

PLANNING COMMITTEE



WEDNESDAY, 5 FEBRUARY 2025 - 1.00 PM

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

APOLOGIES: Councillor R Gerstner.

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Gavin Taylor (Principal Development Officer), Kimberley Crow (Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services)

P86/24 PREVIOUS MINUTES

The minutes of the meetings of 11 December 2024 and 8 January 2025 were agreed and signed as an accurate record.

P87/24 F/YR22/0596/F

LAND NORTH WEST OF NAMPULA, BEGDALE ROAD, ELM
CHANGE OF USE OF LAND FOR THE USE OF TRAVELLERS INCLUDING THE
FORMATION OF 8 X CARAVAN PITCHES (CONSISTING OF 2 X TOURING
CARAVANS PER PITCH), THE ERECTION OF 2 X UTILITY BLOCK BUILDINGS (8
X UTILITY ROOMS) AND A STABLE BLOCK, AND THE FORMATION OF
HARDSTANDING AND AN ACCESS

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mark Codona, the applicant. Mr Codona stated that he owns the whole site, currently lives on the site and made the point that it is not Flood Zone 3 but Flood Zone 2 on the actual area where the caravans will be sited. He stated that the application is to extend the existing site providing a transit site for the local area, which will show, especially when the gymkhana is completed later this year, a need for more pitches and transit pitches in the area.

Mr Codona expressed the view that he has satisfied all the issues raised by the Highways Authority and whilst the Parish Council has objected it has only done this in relation to the objections which have been satisfied. He stated that the proposal will be family owned and family run for which they have got 50 years' experience of running sites and they are a well-known gypsy and traveller family within Fenland, working closely with the Council and locals.

Mr Codona referred to some members being on the committee when the previous application was approved and they have completely transformed the area, it used to be a prolific fly tipping area and it has been made into a nice presentable home. He stated that they are going to continue what they have been doing, having been in this area for 6 years settling well into the local area, with the locals accepting them as part of the community and he feels that rather than there being unauthorised encampments within the area it is going to be key to have an authorised transit site within Fenland which is also gypsy run as opposed to Council run as gypsy and travellers feel more comfortable going on other gypsy run properties rather than local authority ones.

Mr Codona expressed the view that as well as helping their own community they will be helping the local area, wanting to work with the Council and not against them. He hopes it will be successful,

having overcome all the objections raised and he is happy to accept conditions so that it is to the Council's acceptance.

Members asked questions of Mr Codona as follows:

- Councillor Imafidon stated that he visited the site and it was a very bad area for fly tipping and the area has been cleared up. He referred to Elm Parish Council raising an objection as they state the access to the site being of poor quality and not fit for purpose and asked for his comments on this. Mr Codona responded that the site is going to be accessed through the existing site, it is not a new access and is fully acceptable to the Highways Authority, with it having no objection to the condition or location of the access. He made the point that Newbridge Lane is a highway which has been closed off at one end, it is not a farm track that has been created and they have been using this access for 6 years and there has been no incidents or problems. Mr Codona expressed the view that the Parish Council's objection is irrelevant.
- Councillor Imafidon asked about the drainage strategy being incomplete. Mr Codona responded that he has worked with a drainage consultant which has satisfied the LLFA and the only parts left to complete is the IDB consent, which would not be applied for until the application is approved. He stated that the LLFA have removed its objection providing the conditions are met, which he assured will be.
- Councillor Marks asked in relation to usage of the site it is being said it is transient and how often would he expect people to go through this site or would they try to make it a permanent home? Mr Codona responded that he has a permanent approved site at the front, which satisfies the needs of his family and the transit site is going to be operated as such but they are not going to limit how long somebody can stay but it is going to be more busier during the Summer months than the Winter months. He made the point that the proposal is for gypsy and travellers coming to the area for work, for weddings, for funerals and the normal gypsy way of life. Mr Codona stated that the Council has an authorised transit site in Wisbech St Mary and this proposal would be operated on a similar sort of scale as this, it could be that some people would come for a couple of days, some for a couple of weeks and he would not think anyone would stay longer than 6-8 weeks at a time.
- Councillor Mrs French made the point that it was said that it was a waste of time speaking to the drainage board before approval of the planning application but this is not quite correct and they should be spoken with beforehand. She asked that the flood risk is undertaken properly. Mr Codona responded that he has instructed consultants to deal with all of the drainage issues, they are preparing or have submitted to the IDB details about the drainage discharges and they have drawn up some plans and documents regarding surface water, with everything raised by the LLFA being addressed and dealt with appropriately. Councillor Mrs French asked if there are any drains or ditches around the site? Mr Codona confirmed that there is. Councillor Mrs French stated that it is his responsibility as a riparian owner to keep them clear.
- Councillor Sennitt Clough referred to one of the drawings seemingly indicating that there was a path through the site and extending out of the site and asked if there is a public right of way travelling through the site? Mr Codona responded that there is no public right of way and the whole area is owned by his family and the only access would be by them or people who are going to be using the site.
- Councillor Connor referred to the previous application and the roadway being full of rubbish and Mr Codona told the committee at that time that he would tidy it up, CCTV was mentioned and a new fence which has now been erected. He commended Mr Codona for doing exactly what he said he was going to do; he visited the site and it is lovely and tidy and he hopes it continues with this proposal if it gets approved.

Members asked questions of officers as follows:

- Councillor Mrs French asked where the gypsy and traveller policy is and whilst she notes it is being worked on it has been worked on since 2016, which is 9 years, and she wants a definite answer on when it will be produced. Matthew Leigh responded that to give a definite

answer is difficult especially in a changing planning landscape, with the Government changing the definition of gypsy and travellers in December so even the work that had been undertaken recently has to be updated to take into account the changes. He stated that it is progressing but some things are outside the control of the Council. Councillor Mrs French asked this year or next year? Matthew Leigh responded that he would hope this year but he would provide an update outside of the committee.

- Councillor Marks referred to the TRO which is required to be undertaken separately and asked for an explanation. Gavin Taylor responded that the previous consent that was granted required a TRO, which was to remove access restrictions along Newbridge Lane with there being signage along there which places restrictions on the accesses in this area and the TRO was to update this and amend it to reflect these permissions. He stated that this is still yet to be undertaken he believes and, therefore, the Local Highway Authority have asked that this application also imposes that same condition. Councillor Marks asked if this is to be undertaken by Highways and not by the applicant? Gavin Taylor responded that the applicant would have to undertake an advertising process, with there being some money to pay the Local Highway Authority to enact it.
- Councillor Mrs French asked if the TRO is in or not? Gavin Taylor responded that the TRO was advertised but then he does not believe the process was followed through. Councillor Mrs French made the point that with a TRO there needs to be between 10-12 weeks' notice and last year there were 32,000 applications for TROs at County Council so there will be a long wait if it has not been undertaken.

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

- Councillor Mrs French expressed the opinion that the application should be approved and the family have proved that they will do what they say.
- Councillor Imafidon stated that from what he knows of the site historically and what it looks like today he thinks the application should be approved.
- Councillor Marks agreed with the comments from the other councillors.
- David Rowen stated that Condition 1 on further review by officers is felt could be made more precise in terms of its wording and if members support the recommendation of approval officers would ask for delegation that the wording of condition 1 be amended as it does not appear to be clear in terms of numbers as it could be. Councillor Marks asked how officer want to tweak the wording is that just changing numbers? David Rowen responded that they would want to get to a position where there are 2 pitches each of which have got 2 caravans on them yet what the wording currently suggests is that both pitches could have 4 caravans.
- Councillor Connor asked that the TRO be strengthened? Gavin Taylor responded that this condition is worded exactly the same way as the last permission so in the interest of consistency he feels it should be kept as is. Councillor Connor asked if a time limit could be put on it as it needs to be undertaken sooner rather than later. Gavin Taylor stated the TRO is pre-occupation.
- Councillor Marks referred to the description being the formation of 8 x caravans pitches consisting of 2 x touring caravans per pitch as it was being referred to as 4 in total as opposed to there being 8. David Rowen responded that this is what officers want to clarify, the inconsistency between the description and the condition needs resolving and if members are satisfied with the principle of the application that is something that can be fine-tuned. Councillor Marks stated that the numbers seem to be askew and he was happy to agree to the 8 and members need to be clear on numbers before committee votes on it.
- Councillor Sennitt Clough expressed the view that committee needs to look at the application as it is presented, it is for 8 caravan pitches and that is what the applicant understood when he paid his money and came here today. She feels it is not fair to now say 4 caravan pitches and requested clarification. David Rowen responded that as he has indicated the application is as was made but the condition does not seem to tie in with this and that is what officers are trying to seek to resolve if members are happy with the principle of the overall development that the wording of that condition is altered to reflect

actually what the application is.

- Councillor Marks stated that members need to be clear on how the condition is going to read. David Rowen responded that the condition would be worded something along the lines of 'the site should be limited to 8 pitches each containing no more than 2 caravans and no more than 16 caravans across the site in total'. Councillor Marks stated that as long as the condition reflects this he is happy.
- The Legal Officer clarified that what has been applied for is 8 pitches and that is what is being approved.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED as per the officer's recommendation, with authority delegated to officers to reword Condition 1.

P88/24

F/YR23/0156/F

LAND SOUTH OF 6-20 WYPE ROAD, EASTREA

ERECT 5 X DWELLINGS (2 X SINGLE-STOREY 3-BED AND 3 X SINGLE-STOREY 4-BED), WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING, INVOLVING THE DEMOLITION OF EXISTING SHED, AND INSERT ROOF LIGHTS TO NORTH ROOF SLOPE OF 40 WYPE ROAD

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

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the proposal is for 5 executive style bungalows, with large gardens, double garages and all served off a private drive. He stated that previous applications on this site for 14 two-storey dwellings, 10 dwellings and 9 dwellings were all refused but were from a different landowner, the 7 dwellings was withdrawn and this proposal is for 5 bungalows with an officer recommendation to approve.

Mr Hall made the point that the Highways Authority has raised no objections and made recommendations throughout the application which they have taken into account. He stated that the previous appeal carried out on this site by others was not refused on highway grounds by the Inspector for an application for 9 and this proposal is for 5.

Mr Hall stated that all of the site is in Flood Zone 1, the LLFA have raised no objection and drainage details have been submitted as part of the application. He expressed the view that there has been a lot of work that has been undertaken on this application both by officers and his office and they have taken on board the Highway Officer comments, officer recommendations on the design and number of dwellings and also worked with the LLFA and Refuse Team at the Council.

Mr Hall referred to a Google Map on the presentation screen, which shows, in his view, that this is the last piece of land of this size in the middle of Eastrea to be developed and it could be classed as infill development, which is what it is referred to in the officer's report at 10.10. He reiterated that there are no technical objections and the application has a recommendation for approval.

Members asked Mr Hall the following questions:

- Councillor Marks referred to pinch point of 3.7 metres as you come into the site for quite some distance and asked if this 3.7 metres is from the bungalow to the edge or is that with leaving a metre from the bungalow? Mr Hall responded that originally they showed that access where it has been reduced to 3.7 metres as wider at 5 metres as that width is available still leaving a fence and grass strip either side but highways in December last year requested it be reduced to the 3.7 metres probably to leave a grass strip either side then the fence to neighbouring properties.

