

PLANNING COMMITTEE

WEDNESDAY, 5 MARCH 2025 - 1.00 PM



PRESENT: Councillor D Connor (Chairman), Councillor C Marks (Vice-Chairman), Councillor I Benney, Councillor Mrs J French and Councillor S Imafidon, Councillor M Purser (Substitute)

APOLOGIES: Councillor R Gerstner and Councillor E Sennitt Clough,

Officers in attendance: Danielle Brooke (Senior Development Officer), Kimberley Crow (Development Officer), Matthew Leigh (Head of Planning), David Rowen (Development Manager) and Jo Goodrum (Member Services & Governance Officer)

P98/24 **PREVIOUS MINUTES**

The minutes of the meeting of the 5 February 2025 were agreed and signed as an accurate record.

P99/24 **F/YR24/0635/RM** **LAND NORTH OF 96A TO 100 WESTFIELD ROAD, MANEA** **RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF** **APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE** **PERMISSION F/YR22/1156/O TO ERECT 24 X 2-STOREY DWELLINGS (4 X 2-** **BED, 6 X 3-BED AND 14 X 4-BED)**

Danielle Brooke presented the report to members.

Members received a written representation, in accordance with the Public Participation Procedure, read out by Member Services from Mr Nick Usher, an objector. Mr Usher stated he would like to pass on his thoughts and incredulity in the manner this application has been handled. He referred to the timeline, with 24 January 2022 being commencement of first outline application which included the Environment Agency objection, with planning suggesting refusal and the Planning Committee voting 6-0 refusal; on 11 October 2022 the exactly same outline application was submitted apart from the Environment Agency objection, which had been submitted but just not loaded onto the application, and on 23 February 2024 this application somehow got through by the same Planning Committee on a 4-3 acceptance and he made the point that on these and previous minutes there are no declarations of interest by any member.

Mr Usher referred to the Reserved Matters application, which proposes a completely new amount of much larger houses with 30% more bathrooms and toilets even though the Environment Agency objected to all previous applications but somehow 30% extra waste would be acceptable? He made the point that on 12 February 2025 the Environment Agency stated that they have had not had enough time to put together a clearly formulated case so they must rescind their objections, but, in his view, they have had exactly three years to put together a case.

Mr Usher expressed the view that there is also no bus service now on Westfield Road to service these new homes and questioned how this will that effect future homeowners? He feels there may well be a case here for a judicial review as, in his opinion, this whole application and the manner in which it has been dealt with, is a complete and utter farce, when this tragedy of an application is passed, the future will be full of flooding and foul waste problems.

Mr Usher expressed the opinion that when these water problems do occur, it will cost the entire community of Manea when it is flooded with effluence and surface water, and who do residents come to with all its costs and bills? He questioned whether it will be the Environment Agency for not formulating a plan in three years and not standing with their objections, or the planning service for not putting/withholding all the important information online or the Planning Committee for reversing a 6-0 decision for the same application?

Mr Usher expressed the view that it is all very well people sitting in their ivory towers and passing decisions that are meaningless to themselves but asked when will it become clear that applications like this will affect citizens and voters' lives, when most are struggling with just living their lives.

Members made the following comments:

- Councillor Marks stated that he would like it recorded that the objector is a Manea Parish Councillor who also commented on the application at a Manea Parish Council meeting.
- Councillor Mrs French stated that she finds it surprising that reference is made by the objector to the Environment Agency as it is Anglian Water or the Internal Drainage Boards (IDBs) that the Council engages with.

Members received a presentation, in accordance with the Public Participation Procedure, from Matthew Hall, the agent. Mr Hall stated that the application site already has outline approval for 26 dwellings and that was approved by the committee in 2024. He explained that the detailed proposal is a reduction to 24 dwellings and it includes a mixture of properties, 2, 3 and 4 bedroom dwellings, including semi-detached and detached homes.

Mr Hall added that during the application process, officers raised some queries on the initial proposal and he attended a meeting with officers and as a result the proposal was amended and since that time, a detailed landscaping scheme has been submitted, the layout was revised, a substation has been included, additional garages and the highways queries have all been addressed. He explained that some of the concerns on public access are with regard to concerns with the overhead cables and he has had a meeting with UK Power Networks and a plan has been produced to demonstrate that the cable will be set underground and there will be an easement strip for the substation.

Mr Hall explained that there will also be a strip of land left in order to allow access to the substation and the poles on the adjacent sites. He added that the archaeological dig at the site has already been undertaken.

Mr Hall stated that there are no objections from the Lead Local Flood Authority, Highways, Environmental Health, the Tree Officer and the Council's Housing Team have confirmed that the affordable housing provision complies with the outline approval and the Section 106 previously agreed. He added that all of the development within the site is located in Flood Zone 1, and a Section 106 Agreement has already been confirmed at outline stage with both the District and County Council's Legal Department for this site with contributions of £2,000 per house to the NHS England, education infrastructure, libraries, public open space and on-site affordable housing provision.

Mr Hall referred to the written representation that was presented and he made the point that he does not agree with its content as whilst the first application for outline permission was refused, the second application for outline permission was not exactly the same application and there were three reasons for refusal with one being ecology which was withdrawn with the second resubmission, and one had no Section 106 contributions proposed on one of those applications as he was not involved. He added that a Section 106 was submitted at the time which was agreed with Mr Harding, the previous Head of Planning and that reason was also withdrawn.

Mr Hall explained that there was only one reason on the second application which was the

principle of development and members at that time approved it. He stated that the officers report sets out the proposal very well and the officer has outlined the report very well in her presentation, with the application being recommended for approval.

Members asked Mr Hall the following questions:

- Councillor Connor stated that he not seen any mention of any road sweeping and wheel washing in the conditions as mud left on the road appears to be causing issues again and he does not want to see any debris left on the road from developments. He asked Mr Hall whether he can provide definite assurances that there will be measures put in place to stop that happening? Mr Hall stated that on the outline application conditions there may be a condition asking for construction management plan, but he cannot confirm that. He added that a condition can be added to the application or on the outline to reflect conditions about wheel washing and sweeping the roads, but he cannot give a cast iron guarantee that will happen as he is not the developer, however, he would welcome a condition.

Members asked officer's the following questions:

- David Rowen stated that condition 4 of the outline permission does require measures to minimise mud from being taken onto the highway from the site and for it to be submitted and agreed with officers as part of a construction management plan.
- Councillor Connor questioned whether that categorically states that there will be a wheel washer and a sweeper of some description. David Rowen stated that wording states measures to minimise mud from being taken onto the highway from the site and in practice that is likely to be a wheel wash or a sweeper but there is a control in the condition which addresses that issue.
- Councillor Connor referred to 5.4 of the report which relates to waste disposal, and he explained that he been made aware that there is going to be some improvements made to the drainage system so waste water can flow away which will alleviate any problems which may arise.
- Councillor Connor asked whether it has been confirmed that construction will not commence until a drainage strategy is in place? Danielle Brooke stated that within the outline scheme which has approval, Anglian Water have the obligation to take foul water flows from the site. She added that there is a condition on the outline application, a pre commencement condition requiring a full foul surface scheme to be secured prior to development commencing.
- Councillor Mrs French questioned whether officers are satisfied that Anglian Water do have the capacity for the development? Danielle Brooke stated that they have an obligation and whether they have the capacity at this point in time is not entirely clear, however, Anglian Water are looking to improve Manea Wastewater Treatment Works within their wider business plan and that has been secured.

