to not building in flood zones and then the issue of trying to overcome the exception test by building properties up and officers are stating that they should not be built. Councillor Marks stated that the agent had alluded to the fact that there was some loophole to state that bungalows can be built in Flood Zone 3.

- Councillor Connor invited the agent, Shanna Jackson, back to address the committee with an explanation concerning the point she had made. Mrs Jackson advised members that the Flood Risk Assessment was carried out on the basis of it being single storey dwellings and that has been stated in the Flood Risk Assessment information as it is in a very low area of surface water flooding despite the site being located in Flood Zone 3.
- Councillor Mrs French stated that the site is located in the countryside, and it is in a village and executive homes are required which she feels should be taken into consideration.
- Councillor Benney stated that the application should only be refused on flooding grounds, and he added that there may come a time where the application site can pass a sequential test and, therefore, could come back before the committee. He added that to refuse the application on low density could mean in time an application could come before the committee with a block of flats on it.

**Proposed by Councillor Mrs French, seconded by Councillor Gerstner and agreed that the application be REFUSED as per the officer's recommendation but solely on failure of a sequential test.**

**P75/24**

**F/YR24/0684/F**

**LAND NORTH OF HILL VIEW, EASTWOOD END, WIMBLINGTON**

**ERECT 8 X DWELLINGS (SINGLE-STOREY 2-BED) AND A 1.2M HIGH BOUNDARY POST AND RAIL FENCE, AND THE FORMATION OF A NEW ACCESS AND A 2.5M HIGH BUND**

Tom Donnelly presented the report.

Members received a presentation, in accordance with the public participation procedure, from Councillor Angela Johnson of Wimblington Parish Council. Councillor Johnson stated that she is addressing the committee on behalf of Wimblington Parish Council who are objecting to the proposal, and she explained that a little over 2 years ago Wimblington and Stonea Parish Council began developing their Neighbourhood Plan and as part of that ACOMB were commissioned to produce a professional researched housing needs assessment and a design guidance and code report. She added the reports were completed in early 2023 and were unanimously adopted by the Parish Council and copies were provided to the Planning Department at the Council.

Councillor Johnson added that the housing needs assessment highlighted the fact that the village of Wimblington is way above the national average in Fenland and England for built bungalows, with it also highlighting the high percentage of people over the age of 60. She explained that the Planning In Principle application which was objected to by local residents and the Parish Council has been granted on the corner of the Eastwood End settlement which is east of the A141, with there being no facilities whatsoever on this side of the village and, therefore, to reach any of the village facilities it would mean crossing the A141.

Councillor Johnson explained that planning in principle was granted by planning and now the developers have applied to construct 8 bungalows which are recommended for approval by officers. She made the point that it is obvious that neither of the two professional reports made available to officers have been taken into consideration and she added that the reports were produced for a reason, and they are there to support the draft Neighbourhood Plan which the Planning Officers have received, and it contains a policy in relation to the housing needs in the neighbourhood area.

Councillor Johnson questioned why the Planning Officer has not supported the research undertaken on the housing needs in Wimblington and she also questioned why the developer has not been advised that there is no further requirement for the construction of bungalows in the village. She stated that the design proposal is not in keeping with the surrounding area which is a cul de sac of bungalows off a country lane and a proposed pallet of materials which are not consistent with the local built heritage and no specific building materials submitted with the submission which leaves the developer an open door.

Councillor Johnson added that the development is near the construction site of other dwellings on Eastwood End and, in her view, the dwellings are not in keeping with the area due to their size, design, materials and housing need. She expressed the view that bungalows inherently attract older members of the community, and she questioned how they would be able to access local facilities if they choose to walk which would mean having to cross the A141 which would also be the case if they choose to drive.

Councillor Johnson stated that there is a need for affordable homes for the younger lower paid members of the neighbourhood area and if the developer is not prepared to investigate this option then, in her view, they should consider building elsewhere. She explained that the Neighbourhood Plan for Wimblington and Stonea is in the later stages of completion and once adopted it is hoped that it will have an influence on the further development within the neighbourhood area.