- Councillor Sennitt Clough expressed the view that it is a good-looking application but she has concerns about the access and the narrowness of the access road because not only is there cars but there are potentially cars and pedestrians walking down that very narrow access road. She stated that she knows the road very well and there have been accidents along this road, there are cars parked on the opposite side of the road and it is in between two blind bends so there is a catalogue of potential hazards. Councillor Sennitt Clough continued that there are then potentially 10 more cars coming out with pedestrians walking down a very narrow access strip. She asked how he feels he can overcome the safety aspect and all the obstructions and hazards that are there at present? Mr Hall responded that within the site where the 5 plots are the drive is 6 metres wide and in the Highway Officer's report it says that is too wide but it has been left at 6 metres as they had emails back and forth with the Council's Refuse Team to ensure a bin lorry can go in and turn around. He added that at the top of the access it is 5 metres by 10 metres abutting Wype Road which is what Highways asked for so two cars can pull in together and the first part of the access road was shown wider but it was at the request of Highways to reduce that area. Mr Hall advised that a speed survey was undertaken, the cable was positioned across the road outside 36/38 Wype Road and it showed vehicles going approximately 24/25 mph and Highways accepted that so he believes they have overcome any possible safety issues.
- Councillor Connor asked how many speed surveys were undertaken? Mr Hall responded that during the previous application, which they were not involved with, there was one undertaken and there have been two speed surveys undertaken on this application, with concerns being raised on the first. Councillor Connor asked when the second survey was undertaken? Mr Hall responded May 2023 or 2024. Councillor Connor stated that this site lies in his County Division representing Whittlesey South and he knows Wype Road is a very busy road, people do speed along here and there are cars parked opposite. He expressed concern that when you are coming out of this access and turning left you have to go over to the other side of the road so oncoming cars are going to be met. Mr Hall responded that the new access, which is a field entrance at the moment and has been since the 1970's, is 5 metres wide so 2 cars can pull on and off similar to other developments that have been approved. He questioned whether you go onto the other side of the road, which depends if there are parked cars and is similar to other development and they have undertaken a speed survey and he is not sure what else they could have done.

Members asked questions of officers as follows:

- Councillor Sennitt Clough asked if Highways came out to the site or was it a desk top study? Gavin Taylor responded that it is not known if Highways visited the site, there is no evidence to say they did, but they have looked at the scaled plans that are provided to get an understanding of road and access widths. He agreed that Mr Hall was correct in that Highways negotiated that narrowing for two reasons he believes; to slow cars exiting and entering the site as there is the potential for pedestrian vehicle conflict and to provide more of a buffer either side of the properties and it is noted that they anticipate at the busiest periods average vehicle trip movements would be 1 every 20 minutes so it is not considered that there would be significant vehicle pedestrian conflict occurring regularly. Gavin Taylor stated that Highways have suggested to the applicant that they reduce that area on this site as a pinch point for those reasons but notwithstanding that the actual access width itself where it meets with Wype Road is a standard access width that would be secured on any application.
- Councillor Sennitt Clough referred to the number of dwellings as a contributory factor to the number of vehicles, making the point that Wype Road is a 'rat run' as people from Whittlesey use it to get to Benwick, Chatteris and Ely and there are a lot of agricultural vehicles using the road as well as some HGVs so it is a considerable amount of traffic using it. She does not feel the safety issues have been properly addressed as this development is sandwiched in between two blind bends, cars are parked on the opposite side of the road and as Councillor Connor pointed out you would have to go on the opposite side of the road for a few metres to navigate this as you are coming out which adds another potential

hazard.

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

- Councillor Mrs French expressed the view that the application should be approved.
- Councillor Benney agreed stating this is a policy compliant application, it does not have a Highways objection and if it goes to appeal the Council would lose.
- Councillor Connor expressed the opinion that he hopes that Highways have undertaken due diligence on this proposal and it has not just been a desk top study as he sees it as an accident waiting to happen, although it cannot be refused on highway grounds as they are the experts.
- Councillor Marks stated that committee debate highways month after month and the question quite often asked is this a desk top survey or has an actual officer visited the site. He asked whether it can be reported from Highways whether they did attend the site or it was a desk top survey so the question is not being asked every time? Councillor Marks made the point that committee are local councillors who know the area and it seems to him that members are fighting someone who sits in Cambridge or wherever with a computer.
- Councillor Benney stated that looking at the report, irrespective of whether it is undertaken as a desk top survey or not, they are signing that report off and that is the information the committee has to rely on. He added that Highways can be asked to come back if members have real concerns but every time this has been undertaken in the past it always comes back with the same answer.
- Councillor Connor made the point that it would be remiss of the local members not to bring concerns before the committee.
- Councillor Sennitt Clough disagreed with the comments of Councillor Benney stating that members do not have to accept what Cambridgeshire County Council Highways dictate to it or approve this application, which is what members are elected to do. She stated for the safety reasons she outlined she cannot support the application.
- Councillor Mrs French strongly recommended that the Highway comments should be taken into account because they are the experts and if they are satisfied with it the committee should be as well.
- Councillor Sennitt Clough stated that she lives locally and feels that local knowledge is just being sidelined, with someone from a desk top potentially imposing their view on what is appropriate safety wise or not and she feels that local knowledge has to count for something in these circumstances.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED 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 Sennitt Clough declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a member of Whittlesey Town Council but takes no part in planning)

P89/24

F/YR24/0652/RM

LAND SOUTH AND EAST OF 200 TO 204 MAIN ROAD, CHURCH END, PARSON DROVE,
RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF
APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE
PERMISSION F/YR23/0805/O TO ERECT 1 X DWELLING AND THE FORMATION
OF AN ACCESS, INVOLVING THE DEMOLITION OF EXISTING BARN

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from James Burton, the agent. Mr Burton stated that this is a reserved matters application for Mr and Mrs Pitman, with Mrs Pitman having lived in Parson Drove her whole life and being joined by her husband 16 years ago. He added that they are a young growing family that wish to continue living in their home village.

Mr Burton referred to photos on the screen which show Parson Drove is a village with a varied character and mix of dwellings, with two and half storey dwellings forming part of the character with both older and newer properties adopting this form. He notes the comments regarding the scheme being incongruous and consider this is subjective given there is no consistency with regards to the architectural style or sizes of properties within the area.

Mr Burton expressed the opinion that the scheme is a high-quality bespoke dwelling providing quality variation and character within the street scene whilst meeting the needs of a local family and their associated business. He referred to another photo on the presentation screen which is located in the neighbouring village of Murrow, being approved in August 2023, although he appreciates that each site is to be considered on its own merits it is felt this is a significant precedent and this proposal is significantly larger than this proposal and set within a street scene of bungalows and modest two-storey dwellings.

Mr Burton expressed the view that this demonstrates how an aspirational high-quality executive home can be successfully integrated into an existing varied street scene, something that he believes this proposal will also achieve whilst having a better relationship with neighbouring properties due to the reduced scale, retained landscaping and existing street scene. He expressed the opinion that this proposal is an aspirational dwelling that represents the applicants dream forever home that will allow them to continue to reside and operate the business from the yard adjacent and their other site in the village.

Mr Burton made the point that there are no technical consultee objections, no neighbour objections including from the next-door neighbour, 15 letters of support and support from the Parish Council, who the applicants stated commented at the meeting it would be a lovely addition to the village in a lovely looking house. He stated that comments were received late in the application process in relation to the height of the proposal which the applicant has sought to address, with the applicant having been keen to work with officers and to compromise as far as they are able to secure a positive decision and have proposed a significant reduction in footprint and overall height, which is the scheme before committee.

Mr Burton showed on a plan how the original depth and width have been significantly reduced, moving the side elevation further from the neighbouring boundary and the height has been reduced by 1.4 metres. He stated that the principal part of the dwelling has a depth of 9.4 metres and a width of 16.4 excluding the front projection, with the remainder of the proposal being single storey.

Mr Burton stated that as referenced in the officer's report the outline application indicated a dwelling that had a principal dimension of 9.1 by 16.1 and indicated dormer windows and roof lights, which although slightly smaller is broadly similar to the proposal. He added that the proposal dwelling is around 4.2 metres from the neighbouring fence at its closest, is separated by an existing hedge which is approximately 6 metres high and will be retained and the proposal will have a hip roof and as such the eaves are around 6.1 metres, marginally higher than the existing hedge located 4.2 metres plus from the boundary and the maximum roof height of the ridge is 8.9 metres from the boundary which, in his view, limits the impact on the neighbouring property.

Mr Burton showed photos of the existing hedge which demonstrates its existing height at 6 metres and also photos from the road taken last week to demonstrate how the proposal will be screened even during the Winter months. He noted the comments with regard to overlooking and as confirmed by the officers overlooking is not an issue, however, if members are minded to approve and consider the top floor window to the bedroom presents an opportunity for overlooking they are happy to accept a condition for obscure glazing as it benefits from windows to the rear.

Mr Burton showed 3D visuals which provide an artist's impression of the proposal from a number of views including from the rear of the neighbouring property, which, in his view, demonstrates the proposal is significantly softened and screened by the existing landscaping whilst also delivering a high-quality scheme that, in his opinion, will positively contribute to the appearance of Parson Drove. He reiterated that the proposal is for a local family which will allow them and their business to remain in the village, it has no technical consultee objections, support of the Parish Council and no local objections including from the neighbour, and, in his view, the scheme will retain the existing landscaping, deliver a high quality aspirational home that will provide quality and variation to the street scene whilst enhancing the area.

Mr Burton requested that the application be supported with conditions deemed appropriate.

Members asked questions of Mr Burton as follows:

- Councillor Marks asked how far from the road does the proposal stand because the properties beside it stand forward of it? Mr Burton confirmed the properties adjacent do stand forward and this proposal has had to be set back due to the TPOs and the root protection area, with the garage starting at the front of the existing agricultural building but he does not have the dimensions to hand.
- Councillor Marks asked if the garage has a lower roof than the roof pitch on the main house? Mr Burton confirmed this to be correct.
- Councillor Imafidon asked what the associated business is? Mr Burton responded that the applicant runs a motor vehicle spares and repair business and they also have the agricultural buildings on the site.

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

- Councillor Marks expressed the view that consistency is key as 4/5 years ago committee discussed another roof height with a property that stands back on the March to Chatteris bypass and members were told it was too tall and it would be totally out of congress but he drives past this property most days and you cannot tell the difference in roof height as it stands back from the other properties. He feels this proposal is screened, it is set back, there are agricultural buildings to one side and whilst there are properties to the other side he thinks it is set back far enough on the site and he can support the application.
- Councillor Sennitt Clough agreed with the comments of Councillor Marks and stated that another point to consider is that there are no windows overlooking neighbouring properties and there are trees, although she acknowledges that it says that they are not all year round foliage trees, which do provide significant screening and she feels she could support the application for a very elegant, tastefully designed house.
- Councillor Imafidon stated that he knows this area well and he will be supporting the application as it encourages a family to stay in that village, which stops small villages from

dying out and the family have a business locally as well.

- Councillor Mrs French agrees with the views of the other councillors, under Policy LP16(e) she does not believe it will impact on the surrounding area and looking at the design she feels it is lovely and would be worthy of a design award if they still existed.
- David Rowen clarified that the example that Councillor Marks references was actually the result of a later second application which was lower than the original design put in front of committee. He made the point that personal circumstances of the applicant and the fact that they have lived in the village all of their lives and have a business is not material to the determination of the application.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal does comply with LP2 and LP16 as the development achieves a high-quality living environment, will not impact on the character of the area and there is a mixture of dwelling types in the vicinity.

P90/24

F/YR24/0811/F

LAND EAST OF 156 HIGH ROAD, NEWTON-IN-THE-ISLE

ERECT 9 X DWELLINGS (5 X 2-STOREY 4-BED AND 4 X 2-STOREY 3-BED), AND THE FORMATION OF 2 X ACCESSES AND A PEDESTRIAN FOOTPATH

Gavin Taylor presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Pritchard, an objector. Mr Pritchard stated that he is representing those who object to this development, which they feels contravenes the Local Plan 2014, it is not an infill development as it has more than 2 properties and it was based on up to 6 properties being built in principle but the proposal is now for 9. He expressed the view that new development would only be supported where it demonstrates that it contributes to sustainability of the settlement, which this development does not.

Mr Pritchard expressed the opinion that the proposal will result in the loss of high-quality agricultural land and comprehensive evidence should be provided and it has not been seen. He stated that the Newton Plan also defines Newton as a small rural village and this number of properties is not required.