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

- Councillor Marks explained that this site is located within his ward and with regards to the first buildings on the site itself, he has received numerous phone calls regarding mud on the road from development sites in Manea, however, in the case of this development he has received no calls or been asked to go and visit the site to intervene. He added that he has been asked for advice with regards to vehicles being parked on the road, however, the vehicles in question were not connected to the development site.
- Councillor Marks stated that with regards to foul water it is his understanding that Anglian Water are commencing works at the sewerage works which is ongoing and at times they have been using tankers. He added that with regard to whether there is capacity, in his view, there is just enough capacity depending on how many more houses come forward.
- Councillor Mrs French expressed the view that the scheme is much better than the previous one as a result of the reduction and she welcomes the inclusion of significant Section 106 contributions, and she will support the proposal.
- Councillor Imafidon questioned the adoption of the roadway once the site is complete.

- Councillor Mrs French stated that as a member of the Highways and Transport Committee for the County Council she would assume that the County Council would want to see the road brought up to an adoptable standard but whether they adopt it is a different matter and if adopted then there would be a 20mph speed restriction imposed.

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 Benney further declared that the applicants had historically undertaken work for him)

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

(Councillor Marks declared, 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. He further declared that the applicant for this item is known to him in a professional capacity but it would not make any difference to his decision making and voting on the application)

**P100/24 F/YR24/0525/O
MAYFLOWER, 12A WESTFIELD ROAD, MANEA
ERECT UP TO 7 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS) INVOLVING THE DEMOLITION OF
EXISTING SHEDS, FORMATION OF A DETENTION POND AND ASSOCIATED
DRAINAGE WORKS**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Matthew Hall, the agent. Mr Hall stated that in the officer's report at 2.3 it refers to the site being surrounded by residential development and in his view the site is in the built-up form of Manea and on the side of Westfield Road, which has received various planning approvals for residential developments extending back from the frontage of Westfield Road. He added that the site is all located in Flood Zone 1 and as stated in the officers report it is at very low risk of surface water flooding.

Mr Hall made the point that concerns have been raised by the Parish Council and objectors regarding highways safety, however, the County Council do not object to the application and there is already an access on Westfield Road, with the application proposing to set a new wider access onto Westfield Road which will be set further south of the S bends in Westfield Road. He explained that the visibility splays which have been shown in his drawings in both directions as 2.4 metres by 43 metres for a 30mph road can be achieved in both directions and the existing footpath will also be extended about the new access, and this has all been agreed by highways.

Mr Hall stated that the splays of 2.4 metres by 43 metres at the moment for the existing access could be achieved to the south and, in his opinion, he does not think that the existing access could be achieved to the north and, therefore, the proposed works would be an improvement if the application were to be approved. He stated that some of the objectors' comments have raised concerns with regards to possible overlooking and if members are of the view that it is an issue, a condition could be imposed which states that development could be restricted to single storey to try and address some of the objectors' concerns, with all the properties to the northeast already being 2 storey dwellings anyway and there have been no objections received from the Highway Authority, Environmental Health, Ecology or Archaeology.

Mr Hall added that the officer's report states that there was a withdrawn application at this site which Manea Parish Council supported, and this application had a different Planning Officer at that time, but had been indicated that it was to be recommended for approval. He added that the reason that the application was withdrawn was because a Great Crested Newt survey had to be undertaken on the exiting pond which came back negative and then the application was resubmitted.

Mr Hall added that the officer's report sums up the application well and the officer recommendation is to approve.

Members asked Mr Hall the following questions:

- Councillor Marks stated that he knows the area well and knows that a field across the lane from the site was always a very wet field and as a result he would like to know what surface water drainage is planned for the application site and where will the surface water be routed to? He explained that going down to the Darcy Lode, there is a very large pipe which has been overloaded previously and he recalled a previous time when he had to get the drainage board to come out and empty and attempt to dredge the bottom in order to try and get some water flow. Councillor Marks expressed the view that his concern is where is the water going to go. Mr Hall explained that on the site at the moment there is currently a pond and the proposal is to enlarge the pond as it is not large enough in its current form. He added that the Drainage Consultant has included a further pipe from the pond which goes northeast and connects to the large pipe referred to by Councillor Marks which is in third party land and the owner of the land has provided an email confirming that they are content with that arrangement subject to Anglian Water approval. Mr Hall added that within the officers report it states that Anglian Water have been consulted on the application, but they did not raise any concerns. He stated that the water will be kept on the site and then slowly attenuated to the Anglian Water pipe on third party land.

The email Mr Hall referred to was circulated to members of the committee.

- Councillor Mrs French referred to the officer's report at Section 2 where it states that the development is within the catchment of Manea Town Lots Water Recycling Centre which currently lacks the capacity to accommodate the additional flows and she stated that she would like clarity on how the additional water will be handled? Mr Hall stated that he is aware that the Planning Officer has been in discussions with Anglian Water, and it is his understanding that there are no concerns with regards to the actual surface water flows but the actual foul water flows is where there is some concern.
- Danielle Brooke explained that she has had detailed conversations with Anglian Water about the situation and they are comfortable with submitting and proposing a pre commencement condition to ensure that foul water flows can be accommodated in respect of the timetable of their upgrades to Manea Water Lots being undertaken.
- Councillor Connor stated that it is the same as the previous application and the upgrade needs to take place before development can commence.
- Councillor Marks stated that the biggest concern to the residents in the village appears to be the access for the site and he expressed the view that he is amazed that the Highway Authority are content that the access is safe for seven dwellings. He added that he has significant concerns, and he referred to the presentation screen and indicated where the area narrows and it is where people park vehicles and there will be further vehicles which will feed out into the roadway. Councillor Marks asked Mr Hall whether he has considered incorporating double yellow lines into the scheme? Mr Hall explained that the access shown on the plan is what was submitted at the start and Highways did not ask for any changes and did not ask for a speed survey. He stated that with regards to the existing access he agrees that it is very tight and, in his opinion, there will be more cars if the application is approved. Mr Hall stated that the visibility splays can be achieved in both directions and the

footpath will lead into the site along with a pedestrian crossing, however, the Highway Authority did not ask for any more information and, therefore, nothing further has been incorporated including double yellow lines as they deemed it acceptable.

- Councillor Marks expressed the view that he believes that the Highway Authority will have only carried out a desktop survey when reviewing the application and as a committee, in his view, members need to take that into consideration. He expressed the view that Highways Officers should be undertaking site visits as in this case it is going to cause problems, especially when more vehicles are feeding out from the site.
- Councillor Mrs French stated that she also has concerns with regards to the highway and she believes it probably is a desk top study. She added that there is a public right of way which runs through there which Mr Hall has taken into consideration, and it runs along two sides of the boundaries.
- Councillor Connor asked what will the access road which leads into the site be constructed of and is it the intention to have the road adopted with street lighting or will a management company be set up. Mr Hall stated that there will be the existing property plus the seven new dwellings and the road will be a private driveway made up of either permeable tarmac or permeable block paving. He added that there would have to be a management company set up or residents would own it but this level of detail is still to be considered as the application is only in outline form at the current time. Mr Hall added that the road is 6 metres wide and has a turning head incorporated to ensure that the waste collection vehicles are not hindered.
- Councillor Connor stated that he is fearful that the application has not been considered properly by the Highway Authority and, in his view, the access is very close to the bends and whilst he would like to think they visited the site as, in his view, a desk top study in this instance is not acceptable.