Members asked the following questions:

- Councillor Mrs French asked Councillor Johnson if she can confirm when the Neighbourhood Plan consultation commenced? Councillor Johnson explained that the initial stages commenced in 2022, however, the whole process did not start until August 2022. Councillor Mrs French explained that as it is in draft form and has not been adopted and approved that is probably the reason that the officers did not take it into consideration. Councillor Johnson added that the Housing Needs Policy has been adopted along with the design guidance by the Parish Council as they are different reports which sit alongside the Neighbourhood Plan. Councillor Mrs French added that they have not been adopted by the District Council and this is the Planning Authority.
- Councillor Marks stated that Councillor Johnson has stated that bungalows are needed for older residents but then she has referred to affordable homes. He expressed the view that affordable homes are for young families with children who will still need to walk across the A141. Councillor Marks asked Councillor Johnson whether her view is that it would be better to have houses on the site which, in his view, would be out of character as opposed to bungalows. Councillor Johnson stated that at the other end of the road there is going to be nine executive homes built and that it is going to look totally different to 8 bungalows. Councillor Johnson stated that she can see Councillor Marks view, however, in her opinion, there are enough executive homes which have been built or are due to be built as well as bungalows which have been built off King Street.
- Councillor Marks made the point that in Manea there is a shortage of bungalows and, in his opinion, there is a shortage across the whole of Fenland. He added that when considering the older generation, they may wish to relinquish houses and opt for bungalows which in turn will release houses for families in Wimblington. He added that there has been a recent application where 8 houses were approved in very close proximity, and he added that he finds the views of Councillor Johnson to be quite strange. Councillor Johnson stated that off King Street there have been 48 bungalows along with the second phase of 21 bungalows being built and there are bungalows included as part of the development off Eaton Estate. Councillor Marks stated that the developer has undertaken some research to find out what is acceptable and what is needed as he would not build solely on speculation in the hope of building and selling something. Councillor Johnson expressed the view that she does not know how the developer has undertaken his research as the housing needs assessment was undertaken by a professional research body.
- Councillor Sennitt Clough asked for clarification as she understood from the presentation

given by Councillor Johnson that there is the need for dwellings for families, but Councillor Johnson does not feel that the site in question is right for either bungalows or family dwellings. She added that she understands from Councillor Johnson that what she said with regards to being above the national average for bungalows and people over the age of 60 that she is actually talking about a more blended community in order that the area does not just become somewhere just for those over the age of 60 in bungalows. Councillor Johnson stated that Wimblington does not need any more development, with Wimblington having way over the amount of development that it should have with the number of homes being 116 which is now at over 400. She added that is why the objections have been made by Wimblington Parish Council and local residents and nobody wants all of the development and there is a significant amount of it taking place within the village. Councillor Johnson added that Wimblington does not need houses and there is already an application for affordable homes which has been approved on the way to Doddington, 48 homes behind the Eaton Estate along with another 2 developments. She stated that the Parish Council feel that there needs to be a review of what houses are actually needed if they are going to be built and it is not bungalows within Wimblington.

- Councillor Benney asked Councillor Johnson whether she would be content with more social housing in Wimblington, and he added that generally when social housing with flats is proposed most people do not look on that favourably and would rather see bungalows. He added that if that is something that the Parish Council and the local community would rather see then that could be considered during the preparation of the emerging Local Plan. Councillor Johnson stated that there is an element of social housing already being developed on the way to Doddington. Councillor Benney stated that Councillor Johnson has alluded to the fact that the Parish Council would prefer to see a different kind of housing for young people, and he asked whether they would prefer to see that type of housing rather than bungalows in Wimblington. Councillor Johnson stated that in the Neighbourhood Plan the local community have also stated that this is what they would like to see more of as there are enough bungalows.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the application site already has planning in principle for up to 9 plots and the application before the committee is for 8 two-bedroom bungalows. He disagrees with some of the points raised by Councillor Johnson and explained that there are bungalows opposite the application site and a newly constructed bungalow on the corner of the site and, therefore, it appears to be that character of the area.

Mr Hall added that there are no technical objections to the application, and he has incorporated a 6 metre wide drive with a turning head which was a concern for the Parish Council which will allow the refuse collection vehicles as well as delivery vehicles to enter and exit the site in a forward gear. He explained that he has spoken to the developer and the spoil which is shown on the site plan will be used to form the bund which is to be set adjacent to the A141 and is a similar feature to the application which was approved for the nine plots to the north.