Mr Pritchard stated that the Fenland Local Plan defines Newton as a small village requiring only an additional 6 dwellings and these have already been accommodated with current planning approvals and since then several other multi developments have been granted planning and are in the process of being built. He feels there are other brownfield sites in the village which could be developed.

Mr Pritchard stated that without the Emerging Local Plan more high-grade agricultural land will be permanently lost and would be lost here. He expressed the view that there is a pressure on habitat species and the ecosystem, with Cambridgeshire being very flat there is significant risk of flood water as a result of intense rainfalls and the Strategic Environmental Assessment Regulations should also be used for this development but there have been no assessments undertaken particularly those relating to Flood Zone 3 and high-grade agricultural land being lost.

Mr Pritchard referred to the Rural and Environmental Protection Act 2006 and asked if this has been considered with this application. He expressed the opinion that the initial permission in principle was for up to 6 dwellings, the subsequent planning for 9 was rejected and this is for a new

development of 9 which does not have planning in principle.

Mr Pritchard referred to documents uploaded to the portal and the flood risk states that the floor levels are going to be 300mm above the adjacent areas, there is a level 3.5 in the middle of the High Road which means the floor levels are going to be 3.84 which in the worst case is nearly 1.2 metres above the existing ground, which will elevate the buildings making them much more higher than the adjacent bungalows and making this an imposing and dominant feature. He made the point that these properties may be raised and safe from flooding but what about all the surrounding properties.

Mr Pritchard reiterated that the site is in Flood Zone 3, the greatest risk of flooding and neighbouring residents say that the dyke at the front backs up and fills with water, it is not sure which way the dyke falls and on the drawing it says they are going to find and reconnect the other end of the road at Rectory Cottage, which, in his opinion, will direct more water down to the site. He stated that new road gullies are going to be installed on the highway to take surface water which has not been undertaken for some time as the grips have been infilled but they have now just been cleared and he cannot see where all the water has been considered in the assumptions and desk top Flood Risk Assessment calculations.

Mr Pritchard stated that the drawing shows the site having permeable areas and being discounted from the calculations but if it is Flood Zone 3 and liable to flooding he does not believe that deduction should have been taken into account. He questioned how all the surface water is going to be directed into a small attenuation system at the back of the site bearing in mind there are high water levels, how more water is going to go down the drain, which backs up, how is it going to be controlled and maintained and what is the plan when or if the area does flood.

Mr Pritchard referred to a path, some drawings say it is going to be built and other drawings say it is only proposed so he would like to know if it is going to be built or not. He expressed the view that the houses proposed are mainly 4 bedroomed inferring families and children but there are no amenities in the village and he feels the proposal does not benefit the village.

Members asked questions of Mr Pritchard as follows:

- Councillor Marks asked if he lives locally to the site? Mr Pritchard responded that he lives in Rectory Road.
- Councillor Marks asked if he has known flooding in this area before? Mr Pritchard responded that it is his photo showing the dyke filled with water and in the recent rainfalls the adjacent field was full of water for a long period of time.
- Councillor Connor referred to Newton-in-the-Isle Parish Council supporting the application. Mr Pritchard responded that he has attended the Parish Council meetings, the majority of the village are not supportive of the proposal or further development in the village but the Parish Council supported it based on the footpath that is going to be constructed and he feels that this now appears it is not going to be built as there is not adequate space.
- Councillor Connor read out the comments in the officer's report from the Parish Council which noted concerns by some residents regarding surface water drainage but resolved to support the application subject to these concerns being addressed. Mr Pritchard responded that the FRA have said they have no objection but whether the drawings have been checked and the design is adequate he does not know, all he knows is that the site is in Flood Zone 3, liable to flooding and in accordance with policy it should not be developed when there are other areas available to be built on.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that the application is on a similar site to the already approved PIP at High Road, Newton and on the previous PIP application members welcomed the community benefits which came with that application but unfortunately the follow up application failed to clarify all outstanding information but he trusts he will be able to show what

they have done with this application to resolve these issues. He expressed the opinion that the main concerns were drainage, both foul and surface water disposal, and there is a manhole in the road next to the first bungalow on plot 1 so there is a foul sewer that would take all the foul water.

Mr Humphrey stated that the ditch to the front that Mr Pritchard was concerned about is going to be filled in to allow for a new footpath as members were concerned at the last meeting that there was not enough width so the design is that the ditch is filled, a new footpath will be put in and cut in new swales and surface water, with the surface water running towards the bungalows where there was a dyke which has been piped and filled in and there is a drainage strategy that shows that this is piped up to the North Level Drainage Board culvert that goes under High Road to the IDB drain. He advised that surface water will be attenuated via a crate system on site and discharged into the water course at the same rate as it would take at the moment.

Mr Humphrey made the point that a new footpath has been added to the whole site frontage and beyond to take it around the corner of Rectory Road adding a community benefit and this is what the Parish Council really wanted as they feel it is a dangerous corner and piece of road with people liking to walk the square and this part of High Road is the only part that has not got a footpath. He stated in addition it has been agreed with Highways that speed signage can be moved making it a second community benefit and whilst this does not have to be undertaken to get the proposal approved they have said they will do it in addition to the footpath because the Parish welcomed it.

Mr Humphrey expressed the opinion that in addition to those two benefits they have added 4 semi-detached houses for first time buyers, this was discussed when the PIP application was considered with members feeling that all the houses were on the large side and it was suggested that houses for village people should be accommodated. He stated that the Environment Agency have no objection subject to the finished floor level being 300mm above ground level not 1.2 metres above road level as Mr Pritchard said, which is general building practice.

Mr Humphrey stated that the Parish Council do support the application and it is the parish not just one neighbour. He made the point that Environmental Health, North Level Drainage Board and archaeologists have no objections and Highways confirm the visibility splays are acceptable as they are at the moment, although they have undertaken a traffic survey and that proved everything works.

Mr Humphrey advised that the size of the site has been increased to the rear to allow for them to have some biodiversity net gain land and, therefore, the site is slightly larger than the PIP that has already been approved. He stated in relation to Mr Pritchard's concerns the PIP has already been approved, whilst there are 9 dwellings they are asking for 5 large but smaller than the original application and to include the 4 first-time buyer dwellings, there is additional land for BNG and the drainage strategy that shows all the drainage does work, with Mr Pritchard possibly setting the precedent when he built his massive house on Rectory Road.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French stated that she was not happy with this application previously but she sees a massive improvement with this proposal. She referred to flooding which is a concern of hers and she guesses that the dyke is a riparian dyke and possibly part of a County Council Highways dyke but they never take responsibility so presumes he has permission to pipe this.
- Councillor Mrs French asked if they were proposing to reduce the speed limit? Mr Humphrey responded that the proposal is to move the existing speed limit signs towards the corner so that the traffic is slowed down as it comes into the village.
- Councillor Mrs French asked if a new footpath is being installed? Mr Humphrey confirmed it would be as shown in orange on the plan on the presentation screen and there will be kerbs so the surface water from the road will go into the swale and ditch and get carried away in the same manner as water from the crates on site.

- Councillor Marks stated that it is nice that committee is now getting answers to questions and asked if the footpath will be adopted by Highways? Mr Humphrey responded that they will be making an application for it to be adopted.
- Councillor Marks refer to the mention of using crates to hold water on the site and asked if these would be underground crates and if this is the case would there be a management company who would look after this as they will not be on each property's land and his concern is as seen on another development is that they need upkeep and cleaning out. Mr Humphrey responded that there will be a management company to take care of this and the joint accesses and entrances.
- Councillor Benney referred to the previous application being a poorly put together application and the answers were not being provided that committee were looking for and he complimented Mr Humphrey on what he has come back with and the community benefits in terms of offering affordable housing for members of the local community, reducing the speed and installing the footpath.
- Councillor Connor stated that there does not appear to be any street lights incorporated in this development along paths, the width of the development is 100 metres and asked if they would be prepared to put some street lights on the development as he feels it is imperative. Mr Humphrey responded that there is one street light in existence already.
- Councillor Imafidon referred to the mutual grassland at the front of the development and also at the back and asked who is going to be responsible for those, will this be the management company? He further asked that it was said that the ditch is going to be filled in to make way for the footpath and another one is going to be created behind it, asking what is the distance from the current ditch to the new one that is being created? Mr Humphrey responded that the existing ditch is being filled in, the footpath will be created and a new ditch will be dug behind the new footpath. Mr Walford added that with this new scheme they had to be BNG compliant so there is the strip along the back with access on the east side so everyone can get to without going through another garden and an extra buffer was required so they did the frontage again because it was a common area and those areas, if approved, will have an informative condition or some requirement for them to submit a BNG plan which will go into more detail on how that will be delivered, maintained and looked after for the next 30 years but it would be part of the same management company that has been mentioned.

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

- Councillor Marks referred to the previous application and a lot of questions have now been answered which has given him peace of mind which he did not have before. He feels that the agent has took the comments back from last time and tried to work with everyone and whilst the proposal is for 9 houses as opposed to 6 they are smaller properties, which is known to be needed in Fenland and in the rural communities. Councillor Marks stated that he will have to go against officer's recommendation and support the proposal.
- Councillor Benney expressed the opinion that the application has addressed the concerns of the committee and if members do not give a steer in terms of where they feel things are wrong and it comes back after those issues have been addressed he feels that it would be remiss not to support the application. He feels with the extra community benefit in terms of speed reduction and low-cost housing, it will help the village and it is always a much need part of any community and he would be very happy to support the application.
- Gavin Taylor clarified after having another look at the site there is a street light outside the existing bungalow nearest to the site other than that there is no street lighting across the frontage. He added that if this is in Highway land then he would assume as part of that specification for the footpath they would seek to secure lighting as part of its adoption process. Gavin Taylor referred to the public benefits that have been mentioned and in terms of the speed reduction he referred members to section 10.25 of the report where the Highways Authority have said 'the visibility splays have been prepared in accordance with the surveyed speed it is not considered necessary to relocate the change in speed limits, however, it is understood that this would be beneficial to the wider area as per the parish's

request and to be secured by the developer separately to this application' so he feels that giving any weight to this in terms of public benefit as it is not necessary it would not meet the test of the Council securing it and it is a separate process with no confirmed outcome so if members are minded to give any weight he would be cautious. He referred to the public benefits of the footpath, making the point that the public footpath just serves the development and whilst it continues eastwards it does not actually connect up to any other existing footpath and there have been subsequent applications which confirm that it would not be able to continue northwards along Rectory Road because of land ownership issues and highway extent.