Members asked officers the following questions:

- Councillor Marks asked whether officers are aware whether the highways officers undertook a site visit or is their assessment a desk top survey? Danielle Brooke stated that from their comments it was not clear either way, however, they have suggested that the access and visibility splays are of appropriate dimensions for the area. She added that presumably they have looked at the appropriate data to ensure that the access is acceptable, and they raised no objection.
- Councillor Marks stated with regards to the drainage, there appears to be a lot of tarmac on the site which will stop the water on the site, and he asked whether the Internal drainage Boards have been consulted at all on the application with regards to taking on the additional water.
- Councillor Mrs French stated that the answer to Councillor Marks question will be no because they are not statutory consultees, and they do not have to reply.
- David Rowen stated that Middle Level Commissioners were consulted on the proposal, however, there has been no feedback on the application received. He added that as it is not a major application there are no comments either from the Lead Local Flood Authority as it does not fall within their remit. David Rowen referred to the presentations screen and explained that whilst it is an indicative layout, there is quite a bit of surface shown, however, there is also a large amount of landscaped area too. He made the point that he would suggest that the proposal is not significantly different to a number of other schemes of this kind of scale which the Council grants on a regular basis.
- Councillor Marks stated that he knows how Manea suffers from flooding, and he has concerns with regards adding more development onto the site and where all the water is going to go.
- Councillor Connor added that he has noted the construction management plan and if the application is passed as it is located so near to the bends there does need to be a strong condition added to include a wheel wash or a sweeper to keep the road up to a satisfactory standard during development. David Rowen stated that the wording of condition 6 requires the construction environmental management plan to be created in accordance with a

template available on the Council's website and that template has been devised by Planning Officers and Environment Health, which does refer to matters such as mud on the highway.

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

- Councillor Purser stated that he visited the site, and he noted that there were numerous vehicles parked up and down the road, which made the visibility around the already dangerous bends even worse and, in his view, it is an accident waiting to happen.
- Councillor Marks stated that he also has concerns as when coming round the corner from the High Street, you are greeted with parked cars meaning you must get onto the other side of the road and you are either going to be meeting vehicles coming in and out of the development even with the gateway. He stated that he has concerns with regards to the whole S bends and not just the site along with his worries concerning the water off the site, with the fields behind the application site being waterlogged most of the time and he recalled the issue on the other site where the pipe was overwhelmed going down to the Darcy Lode. Councillor Marks expressed the view that the application is just too much at the present time and he will not support the application.
- Councillor Benney stated that he reviewed the application and researched to see what the visibility splays in a 30mph area needed to be and he was able to ascertain that you go 2.4 metres back into the boundary and then 70 metres either way for a splay in a 30mph zone. He added that he is content that it could be achieved if you were turning right coming out of the site but does have concerns that it is another desk top survey, and the splay cannot be achieved unless the Highways Officers could advise otherwise.
- David Rowen added that it is his understanding that the recommended visibility splays for a 30mph zone are 2.4 metres by 43 metres.
- Councillor Connor asked what the splays are in the case of this application? David Rowen confirmed that they are 2.4 metres by 43 metres, however, he is aware that historically the measurements have been 2.4 metres by 70 metres but that has been reduced in revised guidance.
- Councillor Mrs French made the point that she believes that this is a desk top survey undertaken by the Highway Authority and, in her view, further information is needed and she would be quite content to see the application deferred in order for further detail to be provided by the Highways team. She added that the application is on a nasty bend and if it is approved then, in her opinion, the applicant should be paying for the introduction of double yellow lines.
- Councillor Connor stated that if the application is to be deferred, he would support that view. He added that Councillor Marks is the local Ward Councillor and is looking at the flooding issues at the Darcy Lode as he does have concerns with regards to how the water is going to be disposed of along with the highway concerns.
- Councillor Marks requested that the IDB be asked for their input as well.
- Councillor Mrs French asked which IDB is it? Councillor Marks stated that it is the Doddington and Wimblington Board. Councillor Mrs French advised that it is the March Third or March Fifth Board and she will contact them.
- Councillor Connor stated that if the application is deferred then the IDB can be asked for some comments and the Highway Authority can be asked to provide some further detail.
- Matthew Leigh stated that, in relation to the surface water, as David Rowen advised the site is relatively green and is of low density. He explained that condition 5 associated with the application relates to a drainage scheme being submitted and he explained that it would not be normal practice to require these details as part of a full, outline or reserved matters application and it would normally be something that would be definitively dealt with through the subsequent scheme and taking into account the final materials that are going to be used for the hard standing including the permeability and run off impacts. Matthew Leigh added that he will contact the IDB and ask them to respond to the consultation, however, there will still be the opportunity to double check and ensure that there will not be any additional harm just through the condition.
- Councillor Marks stated that he appreciates the comments from officers, however, the

committee need to have peace of mind before they move to the next steps. He expressed the view that as the local Ward Councillor and having seen first hand the flooding which has occurred along with attending village meetings concerning the flooding, he would not be doing the right thing if he did not try and safeguard the area along with having the input from the local drainage boards.

- David Rowen advised members that the drainage board have already been consulted on this application, and he explained that at the moment the drainage strategy proposed does not involve an IDB watercourse and he would, therefore, be surprised if they would actually comment. He added that the current proposal is for a new pipe which is to be put across third party land to connect to the Anglian Water combined sewer in Coxs Way which the agent Mr Hall confirmed is correct.
- Councillor Marks asked for clarity that there is no surface water going from the site into an IDB drain and it is all going into the Anglian Water system which is almost overloaded already as if that is the case then he is even more hesitant to approve the application. David Rowen stated that in the officer's report at 10.15 it confirms what the outline of the drainage strategy is proposed to be and also outlines that whilst Anglian Water have noted that the proposal does not necessarily follow the SuDs hierarchy, they have not objected to the proposal.
- Councillor Marks made the point that as the local Ward Councillor he feels it is his responsibility to outline what flooding has occurred in the past and by adding further water into the system, he is even more concerned and whether the water goes into the IDB system or the Anglian Water system, he would be very keen to hear their views as well.
- Councillor Mrs French stated that from attending monthly meetings she knows that Anglian Water have stated that they do not wish to take any more surface water. She added that she recalls the flooding episode in Manea in 2020 and she stated that it cannot be ignored that there is a major flooding issue. Councillor Mrs French added that when she visited the site, the whole place is flooded and she would have expected there to be a drain there, however, it maybe that there was one and it has been filled in. She expressed the opinion that the surface water cannot be going into the pipes belonging to Anglian Water and there needs to be more questions asked and further information for members.
- Councillor Imafidon asked whether the Highways Officer can come to the committee when the application is brought forward again. Councillor Connor explained that they will not attend the committee for such a small application.

Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be DEFERRED to receive further information from the Highway Authority, Anglian Water and the IDB.

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

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

(Councillor Marks declared, 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.)

P101/24

F/YR23/0811/F

LAND EAST AND SOUTH OF 47 DODDINGTON ROAD, WIMBLINGTON

ERECT 14 X DWELLINGS (2 X SINGLE-STOREY 1-BED, 2 X SINGLE-STOREY 2-BED, 8 X 2-STOREY 2-BED AND 2 X 2-STOREY 3-BED) AND ASSOCIATED WORKS, INCLUDING FORMATION OF VEHICULAR ACCESS, FOOTPATH ALONG DODDINGTON ROAD AND RETENTION OF PUBLIC RIGHT OF WAY THROUGH SITE

David Rowen presented the report the members.