Mr Hall added that a noise assessment has also been submitted which confirms the suitability of the bund and the site is all located in Flood Zone 1. He made the point that the drainage strategy has been provided and it has been designed at a greenfield runoff rate and officers have stated in their report that they are content.

Mr Hall explained that the site came before the committee 2 years ago as a planning in principle application and at that time the officer recommended it for approval and members supported that, with the application before the committee today also recommended for approval, and he explained that the application was validated at the end of August and officers have provided a very good and efficient service. He stated that with regards to materials, the developer cannot do just what he likes and there will be conditions where the types of bricks and tiles will have to be agreed with officers, with the layout of the site being largely dictated by the water main at the site and he has

received approval from Anglian Water to undertake some trial holes on the site for that to be located which has been undertaken and now work has been undertaken to accurately set out where that needs to go.

Mr Hall stated that he has shown 8 2 bedroomed bungalows, and, in some cases, there is way more than a third in garden area and had a lesser number of dwellings been included then the officer recommendation could have been one of refusal as an inefficient use of land. He added that on the opposite side of the bypass there are over 40 bungalows which are being developed with some already completed and sold.

Mr Hall explained that he has worked closely with the developer on this application and the developer is not going to build dwellings which he does not think he is going to sell hence the choice of bungalows. He added that Savage Developments from Manea are extremely keen to commence works on site and they are the builders who constructed the houses directly to the east which are still under construction for different owners.

Mr Hall advised the committee that the archaeological excavation works have already commenced, and the footpath and the access is shown on the site plan and a local contractor has already been instructed to provide all of those details and the bungalows are deliverable by a local builder and comes with an officer recommendation of approval.

Members asked Mr Hall the following questions:

- Councillor Marks referred to the proposed footpath and asked Mr Hall whether the footpath will access up to the A141 crossing? Mr Hall referred to the footpath in front of the proposed site and the other sites to the east and explained that there has been a great deal of discussion with the County Council and technical approval has now been given. He added that it will link all the ones which are already constructed as well as the proposed site to the A141 crossing.
- Councillor Marks asked whether the developer has undertaken some research with regards to building bungalows or houses to ascertain which is the better way forward? Mr Hall stated that the developer has spoken to local agents and has ascertained that there are larger dwellings on the other side of the road which do look nice. He added that whilst larger dwellings could have been considered but that would have meant a lesser density, with there being a lot of amendments on the actual bungalows in order to get garages and reach a satisfactory design.

Members asked officers the following questions:

- Councillor Mrs French asked officers to provide an update on the Parish Council Neighbourhood Plan which has been referred to? Matthew Leigh stated that as he understands it the consultation ran for 6 weeks from the end of October to the 9 December. He added that it is not adopted so it does not form part of the Local Plan evidence basis for any material consideration just like any piece of evidence and it is not considered to be of substantial weight that it results in the reason of refusal around the housing mix.
- Councillor Marks stated that the bund is 2.5 metres high, and asked what the actual height of the bungalows are? Matthew Hall addressed the committee with the permission of the Chairman and advised the committee that the height to the eaves level where the gutter is approximately 2.6 metres and to the ridge, from his memory, they are about 4 to 4.5 metres which is the typical height for the bungalow. Councillor Marks stated that they will not be able to be seen from the A141 anyway. Matthew Hall confirmed that is correct.

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

- Councillor Mrs French stated that it is a good application, and she is pleased to see bungalows as there is a shortage. She added that she does understand that Eastwood End is not the easiest road to exit, and she has been working with the County Council Highway Officers to see if there is a way of improving it and for it to be incorporated in with the March

Neighbourhood Plan. Councillor Mrs French added that she is pleased to see that the developer is actually looking to develop a mix of dwellings especially 2 bedroomed bungalows and not just all affordable homes.

- Councillor Marks stated that he agrees with Councillor Mrs French and, in his opinion, bungalows are very much needed. He added that does share the concerns of Parish Councillor Johnson with regards to the A141 and he suggested that the Parish Council could look to secure a Local Highway Agreement for the implementation of traffic lights or some sort of crossing at the location, but he does fully support the application.
- Councillor Mrs French explained that is something she is looking into, but it would not be a Local Highway Improvement due to its significant cost.

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

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

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

*(Councillor Marks declared that the applicant and his family are known to him on a professional basis through his role as a Councillor, but he is not pre-determined and will consider the application with an open mind)*

5.40 pm

Chairman