- Councillor Mrs French referred to the comments about the County Council and speed reduction which she finds weird that they would not give any weight to this when the applicant and agent have said they would fund it. She stated that all Town and Parish Councils can apply for Local Highway Improvements (LHI) but it takes 2.5-3 years and it would cost the Parish Council a considerable amount of money so the agent and applicant have offered this so she thinks it should be accepted.
- Councillor Connor agreed that it is imperative that there is a reduction in speed limit and it is correct that if there was a LHI bid it would be 2027/28 before a scheme was implemented.
- Councillor Marks asked if the 30 mph speed limit could be conditioned? Gavin Taylor responded that having regard to the test of planning conditions as set out in national policy, Highways have expressly set out it is not necessary to mitigate the impact of this development so, therefore, if it is not necessary it fails the test and conditions cannot be secured on it.
- Councillor Benney expressed the view that the footpath might not completely circle the village but it has taken the footpath further and may be at a later date those landowners will feel that the benefit would be good if they wanted to allow the footpath to extend further and there is not a gap left so he feels there is good cause to accept this, which is not detrimental but only of benefit.
- Councillor Mrs French suggested to the developer if the application is approved to apply for a LHI third party rights through the County Council.
- Councillor Connor expressed the opinion that it is ludicrous that the Parish Council want it and the developer is prepared to do it and it is held up by Highways saying it is not needed.
- Councillor Mrs French stated that as a Cambridgeshire County Council Councillor who sits on the Highways and Transport Committee she will be bringing this up at the next meeting.
- David Rowen made the point that there has been much discussions around the highway issue, drainage and the benefits that may or may not arise in terms of footpath and speed limits, but the recommended reasons for refusal do talk about the two-storey nature of development, visual dominance, appearance, incongruous appearance in the street scene and the impacts on the neighbouring property and those reasons for refusal are consistent with the ones that the committee agreed with previously in refusing the application and these issues do need addressing if members are minded to approve.
- Councillor Marks expressed the view that a lot of LP16 is subjective, the village does have two-storey houses within a distance of this site so he does not think this will affect any street scene. He referred to visual dominance and made the point that the dwellings are quite a long way back on the plot, they have a driveway in front of them so they do stand further back so he believes they will have less impact into the area itself.
- Councillor Sennitt Clough stated that members have discussed how when this application was brought before committee previously there were a lot of questions that went unanswered and now all of the questions have been resolved, there is going to be a lot of investment in terms of pedestrian safety, the flooding issues have been discussed at length and adequately addressed by the agent talking about the infrastructure that is going into the ground. She feels there is a difference between when it was brought to committee before and now as the committee's views have changed as there is far greater information.
- Councillor Benney made the point that there are overlooking relationships to other buildings in every application and there are very few places that do not have any overlooking and when someone lives next to an open field anything is going to encroach into their view but

nobody is entitled to a view. He expressed the opinion that this application has changed and with every application it is not just one specific thing that is looked at and it is not about policy, with it being said when committee received training that planning is where you put ideas in a bowl, you mix it up and take the overall picture of what comes out so you can give different weight to different aspects of the application, with this application falling into this category and whilst it might not have been addressed last time he has previously questioned whether an application should be refused for all the reasons if members are happy with various aspects and it is then resubmitted. Councillor Benney stated that he is happy with mix of benefits and community benefits and even the extra houses which bring affordable housing, which is much needed for the community.

- Councillor Connor stated that he is more than confident that this current application will bring a community benefit, it will bring much needed smaller houses and more affordable houses for village people to remain in the village. He does feel that the path is adequate, it will bring a community benefit to the village and should include the correct lighting as well. Councillor Connor expressed the view that it is a different application to the previous one and he can support it.
- Matthew Leigh made the point that the Council had looked at a scheme for 6 units on the site, they were two-storey, five were in the same position and this application now increases the quantum of development from 6 to 9 and none of the matters spoken about refer to that actual increase in volume. He stated that this previous reason for refusal still stand and whilst it has been mentioned about the community benefits and when an application is looked at freshly there is some level of subjectivity but what members now need to consider is as a committee, as a decision maker and as an authority it was decided that there was harm for 6 dwellings on that site with 5 of them being broadly identical to this application and the other one while it has been set back slightly has now grown to 4 units to provide 2 lots of semi-detached and members need to challenge the issue that why did the Council find 6 smaller dwellings unacceptable previously and now with a greater level of built form and greater impact on character why is it now acceptable.
- Councillor Mrs French stated that quite simply the reason committee refused the previous scheme was because it was a bad application, the number of dwellings were irrelevant and now it is a quality application and totally different.
- Councillor Marks stated that whilst the application has gone from 6 to 9 it brings more benefit to the local village and smaller properties which are needed in Fenland so he feels it is almost a new application.
- The Legal Officer reminded members that if they want to approve the application the Constitution requires that committee explain why a change of circumstances now exists to warrant an approval.
- Councillor Mrs French asked what the reasons for refusal were on the previous application? David Rowen read the reasons "Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area, enhancing their setting and responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of 6x two-storey dwellings on land currently used for agricultural farming on the edge of the village alongside existing single storey bungalows. The proposal would introduce large detached, two-storey dwellings which would appear, visually dominant, overly prominent and incongruous in the street scene to the significant detriment of the visual amenity of the area. If permitted, the development would consequently be to the detriment of the character and appearance of the area and contrary to the above policy of the Local Plan."
- Councillor Benney made the point that it was refused on scale and there are now smaller houses which has addressed this issue. He continued that the 6 that were in the previous application were much bigger and this proposal introduces 4 smaller houses which are needed. Councillor Connor stated it is more acceptable to the committee to have smaller houses to overcome the previous refusal.

- Councillor Marks added the proposal is in keeping with the village as they are everyday houses and give more benefit.
- Councillor Benney stated that he does not view the impact as a negative but a positive as it will complete the street scene.
- Councillor Marks made the point that on the previous application there was not clarity on the drainage and the footpath and the agent has come back having listened to what the committee has said and submitted a proposal that, in his view, works.

Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions in consultation with the Chairman, Councillors Mrs French, Imafidon and Marks.

Members do not support officer's recommendation of refusal of planning permission as they feel that they have interpreted policies LP16, LP2 and LP14 different to officers, the proposal does not have a negative but a positive impact on the character of the area, the properties have been reduced in scale and include affordable housing, the proposal will bring benefits in relation to the reduction of speed limit and provision of footpath negating the need for the exception test and drainage issues have been addressed.

(All members declared that one of the applicants is the brother of Councillor Sam Clark, but they only know her as a fellow councillor and not socially, and would remain open minded)

P91/24

F/YR24/0846/F

LAND NORTH WEST OF 2 HIGH STREET, MANEA

ERECT A DWELLING (SINGLE STOREY 2-BED) AND ASSOCIATED WORKS

Kimberley Crow presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Sally Church, the applicant, and Rebecca White, the agent. Mrs White stated that she acknowledges the officer's comments regarding the constrained nature of the site and the proximity of the bungalow to the back edge of the footway, however, she highlighted that the proposed development aims to make efficient use of the available space while ensuring it fits in with its surroundings. She made the point that the site currently features a 6-foot close boarded fence along the back edge of the highway and this application will remove this unattractive feature and that in itself she feels must be considered as having a positive impact on the street scene along Orchard Way.

Mrs White stated that the application has received 8 letters of support from local residents including the direct neighbours and has had no objections from statutory consultees. She acknowledges that the bungalow is closer to the highway than that of 6 Orchard Way but not as close as 2 High Street and, in her view, if the bungalow was able to be set back at the same distance as 6 Orchard Way it would look at odds against 2 High Street.

Mrs White stated that 6 Orchard Way is set 1 metre closer to the highway than that of 8 Orchard Way which is creating a staggered look along the street elevation and if a building line is pulled along the front of 6 Orchard Way the position of the new bungalow actually meets this line, therefore, in her opinion, they have developed a solution that strikes a balance between the two adjacent buildings whilst ensuring its compliance with all relevant planning policies including the private amenity space, parking and quality of living for future occupiers. She referred to the bungalow creating an incongruous and unattractive feature, which she challenges as the architectural design incorporates elements that reflect the character and style of the existing neighbourhood, with the use of sympathetic materials and a complimentary colour palette ensuring that the bungalow will blend in and also enhance the visual appeal of the area.

Mrs White expressed the view that the bungalow design includes landscape features within the small front garden which softens the building's appearance contributing positively to the overall street scene elevation. She referred to Policy LP16 of the Local Plan and believes the proposal does make a positive contribution to local distinctiveness and character, the bungalows design respects the scale and form of nearby properties and introduces a modern yet sympathetic addition to the neighbourhood.

Mrs White stated that she hoped the committee will consider the broader benefits of this proposal and the potential for the positive impact it holds.

Mrs Church stated that she is the owner of 2 High Street and the main purpose of this application is to build a bungalow within the grounds of the property so they can provide a home close to her for her mum. She advised that her mum is in ailing health and in the last few years alone she has had several falls and a stroke, with her living in South Essex at the time and her being an only child this meant emergency time off work for herself and frequent long drives to take her to appointments, food shopping etc and they took the decision to move her closer to them.

Mrs Church informed members that her mum is currently in rented accommodation, which is very costly and is not really suitable for her needs and as she is no longer able to drive with limited mobility she still has to make frequent trips to visit and look after her. She expressed the opinion that with approval of this application she will be able to continue caring for her mum in her own property which will enable her to maintain her current level of independence for as long as possible with the added peace of mind that she is only next door.

Mrs Church stated that it will also mean that her husband and herself when older will have somewhere for when they are ready to downsize from their current home whilst remaining in Manea, which is a community they have grown very fond of.

Members asked questions of Mrs White and Mrs Church as follows:

- Councillor Marks stated that Manea is his ward and he knows Orchard Way fairly well and asked if they were looking to split the deeds or will it just be purely for her mum to live in? Mrs Church responded that it is for her mum currently but her husband and herself would like to move there once they are ready to downsize from their current home.
- Councillor Connor asked for confirmation that neighbours both sides support the application? Mrs Church responded that the neighbour who lives in 5 Station Road backs onto the site and is completely in favour and the neighbour that lives at 6 Orchard Way is also happy for the development to take place.

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

- Councillor Marks reiterated that this is his area and he knows Orchard Way and he does not believe it will have any particular visual impact with a bungalow as opposed to a 6-foot fence, with the fence looking awful when you drive down here. He made the point that there is a pavement and whilst the property is being built closer to the kerb than the rest of the properties they do not sit in a straight line and do sit at an angle. Councillor Marks stated that the occupant will be an elderly lady and not everyone wants large amenity spaces, with the benefits outweighing the negatives and it is a bonus having an elderly relative live near you. He stated that he fully supports the application.
- Councillor Benney stated that he wished he had had the opportunity to have his parents as close to him as this as he looked after them for 6 years and he knows the trials and tribulations and the time he spent on silly little things that were important to his parents that makes that closeness vital. He added that due to the need that there is he will be supporting this application.
- Councillor Marks referred to the street scene, making the point that if you go to the T junction across the road there are a number of properties that butt onto the road, having to step off the pavement straight into those properties and the bungalows on the whole of that

estate do not run in a particular line so he does not believe it will be out of keeping as long as it is the same height and within the curtilage.

- Councillor Sennitt Clough agreed with Councillor Marks, the reality is there are lots of houses that do have space for a front garden but they pave them over so she feel this is a moot point.
- Matthew Leigh made the point that the committee is here as decision makers determining planning applications in accordance with the development plan unless material considerations indicate otherwise and case law is clear that the ability to apply weight to various considerations is generally within the gift of the decision maker, however, the right to a view or a monetary value is not included. He added that there is also case law that states that personal circumstances unless they are very special circumstances should not be given weight in the decision-making process and ageing alone is not a material consideration and the ease and benefit for an offspring of somebody that is ageing would be something that would not normally fall within material consideration. Matthew Leigh stated that whilst he understands the heartfelt compassion from members and he understands the frustration being an only child and recognising that he may be in a similar position but it should not be given weight in decision-making and members should be looking to the development plan. He added that this proposal is just for a dwelling that will not be tied to this property, will not be tied to future occupiers, will be very constrained and will have a very limited amenity space.
- The Legal Officer stated there was a refusal only 20 months ago so if members want to propose approval they need to explain what has changed in planning terms since the refusal in May 2023 and that is what the Code of Conduct requires.
- Councillor Marks asked what the refusal reasons were on the previous application? Kimberley Crow responded that Policy LP16 (d) of the Fenland Local Plan (2014) requires that development demonstrates that it makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, responding to and improving the character of the local built environment and does not adversely impact on the street scene or landscape character of the surrounding area. The proposal is for the construction of a single-storey 2-bed dwelling. Due to the constrained nature of the site, the proposal results in a development at odds with the prevailing form of development. The proposal would consequently create an incongruous and unattractive feature which fails to demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and will ultimately have an adverse impact on the street scene and is therefore contrary to the requirements of policy LP16 of the Fenland Local Plan (2014). It was also refused on Policies LP2 and LP16(h) of the Fenland Local Plan in that there was insufficient amenity space for future occupiers.
- Councillor Marks asked if that was determined by committee? It was confirmed that this was an officer decision. Councillor Marks made the point that this was an officer opinion then and not a committee opinion.
- Councillor Mrs French asked what the differences are between the previously refused application and this one? David Rowen responded that the siting of the dwelling has been slightly shifted to the south so there is more amenity space to address the second reason for refusal for the previous application. He added that the elevations have been amended showing on the presentation screen the differences.
- Councillor Marks made the point that it is subjective and he feels that if the previous application had been determined by committee it may have been a different decision. He feels there has been change and that whole street consists of more elderly people who have smaller gardens and he believes it will blend into the street scene, taking away an awful looking 6-foot fence which will deteriorate over the years replacing it with a nice looking home and the likelihood is that it is going to be occupied by elderly people who do not need such larger gardens because they find it difficult to maintain.
- Matthew Leigh stated that this is application is not a restricted property and it should not be determined on a potential and although it was an officer's decision previously the Council determined the application and the Code of Conduct does not distinguish officers or

committee decisions, the Council legally determined the application.