Members received a presentation, in accordance with the Public Participation Procedure, from Steven Flowers, the agent. Mr Flowers stated that the proposal is going to include a local connection criterion and will be 100% for local people within the parish. He explained that he has responded to various concerns over the lifetime of the application with regards to redesigns, such as moving the bungalows to the front of the site in order to help with the streetscene and overlooking.

Mr Flowers stated that he has received some recent data from Fenland District Council with regards to housing need and the figures show that there are 64 households in housing need within Wimblington, with 491 showing Wimblington as a preference, and within the wider district there is almost 1800 in need of housing. He explained that there are opportunities for the 100% affordable scheme with a local connection in place, these do not arise very often in this area and he would be looking to secure the Section 106 agreement to reflect the local connection and the affordable housing supply on the site.

Members asked Mr Flowers the following questions:

- Councillor Mrs French stated that she welcomes the 100% affordable housing provision, however, she is unsure whether a Section 106 Agreement is necessary when there is 100% of affordable housing being delivered but if something else is being offered then she is more than happy.
- Councillor Connor congratulated Mr Flowers and expressed the view that the application is one of the best applications that he has seen for a long time. He added his congratulations for the work that he undertaken in conjunction with the Parish Council and he asked whether Mr Flowers has any indication as to when works would commence if the application is approved by the committee? Mr Flowers explained that members will have noted that there are a couple of complications which have arisen with regards to ecology and the fact that there is a population of lizards on the site that means a process of trapping and relocating to a receptor site which is likely to take place in April. He added that there is also an archaeology condition to satisfy which will follow the ecology issue and the likelihood of development commencing is by the late Summer by which time the conditions will be satisfied.
- Councillor Connor stated that he is delighted that all of the affordable homes are going to be in Wimblington Parish, and he thanked Mr Flowers for bringing the application forward.
- Councillor Marks stated that the Isle of Ely Way is in the vicinity along with a public footpath and he asked Mr Flowers whether there are any plans to introduce a stile or a gate as he has concerns with regards to young children being able to access the A141. Mr Flowers stated that he welcomes the question but he is unsure what the detail is with regards to that point. He added that the footpath is to be retained and left as it currently is, but he would need to look into the detail further with regards to the boundary treatment but would be happy to accept a condition.

Members asked officers the following questions:

- Councillor Marks asked whether the site is being classed as a brownfield or greenfield site? David Rowen explained that the parked cars which can be seen on the presentation screen are not located within the application site and the site actually commences where the block paving ends. He expressed the opinion the site is a greenfield site and as the photos in the officer's report demonstrate that the site is overgrown with no development and is an undeveloped green space.

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

- Councillor Benney stated that the application in his view is a good application and is much needed.

- Councillor Purser stated that affordable housing is very much needed, and the proposal will clean up that parcel of land very nicely. He added that the visibility when leaving the site is also very good and he will support the application.
- David Rowen stated that there was not a condition included with the proposal with regards to a stile, however, he referred to the presentation screen and highlighted a photograph which shows a standard public rights of way gate which is heavy, and spring loaded. He added that he does not know whether that gives Councillor Marks some assurance that the gate is there which may prevent children running out onto the A141.
- Councillor Mrs French stated that it is a public right of way which the Country Council control and she made the point that they could be asked to ensure that it is gated, or a stile is included.
- Councillor Connor stated that he will leave that aspect for officers to investigate.

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

**P102/24 TPO05/2024
VICARAGE CLOSE, CHATTERIS
TREE PRESERVATION ORDER (TPO)**

Kimberley Crow presented the report to members and drew their attention to the update report which had been circulated.

Members received a written representation, in accordance with the Public Participation Procedure, read out by Member Services from Ingrid Holliday, in support of the Tree Preservation Order. Ms Holliday stated that she understands that following the Council's decision to apply a Tree Protection Order on the Sycamore tree, granted late last year, whose roots are in her garden (13 St Martin's Road), the future of this tree is now in jeopardy, as an objection has been raised by an interested party and referred to this meeting for its further consideration. She wished to reiterate that primarily and what should be of significant importance for this committee's consideration and deliberation right at its onset is the fact that, as I am sure members will already know but the objector may not, is that nationally, significant numbers of Sycamore trees are suffering and dying from various pathogen causing diseases, including leaf spot (*crisularia depraedans*), tar spot (*rhytisma acerinum*) and the potentially more damaging, sooty bark disease, *cryptostroma corticale*, which is a fungal disease and can cause wilting of the tree crown and eventual death of the tree and can also lead to maple bark disease which is transferable to humans.

Ms Holliday expressed the view that the Sycamore is a tree that is now in danger and, therefore, worthy of protection, conservation and care and should not be allowed to be destroyed or damaged wantonly even though its leaves and charming helicopter seed pods have a tendency to become a nuisance and fall onto cars and driveways. In her understanding, the objector had, late last year, collected some fallen branches that fell into Vicarage Close after a few particularly windy days but, in her view, these were not of any significant size to cause any material or structural damage and indeed, these were put over her fence into her garden where they remain, should anyone need to inspect them.

Ms Holliday expressed the opinion that the Sycamore tree contributes to the countryside's rich tree biodiversity, adding sanctuary to bats, bees and local birdlife and the aesthetic value of the landscape and help to "bed in" and provide interesting views, colour and texture for local houses to enjoy. She questioned what could be of greater value than to teach young children to watch the tree renew itself each spring and to see local birdlife making nests in a beautiful tree at the bottom of the garden and in what better way can such values be imparted to children and grandchildren to respect, conserve and value nature if trees are chopped down just to prevent people from needing to wash their cars and tidy their lawns and driveways of leaves.

Members asked officers the following questions:

- Councillor Mrs French stated that when she visited the site, she thought she was seeing things and she has listened very carefully to the points made by the owner of the tree, however, in her opinion, the tree should have been maintained to a higher standard by the owner over the years. She made the point that the tree is covered in ivy and if a Tree Preservation Order (TPO) is added to the tree she has no objection but, in her opinion, in a few years' time, the tree will be totally dead and will have to be removed. Councillor Mrs French added that when that time comes the owner of the tree is going to have to submit a planning application to have the TPO removed.
- Councillor Connor referred to the presentation screen to review the photographs of the tree. He expressed the view that trees are not known to be healthy if they have ivy on them and, in his opinion, the tree does not appear to have had any removal of the ivy whatsoever.
- David Rowen stated that the Council's Arboricultural Officer has carried out an assessment in terms of its impact and amenity and has recommended the making of the TPO with the knowledge that there is ivy on the tree. He explained that if the officer had any concerns with regards to the long or short-term health of the tree then the recommendation to confirm the TPO would not have been made.
- Councillor Marks asked who actually owns the tree as the lady who submitted the written representation stated that the roots go under her garden into her property, but it did not actually sound as though she owns the tree. He added that the written representation also makes reference to the suggestion of a management plan for the tree, and he questioned how a management plan can be in place if you are not the actual owner of the tree.
- Councillor Connor stated that the representation also intimated that she may own it because the objectors have thrown all of the branches back into her garden.
- Councillor Marks asked for part of the written representation to be read out again. Member Services stated that it reads 'I understand that following the council's decision to apply a tree protection order on the sycamore tree, granted late last year, whose roots are in my garden, 13 St Martins Road, the future of this tree is now in jeopardy'.
- Councillor Connor stated that it still is not clear.
- Councillor Mrs French added that it is only the roots of the tree are in the lady's garden and questioned why somebody else who lives in the road would trim the tree and then throw the branches back into the lady's garden if it does not belong to her.
- David Rowen explained that the documentation on the case file, albeit not 100% categorical proof, appears to indicate that Mrs Holliday, the lady who submitted the written representation is the owner.
- Councillor Mrs French asked whether the lady requested that the TPO was added to the tree last year. David Rowen stated that it is the officers understanding that it is the same lady who requested the TPO.
- Councillor Marks stated that he finds it most confusing that the lady also wants to introduce a management committee to look after the tree and it is either her tree or it is not.
- David Rowen stated that the Council's Tree Officer has assessed the tree and believes it to be of merit to deserve a Tree Preservation Order and the committee needs to make a decision as to whether it agrees with that recommendation or not. He added that with regards to whose tree it is or the long-term management plan of the tree are secondary issues and the main aspect for the committee to consider is whether the tree is worthy of a TPO or not in accordance with the Arboricultural Officer's recommendation.
- Councillor Mrs French stated that the Tree Officer is the expert, and she expressed the view that if the tree is not dead then it is likely to be dead soon. She added that if the owner of the roots wants to preserve it and wants to have a management committee then that is her choice. Councillor Mrs French added that she would hope that in a few years' time the owner is not going to have to submit a planning application to either cut it down or chop it up.

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

- Councillor Benney stated that he visited the site with Councillor Mrs French, and he expressed the view that the tree is not one of stature and it does not bring any benefit to St Martins Road. He stated that the objector who lives at number 3, in his view, does have make a fair point but he has listened to the written representation and the lady could be a little more proactive with regards to the maintenance of the tree by removing the ivy to make the tree last longer. Councillor Benney stated that there is an objector, a supporter and an Arboricultural Officer who has confirmed that the tree is worth keeping but he does not have strong views with regards to the tree either way but the lady who lives at the property wants to keep the tree on her boundary and he has concluded that the tree probably does need to have a TPO.
- Councillor Purser expressed the view that by looking at the tree in its current condition it is likely to come down soon anyway and adding a TPO is a waste of time.
- Matthew Leigh made the point to members that as part of the process the Arboriculturist undertakes a significant number of considerations to determine whether or not a tree is worthy of protection. He added that one of those considerations is the life expectancy which is broken down into 5 categories, with when considering the tree in this case and taking into account the presence of the ivy, the Tree Officer has indicated that the tree will have a life expectancy of between 20–40 years. Matthew Leigh added that the ivy will potentially cause harm and difficulties to the tree, however, the ivy could be removed tomorrow and that then becomes a moot point. He stated that if the tree does begin to become unwell, then there maybe works which can be undertaken to mitigate that. Matthew Leigh made the point that should the tree die then an emergency application can be submitted and there is a timescale of 5 days for that to be considered.
- Councillor Purser asked whether there is any information as to whether the tree has been tested to see if it does have any health issues. David Rowen explained that detail is not known, however, the Tree Officer has assessed the tree in its current condition.

Proposed by Councillor French and seconded by Councillor Mrs French and agreed that the Tree Preservation Order be CONFIRMED.

(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 of Planning Matters that he attends Chatteris Town Council meetings although he is not a member of the Town Council, but he leaves the room when planning matters are discussed)

**P103/24 F/YR24/0557/F
LAND SOUTH OF SWAN COTTAGE, BENWICK ROAD ACCESSED FROM
DYKEMOOR DROVE, DODDINGTON
ERECT A HAY STORE, 1.5M HIGH WELD MESH AND 1.8M HIGH CLOSE BOARD
BOUNDARY FENCING (RETROSPECTIVE)**

Kimberley Crow presented the report to members and drew their attention to the update report that had been circulated.

Members received a presentation, in accordance with the Public Participation Procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler stated that when this application came before the committee previously with the main issue which was of concern to the committee being with regards to highway matters, which led the application to be deferred and at that time he had agreed that any necessary amendments required by highways would be made. He added that the highways comments were received on 7 February, which he reviewed on Monday 10 February and he referred to the third line of their comments stating that they requested additional information from the applicant regarding the access in the site and the comments then go onto explain that a speed survey is required, with his colleague notifying the applicant of the requirement for a speed

survey by Highways and commenced obtaining quotes.

Mr Lunn-Towler explained that he was advised on the 25 February that the application was being brought before the committee today and whilst he has tried to expedite the speed surveys there has only been a two-week time frame from receiving the Highways comments to having received the notification of the date of committee. He stated that a colleague requested whether the application could be deferred, however, that request was refused, and he is of the opinion that the item has been brought back to the committee too quickly.

Mr Lunn-Towler advised the committee that the speed specialist is ready to commence the survey, however, the timeframe for this is 3 to 4 weeks to obtain the survey report and then in turn seek advice from highways before making appropriate amendments to the scheme. He suggested that the committee scheduled to take place in May would allow for a survey and consultation period and he would agree to an extension of time to facilitate that in order that it is ready for members to consider.

Mr Lunn-Towler explained that he is still committed to amend the scheme in order that it satisfies the Highways Authority, and he asked the committee to consider a deferral to allow additional time for the survey to be undertaken. He made the point that the outside of the building has already been painted green.

Members asked Mr Lunn-Towler the following questions:

- Councillor Mrs French asked Mr Lunn-Towler whether he had spoken to officers with regards to the application coming back to the committee too quickly? Mr Lunn-Towler stated that when the committee notification was received, his colleague spoke to officers on the same day and advised that there was not enough time to make the necessary arrangements. He expressed the view that due to the very quick turn around of the notification being released within 12 working days, he believes that officers were of the opinion that it was to come before the committee again anyway. Mr Lunn-Towler added that he did ask whether it could be moved to the April committee to allow more time to at least get the survey completed but that was declined.

Members asked officers the following questions:

- Councillor Benney stated that he notes that the application is to be determined by 14 March, which means it would not come back to the April committee, and he asked officers whether an extension of time would have made any difference to the outcome of the officer's recommendation.
- David Rowen explained that the view of officers is that the lack of visibility is so great and, therefore, any speed survey conducted would not really serve a purpose, with the road having a 60mph speed limit on it and the visibility splays needed being 215 metres. He added that Highways Officers have stated that they have observed less than 30 metres visibility and even if a speed survey is undertaken and concludes that the average speeds along the road are 40mph, the visibility splays required would still be significantly more than 30 metres and, therefore, the view of officers is that it would mean that the applicant would be having undue expense and trouble to prove that there is not adequate visibility anyway. David Rowen stated that the officers view is the expeditious way to take the application forward is to bring it back before the committee at the earliest opportunity for a decision to be made on the basis on the Highway Authority's comments.
- Councillor Benney stated that when he visited the site before he had noticed that there are 6 new mobile homes which have appeared on the site, and he questioned whether they have planning permission? David Rowen stated that he was not aware of any permission being granted for the mobile homes although that was not a definitive answer, and he made the point that it was not a material consideration for the committee to take into account in the determination of the application before them.
- Matthew Leigh stated that the reason for refusal is in relation to highway safety and, in his

opinion, any extension of time with a very unlikely positive outcome is putting peoples lives at risk when considering highway safety.