- Councillor Marks made the point it would be unlikely that 6 or 7 children would live in a two-bedroom bungalow in this area and had this application come to committee previously it may have been a different decision. He stated that members are told to look at what they have in front of them today and his view is this is a good application.
- Councillor Connor stated that his understanding is the proposal has been changed, there is more amenity space so that objection falls away, both neighbours seem to be in favour of the proposal from what the applicant said, in his view it will improve and make a positive contribution to the street scene and it is in keeping with the rest of the street.

Proposed by Councillor Marks, seconded by Councillor Imafidon and agreed that the application be GRANTED against the officer's recommendation, subject to authority being delegated to officers to apply conditions in consultation with Councillor Marks.

Members did not support officer's recommendation of refusal of planning permission as they feel that LP16 is subjective and it will make a positive contribution to the character of the area, it will enhance the street scene rather than the fence that is currently in situ and it is a better use of land.

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

(Councillor Sennitt Clough left the meeting following determination of this application and was not present for the remainder of the meeting)

P92/24

F/YR24/0360/F

LAND NORTH EAST OF 11 CLARKSON AVENUE, WISBECH

ERECT A DWELLING (2-STOREY 2-BED), INVOLVING NEW ACCESS, DEMOLITION OF EXISTING OUTBUILDINGS AND REDUCTION IN HEIGHT OF EXISTING FRONT WALL

Kimberley Crow presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Simon Hamilton-Bing, an objector. Mr Hamilton-Bing expressed the opinion that this small compact development squeezed into the end of the back garden lacks the volume and grandeur of its near neighbours and lacks any aspect that could be tied in to the general Victorian feel of the local area making it look out of place. He stated that the one slight nod to the Victorian features is that the bay windows would not be completely ineffective but only highlight the differences between the old and the new by different construction materials and proportions, which is sadly very evident in the newer but much larger property of a similar style that lies opposite the site.

Mr Hamilton-Bing stated that he has read the public comments in favour of the application and from those quite close to the proposal and those further afield and he does have some sympathy for those neighbours that look directly onto the wall and old brick building but he feels the lack of maintenance in recent years should not be a reason to demolish or remodel these period features which sit wholly within the Bowthorpe Conservation Area and he would hope that any future owner is given encouragement and support to restore these features to their former glory, with the wall having been built in 1878. He expressed the view that if the proposal was supported it would be contrary to the intent of the Bowthorpe Conservation Area and consideration should be given in future to include the 3 Victorian properties that lay along the south side of Tavistock Road.

Mr Hamilton-Bing stated that granting this application would give little incentive to those that strive to maintain their properties. He finds it gratifying to read that his initial objections were in tune with those of the Conservation Officer's recent report and that this proposal is out of keeping with the local area.

Members asked questions of Mr Hamilton-Bing as follows:

- Councillor Mrs French asked if the wall is listed? Mr Hamilton-Bing responded that it is in a Conservation Area but not listed.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for the construction of a new dwelling within Wisbech and is before committee with support from Wisbech Town Council and 8 members of the community. She expressed the opinion that the application site is in arguably one of most sustainable locations within the District given that it is within the built up area of a primary market town, which is something that is supported by Policy LP3 of the Local Plan.

Mrs Jackson made the point that the site is on land within Flood Zone 1 and windfall sites such as this are a rare occurrence now within Fenland. She stated that she is aware the site lies within Bowthorpe Conservation Area and as such they have paid particular care to the appearance of the scheme, carefully designing the proposal to include design details and proportions which reflect the surrounding buildings taking cues from the neighbouring dwellings to the north-east.

Mrs Jackson expressed the view that the indicative street scene shows how the proposal will fit in well with the surrounding environment and even if the proposal appears new, like the objector highlighted, change and evolution is not a bad thing. She stated that the application has been recommended for refusal on the grounds of the development causing harm to the Conservation Area with particular reference to the loss of garden land serving the donor dwelling and the proximity of the new dwelling to the back edge of the footpath.

Mrs Jackson referred to the location plan which shows the application site in the context of its surroundings and there is a dwelling immediately opposite the site which she would argue is highly reflective of what they are proposing and she, therefore, fails to see how the development would appear incongruous. She expressed the view that there are similarities between this scheme and the one that has just been approved in Manea and with regards to the loss of garden what is left with the donor dwelling is entirely commensurate with the gardens of the properties to the north and what remains will still exceed the Local Plan requirements.

Mrs Jackson stated that she appreciates that any new development within a Conservation Area will have an impact but in this instance given the character of the surroundings she fails to see how this impact is harmful. She feels that the benefits in terms of providing a new dwelling within a sustainable location within a primary market town and on Flood Zone 1 land outweighs any perceived harm to the character and appearance of the area and she asked members to grant planning permission.

Members asked questions of Mrs Jackson as follows:

- Councillor Connor referred to the wall in Tavistock Road and asked what alterations would be made to this wall if this application is successful? Mrs Jackson responded that the wall would be made good where it is needed, there will be openings for new access points but that is something that they would be happy to accept via condition.
- Councillor Connor made the point that it states in the report that the wall is going to be lowered. Mrs Jackson responded that it will be partly lowered and made good. Councillor Connor asked that, even though the wall is going to be lowered and made good, it is not going to be destroyed altogether? Mrs Jackson responded that amendments will be made where it is necessary to gain access but these details can be secured via condition or the details provided by condition.
- Councillor Mrs French referred to a building at the back and asked if this is going to be demolished? Mrs Jackson indicated this is correct.
- Councillor Imafidon asked if the current access that exists is going to be made bigger and then the wall reduced requesting clarification on what alterations are going to be made as

the description states reduction but is this over the entire development or is it just the gate that is being altered? Mrs Jackson responded that the reduction in the height of the wall across the frontage is her understanding for part of the vehicular access. Councillor Imafidon expressed the view that the access currently there appears big enough for vehicular access now so is this going to be made bigger? Mrs Jackson responded that the vehicular access for the property would be further to south and that would serve the pedestrian access to the dwelling.

- Councillor Connor asked how high would the wall be if approved? Mrs Jackson stated that she understands that it would go down to 1.2. Officers clarified that it would be 0.9.
- Councillor Imafidon asked if there are any protected trees on the property? Mrs Jackson responded that everything is protected by virtue of the site being in a Conservation Area.

Members asked questions of officers as follows:

- Councillor Mrs French asked if the wall is listed? Kimberley Crow responded it was not. David Rowen added that as the wall is within a Conservation Area it cannot be demolished without planning permission so it is protected by virtue of being in a Conservation Area.

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

- Councillor Benney stated he is in two minds on this application, he understands what the objector said in terms of the character of the area but he also remembers a similar application where there was a house built on the side to make a detached house into a semi-detached house and they built a house in the back garden similar to this, there was a lot of debate about this and how it would impact the area and it blended in lovely and was surprised how sympathetically it had been built within the area. He made the point that it is a nice Victorian house but that does not mean that you should stand in the way of progress and not put another house there that is sympathetic to the area.
- Matthew Leigh stated that an applicant has a right to consistency in decision making, although each application must be dealt with on its own merits and he does not disagree that Conservation Areas cannot be extended, altered or changed but case law is clear in that it must preserve or enhance the area for it to be acceptable. He feels that when the location plan is looked at it can be seen how this site, irrespective of the design, does impact on the garden of the host dwelling and there is impact to a local heritage asset of the wall and there are a lot of balancing exercises in this that were probably not the same in the other example given. Matthew Leigh referred to views and that the back elevation of this proposal has not been discussed, which is a material consideration, and for the quality of a property in a Conservation Area you would expect to see reflect the character of the area and the details in the design and questioned whether you would expect to see a rear elevation like the one proposed on this property in a Conservation Area and if members would not the property does not preserve the character or appearance of the Conservation Area it detracts from it.
- Councillor Marks queried who would be overlooking the back elevation, in his view, there are no properties as such and the only people who are going to see that visually will be the people who live in the property. Matthew Leigh stated occupants standing the back gardens of the joining properties would be able to see this elevation that, in his opinion, does not reference the area. Councillor Marks asked if there is not a tree line down the rear? Matthew Leigh stated that the lifetime of the development needs to be looked at, does that rear elevation preserve, enhance and be what you would expect to see in a Conservation Area. He made the point that this is different to a normal application where it is questioned whether the benefits outweigh the harm and you can have impact on character of the area.
- Councillor Mrs French agreed with Matthew Leigh, the site is in a Conservation Area, it is not listed but listed in theory, the rear view is not good but her main concern is reducing the wall to under a metre.
- Councillor Benney expressed the view that looking at the rear elevation there is a lot of wall space to stop overlooking but it could look bland. He questioned whether an extra house is needed here, feeling it is a nice part of Wisbech and it should be left alone.

- Councillor Connor made the point that host dwelling is not in the best condition and he is concerned about the wall but if it could be negotiated upwards he feels he could support it. He stated that sometimes old and new do go together referring to a property in Doddington and feels that this proposal would fit in. Councillor Mrs French made the point that the host dwelling not being in the best condition is not a material consideration.
- Councillor Marks expressed concern regarding the wall and reducing it in height and he would be more minded to support the application if the height was not reduced at all. He made the point that members main concern seems to be with the wall, with answers not being very clear from the agent, and he would suggest a deferral so the agent can come back with a proper proposal regarding the wall
- David Rowen stated that the application that is in front of members is for the wall to be 0.9 metres and there are comments from the Highway Authority that to achieve safe visibility the wall has to be 0.9 metres.
- Councillor Mrs French expressed the opinion that there is not just concern about the wall but whilst the front of the dwelling might be acceptable the rear is not.
- Councillor Benney made the point that a decision is required by the 19 February so if it was deferred it would take it after the date for determination. He stated that the part of the charm of a Victorian House is the Victorian garden that went with it and this is a nice Victorian house with a nice Victorian garden.

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

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

P93/24

F/YR24/0845/FDC

**LAND NORTH OF 84 UPWELL ROAD ACCESS FROM SMITHS DRIVE, MARCH
ERECT 1X DWELLING (SINGLE-STOREY 2-BED)**

Kimberley Crow presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Rebecca White, the agent. Mrs White stated that this is a brownfield site and would provide a much needed dwelling within the settlement of March offering excellent access to local amenities. She expressed the view that the development will help prevent anti-social behaviour on the site and unauthorised use by others, with the site previously being used as a car park for the dental practice, however, this arrangement ended in 2019 and the applicant has not received any indication from the dental practice that they require further parking thus leaving the site as a maintenance liability on the Council.

Mrs White expressed the opinion that the proposal will improve the area along the public footpath thereby ensuring a safer and more comfortable connection route through to Upwell Road for local residents. She stated the vision for this development is carefully aligned with the unique characteristics of the surrounding area, with the new dwelling being one-storey in height a design choice that they firmly believe is appropriate and beneficial for the community.

Mrs White stated that after appraising the area it is evident that a single-storey dwelling would be more reflective of the scale of nearby properties and this choice ensures that the development remains sympathetic with the existing neighbourhood fabric. She referred to the Planning Officer expressing concerns suggesting the proposal results in a development that is at odds with the prevailing form of two-storey dwellings but in the Design and Access Statement they have included a detailed diagram that demonstrates that approximately 70% of the properties within close proximity to the application site are single-storey, which supports the decision for a bungalow.

Mrs White emphasised that the integration of a bungalow will reduce the impact on neighbouring properties ensuring minimal overshadowing and overlooking and preserving the privacy and amenity of adjacent residents in contrast to the effect of a two-storey dwelling. She feels it will also reflect the single-storey element of 84 Upwell Road and this careful design choice is not only considerate of the existing streetscape but also ensures minimal disruption to the adjacent properties and demonstrates their commitment to making a positive contribution to the character of the area.

Mrs White made the point that the construction has begun on the site opposite for a new three-bedroom bungalow after recently being granted planning approval and whilst she appreciates the ridge height is much higher than this proposal this precedent further validates their findings and reinforces that a single-storey dwelling is a suitable and accepted form of development within this area. She expressed the opinion that the proposal aligns with the predominant single-storey development pattern in the area and respects the character of the surrounding properties, they are confident that this bungalow will make a positive contribution to the community by providing a sympathetic and attractive feature that aligns with Policy LP16 of the Local Plan, the development which has the support of March Town Council and other consultees will replace a site that is currently a maintenance liability for the Council, attracts anti-social behaviour and is intimidating to walk by at night for local residents.

Members asked questions of officers as follows:

- Councillor Mrs French referred to the planning site history and heard that an application was refused and asked where this was on the history? Councillor Connor responded that this is the second time as Chairman he has called this into committee because he thinks it has some potential for committee to decide what they want to do with it and it did get refused previously at committee but he was not present. David Rowen added that the committee did resolve to refuse the application but it was withdrawn before the decision notice was issued so no formal decision was ever made by the Council.

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

- Councillor Mrs French stated she does know the site well as it is in her County Council Division, it is a small piece of land used partly as a car park, a fly tipping area and does have anti-social behaviour and she thinks it should be approved as it would stop the problems occurring there.
- Councillor Marks stated that 84 Upwell Road is the dentist and you can see across this redundant piece of land from this property. He feels it will tidy this piece of land and a bungalow will be better than a two-storey property as it will not create overlooking.
- Councillor Imafidon stated that he supports the proposal, although questioned where the clients of the dentist who use it now are going to park when it is no longer available.
- Councillor Marks made the point that clients of the dentist predominately park out the front and there is roadside parking. He believes the area is used more as an overspill for the residents in the area.
- Councillor Connor made the point that it is a brownfield site and there is encouragement to build on these sites. He feels the proposal will fit in nicely, remove the problems that exist there and whilst it may be a little constrained not everyone needs a large garden.
- Councillor Mrs French made the point that the area consists predominantly of older people.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that LP16 can be interpreted differently, the proposal would not be at odds with the area and it would make a positive contribution to the character of the area.

(Councillor Benney declared that he is Portfolio Holder for Assets and took no part in the discussion and voting thereon)

(Councillor Mrs French declared, in accordance with the 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. She further declared that although she is a member of Cabinet she has had no involvement with this application)

P94/24

F/YR24/0879/O

**GARDEN LAND AT HONEYBANK, SECOND DROVE, SWINGBROW, CHATTERIS
ERECT UP TO 1NO SELF BUILD DWELLING (OUTLINE APPLICATION WITH ALL
MATTERS RESERVED)**

David Rowen presented the report to officers.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent, and Kenny Shepherd, the applicant. Mrs Jackson stated that the application seeks planning permission for a single dwelling, it is submitted in outline with all matters reserved and is before committee with support from Chatteris Town Council and 13 members of the community, being located at Second Drove, Chatteris within a cluster of existing buildings. She made the point that the proposal has been recommended for refusal in terms of principle stating that the scheme is contrary to Policy LP3, with Policy LP3 being a directional housing policy which steers new development to town and village centres and the supporting text at 3.3.11 of LP3 states that 'it is Government policy that the countryside be recognised for its intrinsic character and beauty while supporting thriving communities within it' and further states that 'by identifying the settlement hierarchy and distinguishing between settlements in the countryside the policy restricts development in the countryside', which indicates to her that the aim of Policy LP3 is to protect the countryside and to prevent merge between countryside and defined settlement.

Mrs Jackson drew members attention to the location of the site, it is positioned within the centre of a cluster of existing buildings and, in her view, is effectively infill development and would in no way result in encroachment of the countryside. She expressed the opinion that whilst the site may not be within Chatteris Town Centre it is within a small satellite community and for this reason she suggests there is no conflict with the overarching aims of Policy LP3.

Mrs Jackson stated that concerns have been raised with regards to the sequential test and she referred committee to Paragraph 175 of the NPPF which states that the sequential test is not required if a flood risk assessment demonstrates that the site is safe and, in her opinion, their Flood Risk Assessment does confirm the site is safe from flooding and she would argue that the sequential test is not necessary. She stated that for completeness she can advise that the sequential test has been addressed in the submitted Flood Risk Assessment, which concludes that the site is technically safe from flooding given the excellent flood defences within the area, therefore, the actual risk of flooding is low and, in her view, the site can be considered as being in a sequentially preferable location.

Mrs Jackson expressed the opinion that, with the passing of the sequential test, the exception test must be applied in accordance with Paragraph 178 of the NPPF and on the basis that the Flood Risk Assessment demonstrates that the proposal is technically safe from flooding and as it will result in new housing which will support an existing community she would argue that there are benefits to be had by the proposal which satisfy the requirements of the exception test. She notes the concerns with regard to the access and she highlighted that this is an outline application with all matters reserved, with access not committed for consideration at this stage.

Mrs Jackson understands the comments from the Highway Authority and there is a technical

design solution for the access which they would be happy to include in any reserved matters application, making the point that the access does already serve 2 other dwellings so she sees no reason why it could not accommodate another single property safely. She expressed the view that there are no policy conflicts with the proposal and it would provide a new dwelling reinforcing the local community in this location without encroaching on the open countryside.

Mr Shepherd stated that whilst there is a fence and a pad there as shown on the photos he did not realise he needed planning permission, with the site previously having been a dumping ground, with rubbish being burnt and numerous complaints to the Council and he has cleaned it up. He stated that he is looking to build a house for his nephew and his girlfriend so they can move back home and be close to family.

Members asked questions of Mrs Jackson and Mr Shepherd as follows:

- Councillor Marks referred to the highways and he has travelled the road numerous times over 50 years and he has never seen an accident along that piece of road, it is dead straight. He asked Mr Shepherd if he is aware of any accidents? Mr Shepherd responded that he does know of accidents along this road but not in this location.
- Councillor Mrs French asked Mr Shepherd if he had recently purchased the land as it has had 8 approvals on it. Mr Shepherd responded that he knew it had previous approvals and this is one of the reasons why he brought the land as he thought it had a good chance of obtaining permission.
- Councillor Benney asked if the access problem can be addressed? Mrs Jackson responded that Highways want tracking information to show that the access can be achieved and she believes there is a technical solution to this but as the application is in outline it was not provided. She made the point that there are also 2 other dwelling using the access safely.
- Councillor Connor asked Mr Shepherd that, as he has a background in construction, if he was going to self-build the property? Mr Shepherd responded that he is going to do most of the work himself, apart from the electrics and plumbing which need to be signed off, and once built his nephew is going to live there.

Matthew Leigh stated that policies are as they are written, with the agent trying to present the situation that looks much deeper and beyond what the policy states which should be given limited weight and this is not the way that officers have dealt with any of the policies since he has been in post. He referred to the comment on the sequential test, the NPPF is clear that if an area is at a risk of flooding a sequential test is needed to say that and because it is protected now from existing defences that it does not need to be sequentially tested is flawed.

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

- Councillor Marks stated that he does not see highways as an issue, the Forty Foot Bank if members have driven it will know that it is a 50 mph along here but if you can do that speed you would be doing well as it is an awful road and it also has speed cameras along it. He added that he has driven past this site many times, it is not eye appealing and anything that happens to clean it up will benefit the area and not detract from it. Councillor Marks referred to flooding, making the point that there is a river bank the other side and the IDBs do a good job and whilst he appreciates the point about undertaking the relevant tests, he has not seen that site being a wetland.
- Councillor Benney agreed with the comments of Councillor Marks, he stated that he travels this road twice a day and does not consider it to be an elsewhere location with there being houses on two if not three sides of the site so it is infill. He feels that if the agent is correct in what she says about the new NPPF and questioned if this is not current yet. Matthew Leigh reiterated that the sequential test is not ignored by the fact that there are existing flooding defences that is not what the NPPF says and is quite clear in an area that is at risk of flooding now or in the future which is what the higher flood zones are they need a sequential test. Councillor Benney stated that in Paragraph 175 it states that the sequential test should be used in areas known to be at low risk now or in the future from any form of flooding.

Matthew Leigh agreed this was correct, flood zones 2 and 3. Councillor Benney asked is there not a Flood Risk Assessment here that says it is a low risk of flooding? Matthew Leigh responded that as the agent explained there is a Flood Risk Assessment that says if you take into account existing defences it is at a low risk of flooding but that is not what the NPPF says as if those flood defences go which they may then it would be at risk of flooding in the future and just because there are flood defences does not mean it skips the sequential test otherwise that would mean most of the District would not need a sequential test. He stated that in policy terms the site needs a sequential test.

- Councillor Marks made the point that if this site floods then most of the area will be under water and looking now not only at flooding but what happens if the flood defences break and he feels reality needs to come into it.
- Councillor Connor stated that he has never seen flooding in this area. He acknowledges what Matthew Leigh is saying but feels there needs to be a semblance of normality as it has not flooded and is not likely to. Matthew Leigh stated that applicants have the right to have the same experience and if the Council has a stance that says because a site has never flooded it is going to be OK or a sequential test is not required that goes against Government guidance and would mean that this would need to be replicated on every decision. He made the point that the need for a sequential test is fundamentally required, it may be passed and that reason for refusal would fall away but at the moment there is nothing in front of members to base that decision on and that is what that reason for refusal is based on is lack of information and as decision makers, either officers or committee, assumptions should not be made and if it is ignored on this application why is not going to be ignored on every application.
- Councillor Imafidon stated that an application was approved in 2016 and asked what has changed? Councillor Connor responded that it was not approved, this is an error in the report as it was refused.
- Councillor Mrs French expressed concern at this and questioned how members are supposed to believe what is written if they are now being told there are errors. Councillor Connor referred to David Rowen's presentation where he stated that it was approved in the planning history which is contrary to what it says further in the report and he did raise this at his briefing. David Rowen apologised to the committee for the error in the background section but Section 9 of the report is clear that nothing has changed since 2016 in terms of the policy situation.
- Matthew Leigh referred to applications that were approved on the site historically pre-2005, making the point that in 2009 PPS 25 was published which was the first time that flooding became an issue for planning so prior to this even if the site was going to flood it was not a consideration.
- Councillor Connor asked how many reasons for refusal are there on this application? David Rowen responded that there are 3 reasons for refusal; the first one is conflict with the settlement hierarchy of the Local Plan being an elsewhere location; the second reason is the lack of a sequential test; and the third reason is the lack of evidence concerning the safe and adequate access to the site.
- Councillor Marks stated in relation to elsewhere location, looking at that whole river bank all the way up to the Puddock Bridge road there are between 15-20 properties including barn conversions that sit mostly against the road so he does not see how it can be said it is an elsewhere location as it this proposal sits within other properties along here. He made the point that this is the Fens and the Fens always has properties built beside roadsides and he believes it is not an elsewhere location. Councillor Marks stated he does not know how the flooding one can be overcome but he has not seen the site flooded and feels sensibility needs to be taken into account.
- David Rowen made the point that Matthew Leigh has given members strong advice to where the policy situation is in relation to flooding. He added that whilst individually members may not feel it is an elsewhere location in terms of the wording of LP3 it is as the site is not within one of the listed settlements, therefore, it must be elsewhere and it cannot be anything other than elsewhere and due to this unless it is a justified development it

should be refused.