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

- Councillor Benney stated that the application was initially deferred to see what the impact was on highway safety and now there is an additional reason for refusal which is on the grounds of highway safety. He expressed the view that the officer's recommendation is correct.
- Councillor Connor stated that sometimes the committee decry highways, however, in his view he believes that Highways Officers have been to the site and undertaken a survey, and all of the information has been provided. He added that it is a 60mph road and he knows for a fact that cars do drive at that speed down there as there is nothing to stop them from doing so. Councillor Connor made that point that if there is such a difference in that the visibility splays cannot be achieved for the distance the committee cannot go against the Highways Officer's opinion. He stated that the applicant can bring a further scheme forward should they want to but reiterated that the current scheme cannot be approved, and the officers have made the correct recommendation.

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

**P104/24 F/YR24/0970/FDC
LAND TO THE SOUTH OF 8 CROWN AVENUE, CHRISTCHURCH
ERECT 1X DWELLING**

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 the proposed development is situated on a brownfield site which was previously occupied by a sewerage treatment plant which was decommissioned in 2010. She added that it is common for abandoned brownfield sites to become overgrown, and she disagrees with the Planning Officer's comment where they state that this leads to the site blending into the surrounding landscape.

Mrs White explained that the site is unkempt and is an eyesore at the end of Crown Avenue and she does not believe that the dense vegetation changes the classification of the site. She explained that the ground asset and boundaries are still present on the site albeit obscured by the overgrowth and if the site was cleared to clearly show its brownfield elements it would then become a magnet for anti-social behaviour due to its accessible but hidden location as well as a financial burden on the Council to keep it maintained.

Mrs White stated that location of the site behind 8 Crown Avenue classifies it as back land development rather than the residential infilling under policy LP3 and the existing access is located beside 8 Crown Avenue and although the new dwelling is situated towards the rear, it remains visible from the street due to the sites constraints and the necessity of keeping it within Flood Zone 1. She stated that the application proposes the development of a brownfield site within the village settlement to provide a new home and thereby positively supporting community growth which is supported by the Parish Council and also responds to a national pressure to provide new housing.

Mrs White explained that whilst Crown Avenue predominantly features two storey semi-detached homes by proposing similar properties on the site would be inappropriate due to the harm and impact of overlooking and reduction of privacy for neighbours, with the proposal being for a single detached two storey house with reduced eaves to mitigate the concerns. She added that unlike the first two reasons that the officer is recommending the application for refusal, the third reason was not addressed or brought to her attention during the application, and it did not form part of the

previous application either.

Mrs White explained that contrary to the statement indicating that the site is in a high-risk flood area, a Flood Risk Assessment was submitted in support of the application, and it concluded that due to the benefits of the defences the provide protection the site is not at risk. She explained that it is her understanding that the planning flood maps do not account for the existing flood defences which effectively protect this area.

Mrs White made the point that the strategic Flood Risk Assessment maps for Kings Lynn and West Norfolk Borough Council demonstrate that the site is not at risk during the 0.5% annual probability tide event with climate change or the 1% annual probability fluvial event with climate change and furthermore the site will remain safe during a breach of the defences. She stated that it is important to acknowledge that the new proposed dwelling is all located in Flood Zone 1, and it is only part of the access route that passes through Flood Zone 2 as does the end of Crown Avenue.

Mrs White stated that it is recognized that there are settlements within the district with potential development sites in Flood Zone 1 and it should also be noted that these areas in Flood Zone 1 often represent dry islands which are often surrounded by Flood Zones 2 and 3. She made the point that when considering access routes on a broader scale it can be argued that most sites have access routes within flood zones due to the low lying land which surrounds the settlements and when considering the Fenland landscape, in her view, it would be unreasonable for a development to fail the sequential test solely due to having part of an access route in Flood Zone 2.

Mrs White expressed the view that as a result the application site is considered to pass the sequential test and she added that from her understanding of the Local Plan, a separate sequential test was not submitted but could be if needed. She added that the application will not only rejuvenate an used overgrown brownfield site but will also enhance the areas safety and aesthetics, as well as reducing maintenance costs for the Council and provide much needed housing which will make a positive contribution to the area and she asked the committee to consider the broader benefits and support the application.

Members asked Mrs White the following questions:

- Councillor Mrs French stated that reference was made to the fact that the Council obtained the land in 2020, and she queried why the land was still in the Council's ownership when they sold their housing stock in 2009. Mrs White stated that she did not know the answer to that.
- Councillor Mrs French stated that with regards to flooding issues and the absence of a sequential test she notes the points made by Mrs White, but she will ask questions of officers.
- Councillor Marks questioned whether the site was previously or has ever been connected as a garden to the property in front of it? Mrs White confirmed that is the case.

Members asked officers the following questions:

- Councillor French asked whether the application is an invalid application due to the absence of the sequential test. David Rowen stated that it is the view of officers that there is no adequate sequential test submitted with the application, hence the third recommended reason for refusal. He added that whether that classes the application as being incomplete is down for the committee to decide, however, in the view of officers it is sufficient for a reason for refusal.
- Councillor Marks stated that the applicant has stated that they are happy to come forward with a sequential test and he asked whether it would be beneficial for the application to be deferred in order to allow that sequential test to be provided.
- Councillor Connor stated that he visited the site, and it is a brownfield site and the NPPF states that brownfield sites should be used in the first instance and, in his opinion, it is a brownfield site, and he will be supporting the application. He added that it makes a positive

contribution to the village.

- Councillor Marks stated that he asked officers during the Chairmans briefing for clarification as to when a greenfield site becomes a brownfield site and then goes back to being a greenfield site.
- David Rowen referred members to the glossary in the NPPF which contains advice and guidance and it states that the definition of previously developed land excludes land which was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. He made the point that as far as he is aware in this case, there are no buildings left on the site and any structures or remains of the previous operation are very much at ground level. David Rowen referred to the presentation screen and highlighted a photograph where it can be seen that the site has blended. He added that in terms of the wider issues about the acceptance or otherwise of it being brownfield land and he explained that the Council refused an application previously for development of the land and the condition of the land has not changed significantly since then. David Rowen added that with regards to the wording of the NPPF and giving weight towards developing brownfield sites, that has not changed either and if members were minded to grant the application, there would need to be an explanation with regards to what has changed from the previous refusal and, in his opinion, there does not appear to be any change.
- Matthew Leigh stated that with regards to the issue of abandonment it is not a simple choice to make with regards to whether when first looking at the site is it brownfield previously developed land or is its greenfield land. He added that it is acknowledged that there has been historic development on the site, and it has been determined by the planning courts what is abandonment and whether the benefit of being previously developed land has fallen away. Matthew Leigh explained that the courts have determined that there were four tests to use when considering whether a site benefits from abandonment or whether it benefits from a lawful use, and he added that there will always be a planning judgement requirement. He explained that the four tests are made up of condition of the building including whether the physical structure of the buildings have been removed which would suggest that abandonment had taken place. Matthew Leigh added that the second test would be for the period of non-use, and he added that 15 years is not an extensive period, but abandonment has been proved when there has been a far shorter period. He explained that another consideration is whether there have been any other uses and to his knowledge in this case there has been no other uses on the site and the fourth consideration is to consider the owners intentions and, therefore, steps need to be taken to look back to the original owners use of the site and in this case the original owners used the site as a storage area and treatment works which was moved to the site next door. Matthew Leigh added that the owners have not used the site since that period of 15 years ago and there appears to be no intent to carry on using it lawfully. He explained that the current owners irrespective of who they have never intended to use it for the lawful use and, therefore, in his opinion, it does lean to abandonment. Matthew Leigh stated that if members are looking to defer the application for the purposes of the sequential test then it may be worth a summary being provided to members with regards to abandonment in order that an informed judgment can be made.
- Councillor Marks questioned that if the present owner were to tidy up the site and started to use it would they need planning permission to use it as a yard or does the current planning permission that it had cover it even 15 years later? Councillor Marks added that he knows farmers who leave fields for 15 years so that could be classed as abandonment. Matthew Leigh stated that agriculture is not development and, therefore, it would not matter as planning permission is not required for anything that is agricultural.
- Matthew Leigh stated that this is where the four tests come into consideration, and he would suggest that if the application is going to be deferred then the detail surrounding abandonment can be incorporated within the officer's report for members to gain a better understanding.
- Councillor Mrs French expressed the opinion that it would only be right for the application to

be deferred.

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

- Councillor Marks expressed the view that something does need to happen to the site and the question is what would be the best use for the site as it is currently redundant, and he does not see how it can be backland development as the site has its own roadway down there. He stated that if the bushes were removed, he is confident that there would be concrete underneath which, in his opinion, would mean that it was a brownfield site still although it has not been used for 15 years.
- Councillor Connor stated that he called the application back under the scheme of delegation and he discovered it is a brownfield site. He expressed the opinion that just because the site has not been used for 15 years does not mean that it has been abandoned and he is convinced that it is a brownfield site, and, in his view, it will make a positive contribution to Christchurch and to Crown Avenue. Councillor Connor expressed the view that although he will accept a deferment, he would rather have his comments taken into consideration and for the application to be approved.
- Councillor Imafidon asked whether the deferment of the application is going to be based on the absence of a sequential test? Councillor Connor stated that is the case.
- Councillor Connor made the point that if the application were deferred it would not be an issue, however, in his personal preference it would be approved as it meets all the criteria, and the agent has agreed to undertake a sequential test.
- The Legal Officer explained that, with regards to the sequential test, the committee needs to be really clear that the outcome of the sequential test needs to be a predetermination issue, it is not something that can be addressed through conditions and it is not lawfully open to the committee to grant consent subject to the applicant carrying out a sequential test at a later date. She stated that the committee either need to be satisfied that a sequential test is not required and, in her view, given that the access to the site is within Flood Zone 2 that is a difficult conclusion to reach on the facts of the site or the committee need to defer in order to allow the applicant to carry out a sequential test and then come to the committee with that evidence to then decide whether they are satisfied either that the sequential test can be passed or that the sequential test fails but consent can be granted nevertheless by applying the exemption in the NPPF. The Legal Officer stated that her strong advice to the committee would be that if they have questions with regards to the validity of the need for a sequential test and the committee are minded to require the applicant to provide one to satisfy them then, in her view, the committee cannot grant but require a sequential test and they would have to defer in order for the applicant to bring the application back again.
- Matthew Leigh stated that if the committee seek to defer the application then the applicant is going to be asked to undertake a sequential test. He added that if members agree then officers can also seek to ascertain from the applicant whether they have any evidence to clarify the point concerning previously developed land. Matthew Leigh made the point that the applicant may have further information to assist both officers and members which goes above and beyond the information held and he would recommend that course of action to the committee.
- Councillor Connor stated that he has listened to the advice provided by the Legal Officer and would be happy for the application to be passed and deferred only on the grounds of the sequential test.
- Councillor Marks stated that the committee are of the opinion that the application passes everything apart from the sequential test. He added that regardless of whether the site is a greenfield or brownfield site, the only thing that the committee have concerns with is the sequential test and that is the only element that the applicant needs to come back with.
- Matthew Leigh stated that this course of action will make the decision-making process quite awkward when the application comes back before the committee as membership of the committee maybe different and members thought processes may alter.
- The Legal Officer stated that it is quite difficult to establish the principle of development on all other grounds apart from the sequential test, however, the sequential test goes itself to

the principle of whether this development is acceptable on this site or not. She added that she does not believe that members are straying into the area of illegality, but it is a very difficult decision to rationalise, and, in her view, it is a slightly unnecessary decision to rationalise. The Legal Officer added that if the committee consider that the sequential test is required then lawfully the committee cannot grant planning consent now as they have formed the view that the test is required and she fails to see why the committee would risk fettering its discretion at the next committee or to seek to determine some elements of the scheme. She added that it is difficult due to the fact that the application needs to be considered against the development plan as a whole and members of the committee need to be satisfied that the whole application on the site is compatible with the development plan and it is difficult to start to pick and choose elements of a scheme which are acceptable and for those which are not. The Legal Officer stated that she would strongly advise the committee to take no decision on any of the merits of the application until the evidence required on the sequential test. She stated that if the committee want to be satisfied as to the brownfield or not question with regards to the land then that information can also be obtained and then the committee can reconvene at a future meeting and have regard to all of the material considerations and they can all be considered in the relevant balance and be considered against the development plan as a whole and reach a determination at that point.

- Councillor Mrs French stated that she has listened to the advice of the Legal Officer and agrees that it would not be sensible to split the elements of the application. She added that the long-standing councillors on the committee know that it is a brownfield site, and she explained that she has been elected since 1999 and knows that the housing stock was sold in 2009 and questioned how the Council acquired it in 2010. Councillor Mrs French expressed the view that full information is required including when they acquitted the site and then the application can be determined in its entirety, rather than in small elements as it does not look professional for the committee or for officers.
- Councillor Marks made the point that he believes applications have been determined in a similar way previously, however, he will agree that a deferment is the correct way to proceed. He made the point that whilst he will support a deferment, in his view, it will just mean that the applicant will be able to provide further information which will mean there is further information for the committee to consider rather than just the one element. Councillor Marks added that the committee are of the opinion that the site is a brownfield site, and he questioned why time is being wasted ascertaining whether it is or is not and the only outstanding matter is the sequential test.
- Councillor Connor concurred with the point made by Councillor Marks and he added that in his view the application will make a positive contribution to the village and the street scene.
- The Legal Officer stated that because the committee do not have the evidence to know whether the sequential test is going to be satisfied or not. She added that members may find that once the evidence has been gathered and is brought back to the committee then it may be apparent that there is the need to turn to the exemption test because if the development cannot pass a sequential test because there were lower risk alternative sites, the committee may find that they need to make an evaluation of the flood risk of the site and whether it is safe against flooding for its lifetime. The Legal Officer stated that then it will be necessary to weigh that with the benefits of the scheme and by having some really clear compelling evidence and a clear steer on whether the site is previously developed land, whether that be brownfield or not, might be relevant to how the committee carry out the balancing exercise under the exemption test. She added that whilst the committee might be satisfied with their own knowledge that it is a brownfield site, when it comes to considering how the flood risk will be dealt with at the committee next time, the committee may choose to determine whether they may be able to still grant consent notwithstanding the site failing the sequential test that evidence might also be quite helpful to weighing how the committee feel about the balance required under the exemption test. The Legal Officer explained that is why she provided members with caution that it is all connected even when it does not necessarily seem to be at first.

- Matthew Leigh stated that he agrees with the points made by the Legal Officer and the need to balance the application and, in his view, it would be far better for the application to come back in its entirety.

Proposed by Councillor Mrs French, seconded by Councillor Marks and agreed that the application be DEFERRED in order to receive further information from the applicant and for a sequential test to be undertaken.

(Councillor Mrs French declared in accordance with Paragraph 14 of the Code of Conduct on Planning Matters that she is a member of Cabinet but has not been involved with this application)

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

P105/24 F/YR24/0662/F
SITE OF FORMER GAS DISTRIBUTION CENTRE, GAS ROAD, MARCH
ERECT 9 X SINGLE-STOREY DWELLINGS (3 X 1-BED AND 6 X 2-BED)

David Rowen presented the report the members.