- Councillor Benney stated that Swingbrow is always included in Chatteris and it is always Swingbrow, Chatteris but if it is not part of Chatteris and the sequential test requires to be undertaken would that sequential test only apply to Swingbrow. David Rowen responded that under the Council's adopted approach if the site is within an elsewhere location then it is District wide area of search for the sequential test.
- Matthew Leigh read out what Paragraph 175 of the NPPF 24 states and explained that this means that when there is a site specific flood risk assessment that shows within the specific topography or something within the site or adjoining the site that this piece of land actually will not flood and not because of other defences, which is a material difference and he believes the agent has confused members on this and is different to what they have said.
- Councillor Benney expressed the view that if this approach was taken that anything in the future would ever flood then you could not do anything as everything could flood and many things do not flood. He made the point that there were areas of March that flooded badly in 2020 but have not flooded since so how can it be predicted what will and will not flood.
- The Legal Officer stated that if Paragraph 175 is interpreted in the way that Councillor Benney suggests then it would be very straightforward for any application within Flood Zone 3 just to simply demonstrate that it is going to raise a building to a sufficient height not to be flooded and the whole point of the policy would be negated.
- Councillor Benney stated that he fully respects the officers but he does not read the policy this way and, therefore, he does not accept this.
- Councillor Marks agreed with Councillor Benney, he believes it is interpretation and this is the Fens. He asked Matthew Leigh to read the first paragraph of the policy again. Matthew Leigh read out "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding". Councillor Marks referred to the use of the word known as the Fens floods so does this apply to all the Fens and he has never seen flooding on this side. Matthew Leigh stated that Flood Zone 3 by the Environment Agency map is how it is judged and it is not based on personal experience. Councillor Marks referred to an incident in Manea and asked if this is localised flooding and why is this going to flood at this proposal's site. David Rowen responded that the flooding in Manea was not Flood Zone 3 flooding, it was drains backing up and not doing the job that they were supposed to do and it is a completely different form of flooding to Flood Zone 3.

Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions in consultation with the Chairman and Councillor Benney.

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal is within Chatteris and not an elsewhere location, it is infill as there are houses surrounding the site, they interpret Paragraph 1.75 of the NPPF 24 differently so that the sequential test does not need to be undertaken and due to local knowledge this part of Chatteris does not flood and a transport assessment can be undertaken as part of a reserved matters application.

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

(Councillor Marks declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he attends Chatteris Town Council meetings as a District Councillor for Chatteris but takes no part in planning)

P95/24

F/YR24/0968/O

LAND SOUTH WEST OF THE ORCHARDS, GULL ROAD, GUYHIRN
ERECT UP TO 4 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent, and Heval Sevhat, the applicant. Mr Walford stated that they are seeking outline planning permission for four building plots, with the site falling within the built form and the settlement of Guyhirn. He added that the site is located within the village sign and they consider it a logical development that continues the existing linear form seen the entire length of Gull Road right up to the junction with the A47.

Mr Walford expressed the view that Gull Road has had a transformation over the last 10-15 years and it is very linear so they see this application as continuing this form, although it is in outline. He stated that the site connects to an existing footway network which runs into the village giving access to all of the village amenities including the primary school and there is also a bus stop approximately 90 metres south of the site and, therefore, consider the site to be highly sustainable.

Mr Walford stated that the sites is within Flood Zone 1 and they have support from the local Parish Council, Highways and Environmental Health Officer. He expressed the view that the site is locally known as a pit, it is defined as made land, it was a larger pond that has been backfilled with concrete and rubble and as such they consider it to be brownfield and a prime location for redevelopment.

Mr Walford made the point that both national and local policy favour redevelopment of brownfield areas, especially those that are within the built form of the village which he considers this to be. He stated that the Council's Environmental Health Officer has confirmed that the reports they have submitted with the application regarding land contamination are satisfactory and confirm that the site is suitable for residential development with the appropriate remediation conditions.

Mr Walford expressed the opinion that the site is also defined as brownfield across various documents including Fenland's own Emerging Local Plan and within the document the site is allocated as favourable for up to 15 dwellings, with the site reference LP61-01 indicating that it is in accordance with the Council's Growth Strategy and will seek to deliver proportionate growth across the settlement of deliverable sites, although he appreciates it is a draft plan he feels the thought process is the same that this is a favourable site for development within the village. He expressed the view that officers are defining this site as an important green space but based on the site's history, the classification within the Emerging Local Plan and the logical development that this scheme will deliver for the local housing need he strongly believes that members should consider supporting the application.

Mr Walford stated that they had a specialist ecology report undertaken but they could not get access to one of the water courses to undertake an E, D & A test hence that reason for refusal but everything on site was deemed satisfactory.

Mr Sevhat stated that he brought the site in 2021 and when he undertook his own research he was told it was the pit and that concrete and rubble from the Horsefair and cinema in March were put on this site. He expressed the opinion that the soil test shows that the land is safe for the residential.

Mr Sevhat expressed the view that the land is brownfield and not a green space and Kevin Wilkins from Fenland confirmed that the land is not a designated greenfield or open space. He stated that

he recently received a letter from Highways asking him to trim his trees and if the space is left unmanaged then a safety aspect comes into it.

Mr Sevhat expressed the view that looking at the plan there is minimal visual amenity affect as there are detached houses. He feels the economical aspect should be considered as during and after the construction there would be benefit, he spoke to primary schools and was told that 3-4 bedroom houses were preferable and on the basis that the site is within the settlement and there is economic benefit he feels this outweighs the loss of the area.

Members asked questions of Mr Walford and Mr Sevhat as follows:

- Councillor Imafidon referred to the site being brought in 2021 and asked when it was infilled? Mr Sevhat responded that he has been told the 1980/1990s, it used to be an orchard, with a lake and the road was put in the middle, which is as much information that he knows about it. He stated that the area has dramatically changed with development in Gull Road.
- Councillor Connor referred to the Emerging Local Plan but made the point that very little or no weight can be given to this. He questioned about the infilling of the site. Mr Sevhat responded that local people told him and there was some objection regarding the contamination, it was already filled in when he purchased the site in 2021 and he has not touched the site since.
- Councillor Imafidon stated that there is a static caravan on the site and asked what that was for? Mr Sevhat responded that it is used for storage and one of the proposed houses will be his own house because currently he is renting.

Members asked questions of officers as follows:

- Councillor Imafidon requested clarification on the site being brownfield. David Rowen responded that officers have never considered the site to be brownfield and, in his view, there is no way, looking at the definition of brownfield in the NPPF, that this would be classified as brownfield land. He stated that officers have said it is green space and the view of officers has consistently been since 2017 that this green space formed an important visual feature within the character of the area and the loss of that would be to the detriment.

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

P96/24

F/YR24/0627/F

LAVENDER MILL BUNGALOW, FALLOW CORNER DROVE, MANEA

ERECT 5 X DWELLINGS (1 X SINGLE-STOREY 2-BED AND 4 X 2-STOREY 2-BED) INVOLVING THE DEMOLITION OF EXISTING DWELLING AND GARAGE

David Rowen presented the report to members.

Members received a written representation, in accordance with the public participation procedure, from Alan Melton on behalf of Manea Parish Council read out by Member Services. Mr Melton stated that Manea Parish Council resolved to support the application consisting of the demolition of Lavender Bungalow and its replacement with 5 dwellings. He advised that the Parish Council recognises that there is a need for this type of dwelling, which offers an affordable alternative to buying a detached or semi-detached property.

Mr Melton stated that although the Parish Council noted the planning officer comments regarding lack of open space and garden area, the level of open space is consistent with their comments regarding the affordability of these dwellings. He notes that the Highway Authority has no objection and the comments regarding the preservation of ecology matters, but the Parish Council feels that sensible mitigation measures can overcome these issues.

Mr Melton advised that the Parish Council agrees that Anglian Water has failed to invest significantly in the foul water discharge in Manea and with Manea recognised as a 'growth settlement' Fenland Planning and the Environment Agency should urge Anglian Water to invest significantly in Manea.

Members received a presentation, in accordance with the public participation procedure, from Councillor Charlie Marks, the District Councillor. Councillor Marks stated he is the District Councillor for Manea and lives in Manea and over the last 3-4 years has worked tirelessly with the developer, Manea Parish Council and the local neighbouring properties regarding this development. He stated that the previous development was a run-down mill, it was demolished by the previous owners who had promised Section 106 money of £110-115,000 to come back into the village but after demolishing the mill they came back and this money was removed so no money was received into the village.

Councillor Marks stated that the new owners have worked tirelessly with the Parish Council, with the current bungalow on the site being in a poor condition, it is built on a hillside and was a worker's cottage for the mill, with no money being spent on it for a number of years and the best thing that can happen to it is to be demolished. He referred to the current proposal for 5 dwellings and stated that the scale on the four joining properties, whilst it might be slightly larger looking at other properties within the Manea area such as Station Road there are a multitude of different, large properties so he does not believe for the scale of property being described here would affect the street scene but would make it look better on an entrance to what is going to be 29 bungalows, which are desperately needed in Manea.

Councillor Marks expressed the view that this area has not flooded and in relation to ecology whilst there may be bats there, they are more likely to be in the old mill across the road because the current bungalow on site is being used as offices. He referred to the mention of sub-standard areas to plots 1 and 2, making the point that some people do not want big gardens and in relation to parking, there is a station in Manea and people walk to the station and there is also a good bus route and the likelihood is that a lot of these properties are going to be for retired people anyway and not young families so he does not see this as too much of an issue.

Councillor Marks made the point that the current owners have already started investing into Manea, with Manea Parish Council asking for various things which have been provided before development has even started.

Members received a presentation, in accordance with the public participation procedure, from Chris Cooper, the applicant. Mr Cooper expressed the opinion as lead architect he feels it is a very good scheme and it responds to layering through the site, with the photos shown on the slides in the officer's presentation not showing the large 4-6 bedroom properties which are to the west of the site, which, in his view, would have been fair to show because as you drive down Fallow Corner Drove it is all about the scale of those properties. He stated that his architectural approach has been to respect that pattern of development, with a larger structure at the front of the site and then as you go up through the site to layer into bungalows and then transition into phase 1 where 29 bungalows will be built.

Mr Cooper expressed the opinion that the larger structure at the front in architectural terms turns the corner and it does have prominence but he feels it is a good thing, adds visual interest and will be exciting. He stated that all the materials proposed here are being used in phase 1 and they align with all the materials on Fallow Corner Drove so, in his view, it is in keeping with the area.

Mr Cooper referred to talk within the report about the nature of small dwellings and he has come from a discussion this week with a 21 year old daughter of a third generation farmer in Manea who cannot get on the housing ladder, she can just about afford a mortgage but as she can do this cannot get into social housing so she is one of these people who would benefit from these small

starter homes, which not affordable in tenure would be affordable in market terms and would mean she would not have to look outside the village and District. He acknowledged that there was an objection from Coolruss early in the process but the designs have been changed at the first floor on the east elevation, with there being two single light windows which serve a bathroom and are obscure glazed so there is no overlooking and there is also a side obscure glazed panel which has been added on to the balcony which, in his view, is a nice touch so you could look at the Cathedral and, in his view, a condition could be applied to insert a fan light with the main part of the window being fixed shut on that side elevation.

Mr Cooper stated that he does understand the reference to inconsistent details on plot 5, with the Flood Risk Assessment saying it must be 0.5 of a metre above adjacent ground level and it is. He referred to the private outside amenity space comments which he finds erroneous, he has double checked and triple checked and the average is 44%, with the minimum being plot 1 at 38% and the requirement is 33%.

Mr Cooper stated that his advice to the legal position on the sequential test is that under the Flood and Water Management Act 2010, the Water Act 2010 and within the policy of the NPPF there is sufficient flexibility to obviate the need for sequential test when there is sufficient circumstantial evidence to prove that there is no risk of flooding and, in his opinion, there is evidence that this has not flooded in hundreds of years and it is also in an incredibly tightly monitored area and there have been no suggestion from either the Middle Level Commissioner or IDBs that there is a problem. He stated that all the data was submitted yesterday in relation to the BNG and feels this can be handled by condition and there is no viability assessment required because it is a voluntary contribution responding to a request.