Members asked officers the following questions:

- Councillor Marks stated that the previous application, which was also an abandoned site and allegedly a brownfield site, had not been used for 15 years and the application before the committee now, in his view, is the same as the site has not been used for at least 20 years. He added that the site has been cleaned and has overgrowth, and questioned whether the site is classed as a greenfield site.
- Councillor Connor stated that he knows the site and, in his view, it has been in that state for at least 25 years.
- David Rowen explained that the site being considered is of a slightly different nature, including the scale, considering whether it has actually returned and blended into the natural form of the area, which, in his view, it has not. He expressed the view that the most important aspect to consider is that the site is in the core of the settlement as opposed to a site on the edge of the settlement and the principle of the development of a site whether its brownfield or greenfield within the built form of a settlement is deemed acceptable under the policies of the Local Plan.
- Councillor Imafidon questioned whether the architects worked with the officers when considering the design and layout of the site? David Rowen stated that to the best of his knowledge there has not been any pre-application enquiry submitted on the site in relation to the development.
- Councillor Connor asked whether there is enough amenity space associated with the proposed dwellings on the site and will there be enough space to allow for vegetable patches on the site or will the area be covered by tarmac or concrete? David Rowen stated that it is evident from the site plan that all the units have the necessary amenity space as set out in Policy LP6 of the Local Plan. He added that with regards to the remediation of the site, there are comments within the officer's report made by Environmental Health with regards to the need to add cleaner soil on the site and, therefore, he is assuming that the long term intention for any redevelopment of the site would be that ultimately that the soil would be clean enough to be a conventional garden.
- Matthew Leigh stated that the application form for the proposal does not indicate that there has been any pre-application.
- Councillor Mrs French stated that she knows the site very well as it forms part of her District and Town Council ward, and she believes the site has not been used for maybe 30 years. She expressed the opinion that as far as she is concerned the proposal is over development of the site, especially when taking into consideration Kirk Ogden Close and the various other elderly persons bungalows in the town. Councillor Mrs French stated that to suggest

that the car parking for the proposed site is located away from the actual dwellings is, in her view, a nonsense. She added that the 1 metre width footpath is not wide enough to accommodate a disability wheelchair, and she believes it is highly unsuitable. Councillor Mrs French added that the application for site is overdeveloped and whilst the site is right to be developed there does need to be the correct development on it.

- Councillor Connor expressed the view that the application must be one of the worst applications he has ever come across. He added that he knows the site very well as his father used to operate a scrap yard from the site almost 44 years ago and he added that he can categorically advise the committee that the site is very contaminated, and he has serious concerns that the arsenic at the site along with the other contamination will last thousands of years. Councillor Connor added that he is also concerned that even by adding 2ft of soil to the surface it will still not remediate the situation. He stated that the 19 dwellings which received planning permission some years ago, never came forward as it was unviable and now the current proposal is not only unviable, it also a bad case of putting the application before the committee. Councillor Connor added that the officer's have made the correct recommendation and stated that he agrees with Councillor Mrs French that there could be some sort of development on the site, however, this is not the right application for the site. Councillor Connor referred to the email which had been circulated to the Planning Committee members and he stated that, in his opinion, members should take no notice of the content of the email and the application should be refused and the applicant should be asked to submit a more comprehensive and better application to come before the committee and he recommended to the committee to refuse the proposal.
- Councillor Purser stated that he also knows the site well and agrees that the application is not viable and should be refused.

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

(Councillors Connor, Imafidon and Marks declared, in accordance with Paragraph 2 of the Code of conduct on Planning Matters, that they had been lobbied on the application but will remain open minded)

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

(Councillor Purser declared, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a Member of March Town Council and is a Member of their Planning Committee but there is nothing on the agenda that affects his decision making)

**P106/24 F/YR24/0707/O
94 WESTFIELD ROAD, MANEA
ERECT UP TO 4 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS AND SCALE)**

David Rowen presented the report the members.

Members received a presentation, in accordance with the Public Participation Procedure, from Matthew Hall, the agent. Mr Hall stated that the principle of residential development of the site is acceptable and forms part of the officer's report at 10.4, with the proposal being a small scale development for four bungalows and is located in Flood Zone 1. He made the point that Natural England as well as the Ecologists at the District and County Council have no objection to the proposal.

Mr Hall explained that there were three reasons for refusal initially and he was surprised to see two of the reasons cited for refusal as he was not aware of them and his Ecologist wrote to David

Rowen who acted immediately and consulted with ecology, and he is pleased to say that those two reasons for refusal have now been removed. He explained that he has worked with the Highways Authority and has purchased a boundary map with regards to the enlarged access which proved that the enlarged access can be carried out along with the visibility splays in each direction and the Highways Authority do not object to the application.

Mr Hall made the point that a turning head has been shown in the plans for the application which, in his view, allows a refuse freighter to enter and exit the site and all the properties have garages and adequate parking which can easily be achieved on the site. He added that section of Westfield Road is straight and there are no objections from Highways, originally Manea Parish Council objected to the proposal on highways grounds, but he has worked with Highways who are content with the proposal along with the Parish Council who no longer have any objection with the enlarged access.

Mr Hall made the point that the proposal is for four bungalows and is a small-scale development and there will be no overlooking, with bungalows being committed as part of this application and, in his opinion, they will have adequate garden area and will have a plot area which is greater than a third and adequate parking. He referred to the presentation screen and the map displayed, and highlighted the site which was approved earlier consisting of 23 dwellings and runs all the way along the western side of the site which is shown in orange, with those dwellings still be built, however, he is aware that the developer is keen to commence construction, and those dwellings will be between 20 and 24 metres away from the bungalows in this application.

Mr Hall stated that the existing property to the southeast is located about 40 metres away from the proposed nearest bungalow and there are a number of trees to the western side of the site which are all to be retained. He added that there have been no objections from any of the consultees on the the proposal, including the Parish Council, Highways, Tree Officer, Environmental Health, Archaeology, Ecology and Anglian Water.

Mr Hall explained that members will be aware of the adjacent site which has been approved and other larger developments on this site which, in his opinion, sets the character of the area. He reiterated that the proposal is for a small scale four dwelling development for bungalows.

Members asked Mr Hall the following questions:

- Councillor Marks asked whether the surface water is going to go straight into the Darcy Lode? Mr Hall explained that an attenuation pond has been included which will hold the surface water and then at a controlled rate of 2 litres per second it will go into the Darcy Lode which is all in the ownership of the site. Councillor Marks asked whether the water would go into the Anglian Water system at all, and Mr Hall confirmed that it will not go into their water system.
- Councillor Marks whether the applicant is the owner of the site at the present time? Mr Hall confirmed that is the case.

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

- Councillor Marks stated that this site is located within his ward and, in his opinion, the site next door was a far better application, which included more space between the properties. He made the point that he does believe that there will be overlooking into the bungalows and on the application it does only state dwellings and does not confirm them to be bungalows. Councillor Marks expressed the view that he does think that the application is for too many dwellings in a very narrow corridor, and he does not like the application and has concerns over the access to the site. He added that he will not be supporting the proposal.
- Councillor Mrs French and Councillor Purser both agreed with the points made by Councillor Marks.

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

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

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

(Councillor Marks declared, 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.)

**P107/24 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)**

This item was withdrawn.

3.54 pm

Chairman