Members asked questions of officers as follows:

- Councillor Mrs French queried that the application has to be determined by 30 June 2025 and asked if this is an error? David Rowen responded that it was not, a new officer who has only just joined the Council did agree a fairly lengthy extension of time, however, there are so many fundamental issues as set out within the report from an officer perspective that it was not considered prudent to delay the determination of it any longer hence being in front of committee. Councillor Mrs French expressed the view that it appears to be lacking bits and pieces of information and wonders whether the application should be deferred.

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

- Councillor Benney stated that when he first looked at the proposal he thought it was a bit cramped but after visiting the site and looking at the plans he thinks it is a good quality development and is pleased to hear from the agent that the overlooking aspects have been resolved to Coolruss Lodge. He feels it is a gateway into the Lavender Mill estate that is there and is something that Manea has been working very hard towards delivering and the application warrants merit.
- Councillor Connor expressed the opinion that this is a well thought out scheme, this proposal is being undertaken first before the bungalows are built and Manea Parish Council support it having worked proactively towards coming to a very favourable conclusion. He commended Mr Cooper on this.
- The Legal Officer reminded members that the Parish Council's support in itself is not a material consideration in determining the application.
- Councillor Benney referred to the reasons for the refusal, personally feeling he can support the application, the amount of development taking place on the site he has seen far more cramped applications than this one, referring to a development in Wisbech St Mary where it was said that one-bedroom flats were not needed but they all sold, this may be or may not be in keeping but he thinks the proposal would look nice and he does not think they will stand empty for long when they are built and just because there is nothing like it in the road it does not mean it is unwanted or will not sell. He expressed the opinion that the overlooking has been addressed, the relationship with plot 5 has also been addressed and

not everyone wants big gardens and young people these days have no desire to undertake or want to do gardening and once they are built people will have the choice it will be buyer beware and they can make an informed decision. Councillor Benney expressed the opinion that committee has already overturned a similar application in relation to a flooding reason for refusal, there is Flood Zone 3 opposite and the scheme can be mitigated against. He feels that the ecology appraisal can be dealt with via condition and in relation to voluntary contribution he feels if it is on the table it is welcomed.

- David Rowen referred to the garden space and acknowledged that people do not necessarily want big gardens, however, he made the point that the gardens to plots 1 and 2 measure 6 metres by 2.7 metres and 4.9 metres by 1.5 metres which are the size of car parking spaces and are incredibly small in terms of any kind of useable amenity space. He stated that the 2-bedroom units are being indicated as starter homes but queried what if they become starter family homes because there is no space for amenity or outdoor use. David Rowen referred to the applicant indicating that the issues regarding overlooking have been addressed but this has not satisfactory answered officers concerns, with the concerns being largely around the accessing of units 2 and 3 on the eastern side as there are raised steps to get into the property by approximately 1.2 metres and there is a 1.8 metre fence so every time somebody goes into one of those properties or comes out they will be looking over that fence at Coolruss Lodge into the side windows and the more private side area of that property. He made the point that the ecology issues cannot be dealt with via condition, in legislative terms those issues need to be resolved before a decision is made so that those material considerations are adequately assessed. David Rowen stated that the ecological appraisal that has been submitted with the application was dated April 2023 so there have been two surveying seasons where that necessary information could have been addressed and it is the applicant's own survey work that has identified the potential presence of protected species within the site so those two issues cannot be dealt with through conditions. He stated in terms of voluntary contributions the policy requirement is that if sites are to be linked there needs to be a full viability assessment to ascertain whether the contribution that is being offered is the optimum available and as it stands on this application there is £8,000 on the table effectively from a 33 house scheme if combined with the site to the rear, which does not seem a great deal of money to mitigate any harm arising from the wider development and that is the point of needing a viability assessment. David Rowen expressed the opinion that if members are approaching this in the sense that it is a voluntary contribution that is being put forward, he would have strong concerns that without the viability assessment being undertaken that starts to get into the territory of potentially "buying planning permission", although he is not suggesting impropriety.
- The Legal Officer added that the Planning Authority can only require payment if there is proven requirement for that payment linked to the development and as David Rowen has said in the absence of a viability report he does not see how a Planning Authority can begin to understand the appropriate level of contribution and a voluntary contribution should not be taken into account in determining the application. He stated that the consequence might be that if members approve this application in the absence of a proper viability report then they may be missing out on a genuinely higher level of contribution.
- Councillor Connor stated that he agrees with the comments of Councillor Benney and drew members attention to 2/3 applications that were approved on the other side of the road a few years ago next to the mill and if there is going to be any bats there he agrees that is where they are more likely to be. He referred to the contribution and believes Councillor Marks said the previous owner of the site offered no contribution for 29 houses at all so he feels that ship has sailed. Matthew Leigh stated that if this site is linked to the site at the rear and it is being said they are one development that opens up viability issues for that whole site legally and if this is the way it is being looked at the whole scheme needs to be looked at but if it is standalone no contributions should be accepted as it is 5 units and they do not have to provide anything.
- Councillor Connor stated that it looks to him to be a standalone scheme. David Rowen stated that it is the applicant that is seeking to link the two sites in terms of making voluntary

contributions and their calculations to what they will provide in relation to this application is partly based on that first phase of 29 dwellings at the back so the applicant has linked the two sites from that point of view. He continued that it either needs to be linked properly and a viability assessment is undertaken or no contributions should be sought.

- Councillor Mrs French asked if it was the same owner for both sites? Officers indicated that it was the same owner. Councillor Mrs French stated that it is her understanding is that when this type of thing happen you do link them together. She made the point that she likes to get Section 106 money but it seen time and again that when it goes to viability it comes back as not being affordable and it is good that the applicant wants to offer £8,000 but she is not sure what this will pay for. Councillor Mrs French expressed the opinion that David Rowen is right, the contributions have to come from the whole scheme.
- The Legal Officer stated that the legal position is very clear that any voluntary contributions cannot be taken into account on this application because it is not a legal requirement to do so but if there is a suggestion that the wider site is taken into consideration which already has permission nothing can be required at this stage because it is known what the viability numbers are.
- Matthew Leigh stated it is quite unusual where an applicant is trying to link the sites.
- Councillor Benney expressed the opinion that the stumbling block is that if the £8,000 is accepted then it looks like the committee is being bought which he does not think it can do and if it said that the £8,000 just will not be accepted then committee will be criticised for throwing good money away. He suggested that the application be deferred for the BNG requirements and financial contributions to be resolved.
- Councillor Connor stated that he is favour of the site and would not be comfortable with refusing it but feels the best compromise is a deferral.
- Matthew Leigh referred to Councillor Benney's suggestion of a deferral for ecology and suggested that a bat survey was also added. Councillor Benney stated he would accept the three reasons for deferment.
- Councillor Imafidon questioned why a bat survey was required when it was said the most likely place they would be found would be in the old mill? Councillor Connor responded that it is because confirmation is required to say that is where they are and not on the development site.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be DEFERRED to obtain an ecology appraisal, a bat survey and a viability assessment.

(Councillor Marks declared that he is pre-determined on this application and after giving his presentation, left the room for the duration of the discussion and voting thereon)

P97/24

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LAND NORTH OF MEADOW COTTAGE, ALLENS DROVE, GOREFIELD, BR>ERECT 1 X DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Jackson, the agent, and Mr Brownlow, the applicant. Mrs Jackson stated that this application is for an occupational dwelling to be used to be used to support Mr and Mrs Brownlow's existing agricultural enterprise and the site is located on land within the existing agricultural holding. She stated that it has been specifically chosen as it is the land closest to the centre of Gorefield and is positioned amongst other buildings, with the dwelling providing a long-term solution for Mr and Mrs Brownlow when they retire being close to the village with its associated amenities.

Mrs Jackson advised that Mr Brownlow is currently actively working on the farm and is in the process of moving his family into the business to secure the long-term viability of the farm, with the new dwelling allowing Mr Brownlow to continue working until he retires whilst allowing his family to move into the existing farmhouse at Harolds Bridge where they can begin to take over the business. She expressed the view that there is a need for an agricultural dwelling associated with the farm as the applicants have lived in the farmhouse for a considerable time, with the existing farmhouse not being agriculturally tied and, therefore, this application presents an opportunity to secure a dwelling for the exclusive use of the farm which will complete the business offering.

Mrs Jackson expressed the opinion that the difference between this application and the previous refusal is that they are now asking for an occupational dwelling linked to the farm and not for open market housing. She stated that Mr and Mrs Brownlow are passionate about Gorefield, have lived their all their lives and want to be close to the village centre, with this particular site being chosen due to it being on part of the holding and in close proximity to the village centre and the remainder of the farm.

Mrs Jackson expressed the view that being amongst existing dwellings she fails to see how harm is caused to the character and appearance of the countryside given that this is effectively an infill type of development within a cluster of existing properties. She referred to the sequential test and expressed the opinion that as per the Design and Access Statement and the submitted Flood Risk Assessment there are no alternative sites which could accommodate the dwelling or are at a lower risk of flooding, with the additional sequential test report that was circulated yesterday providing further details of the application of the sequential test.

Mrs Jackson stated that the committee report at Paragraph 2.2 acknowledges that the site is at very low risk of surface water flooding and she referred to Paragraph 175 of the NPPF which states that the sequential test is not required if a flood risk assessment demonstrates that the site is safe. She highlighted to members that the submission demonstrates that the sequential test is passed and given the Flood Risk Assessment shows the development technically safe from flooding and that the proposal will support an existing rural enterprise to the benefit of the local community, in her view, the exception test is also passed.

Mrs Jackson summarised that this application is for an agricultural dwelling to support an agricultural enterprise, it is an optimum location being amongst existing properties on land within the farm ownership and as close to the village centre as possible, the proposal will secure the long-term viability of the farm, the development passes the sequential test due to there being no other land available within the holding which is at lower risk of flooding, the development complies with policies of the development plan and she requested that planning permission is granted.

Members asked questions of Mrs Jackson and Mr Brownlow as follows:

- Councillor Marks asked if the farm is next door to this site? Mr Brownlow indicated no. Councillor Marks asked how far away is the farm? Mr Brownlow responded that as the crow flies it is about a mile, being two roads over. Councillor Marks asked how far by road? Mr Brownlow stated about 1½ miles.
- Councillor Imafidon asked Mr Brownlow how far away from the farm does he live now? Mr Brownlow responded that he lives on the farm currently but he is 68 this year, is looking to retire and he wants his son to take over the farm.
- Councillor Connor asked Mr Brownlow to pinpoint where he lives? Mr Brownlow stated that he lives at Harolds Bridge.
- Councillor Benney asked Mr Brownlow how many acres he farms and what he farms? Mr Brownlow responded that 270 acres and it is all arable, being mostly hay.

Members asked officers the following questions:

- Councillor Marks stated that he is finding it hard to see an agricultural tie due to the distance from the farm. David Rowen responded that a lot of the information given by the agent is not

included in the application but there is no justification and nothing to demonstrate why this particular site needs to have a dwelling on it and there could be other properties that could be purchased in Gorefield. Matthew Leigh added that it needs to be taken into account the information that was submitted as part of the application and 90% of what has been said is not in the Design and Access Statement or any supporting documents.

- Councillor Connor expressed the view that it is an incomplete application and he does not feel that just being an arable hay farm makes much difference to living on site and he does not think there is the same need as there is when it is livestock.
- Councillor Benney stated that there have been plenty of other agricultural sites that come forward where the family are taking over the farm and want a dwelling but it is usually on the farm itself.
- Councillor Marks referred to the planning history and that in 2018 there were two dwellings refused on the site and asked if this was from the same applicant? David Rowen responded that from his recollection it was.

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

(Councillor Marks declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application but remains open-minded)

6.48 pm

Chairman