

PLANNING COMMITTEE



WEDNESDAY, 2 APRIL 2025 - 1.00 PM

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

APOLOGIES: ,

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

P108/24 PREVIOUS MINUTES

The minutes of the meeting of 5 March were read and confirmed and signed as an accurate record, subject to an amendment to Minute P102/24, where it should state that it was proposed by Councillor Mrs French and seconded by Councillor Imafidon and agreed that the Tree Preservation Order be confirmed.

P109/24 F/YR24/0468/O LAND SOUTH OF 116 - 122 NEW ROAD, CHATTERIS ERECT UP TO 20 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

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

Members received a presentation, in accordance with the Public Participation Procedure, from David Ward, an objector. Mr Ward stated that the applicant has submitted a proposal on land which is not in his ownership, explaining that there is a strip of land which contains a metre wide dyke running behind all of the bungalows in Green Park and this area was fenced off against the applicant's property and has been the legal factual possession of the residents of Green Park for the last 50 years. He stated that the applicant's company is aware that they do not own the strip of land and illegally removed all of the fencing that runs along their properties.

Mr Ward expressed the view that if the application is granted then the Council may find that developers submit planning applications on land which is not in their ownership. He explained that there was a Judicial Review on the parcel on land which took place in June 2003 where planning permission was refused for a similar sized development and the Inspector for the Secretary of State had at that time stated that the proposals were of a significant harm both to the character of the area and the amenity of the adjoining properties, with planning permission being refused due to the fact that there was no benefit stemming from the development which was sufficient to outweigh the harm.

Mr Ward added that drainage calculations provided by the applicant are incorrect and appear only to rely on the rainfall entering and using recognised greenfield rates and ignore the massive watershed which comes from the three lanes of the bypass which deposits water downhill into the

site and at least doubles greenfield rates. He made the point that pooling will also occur due to the fact of the methods that the applicant is proposing to provide drainage with the roads being sited on top of clay and water does not dissolve in clay.

Mr Ward added that rear gardens are unusable every single year and to cope many residents have had to dig trenches along the side of their bungalows in order to prevent water from entering their properties and in significantly bad weather those steps have often proved to be insufficient. He explained that a dyke which has been constructed on the Lancaster Way development has needed to be initiated in front of the houses since the development commenced due to the fact that the flooding was coming from New Road into the buildings.

Mr Ward expressed the view that the large 5 bedroomed house located behind his property will mean that his rear garden will be in shade for most of the day and he expressed the view that it will also impact his privacy, which he feels is unacceptable. He added that the orientation of the house means that the bungalows along the east side of Green Park will have all of their gardens overlooked removing any privacy that they have.

Mr Ward expressed the opinion that there are many valid reasons for not approving planning permission which are valid planning reasons including overshadowing a neighbour's property which causes loss of light, overlooking other homes causing lack of privacy and the appearance being out of character with the existing properties. He added that there have been no houses or buildings built in the area which have been located behind bungalows as they have always been built before it.

Mr Ward made the point that the plans for the area are, in his view, over developed in accordance with the point made by the Secretary of State as it appears to be so similar to the previous proposal. He added that there is a negative effect on nature as two protected species are located on the site and there is a lack of need for the development as Chatteris has already reached its quota for buildings.

Mr Ward expressed the view the Cromwell Community College Sixth Form is already oversubscribed, meaning that some pupils are having to be transported to St Ives. He expressed the view that there is a detrimental impact to neighbour's amenity by impacting the quality of life of the neighbourhood which has many older residents.

Mr Ward made the point that the size of the development is too large for the size of the area allocated for development and the gardens will be too small especially when considering the 3 metres which belongs to others. He stated that the negative effects of character and appearance of the area and other developments have not seen buildings built behind bungalows as there has always been a normal bungalow or spaces between.

Mr Ward stated that with regards to the property and the access, there is going to be at least an additional 50 vehicles given the proposed size of the development and the proximity to the Primary School and the new Lancaster Way development, means that there is likely to be a major risk of accidents to children or passers-by and there has already been an accident in front of Lancaster Road along New Road along with several accidents caused by exiting onto the bypass. He expressed the view that there is going to be significant noise coming from the development due to the fact that they are located in close proximity to his home due to the small size of the gardens which he feels are too small for the size of the proposed dwellings.

Mr Ward requested the committee does not grant the application for a couple of main reasons and if it can be proven that the application is not similar to the previous one which was refused then the Council could find that they are facing legal action as happened with a site in Whittlesey. He added that if the committee choose to grant planning permission then they will be knowingly allowing an application to be passed on land which is not owned and set a permanent precedent.

Members asked the following questions:

- Councillor Mrs French asked for the date of the Judicial Review, which was confirmed as June 2003.

Members received a presentation, in accordance with the Public Participation Procedure, from Lee Bevens, the agent. Mr Bevens thanked the Planning Officers for their proactive work in bringing the application before the committee and referred the committee to section 4 of the officers' report, explaining that the same site was approved for 20 dwellings in 2004, ref F/YR03/0054/F, which included 18 four-bedroom houses and two five bedroomed houses. He stated that the application before the committee proposes a maximum of 20 dwellings and does not commit the scale or mix of dwellings, making the point that the site is in outline format and only the access has been committed.

Mr Bevens explained that he has worked closely with the County Council Highways Officers from commencement of the application to ensure a safe and coherent road format. He stated that biodiversity and ecology have been the biggest issue on the site, he has submitted detailed biodiversity net gain metrics and biodiversity reports for the site which demonstrate that the biodiversity obligations can be met and subsequent reports will be submitted at the reserved matters application stage when the definitive number of dwellings and mix will be proposed and the appropriate biodiversity measures taken to ensure that great crested newts and reptiles are protected.

Mr Bevens explained that he has addressed all the other relevant issues during the planning process and any subsequent reserved matters application will be brought forwards to the Council to review and make comments as necessary. He made the point that the site accords with the spatial strategy as set out in LP3 of the adopted Local Plan and the site is in a sustainable location.

Mr Bevens explained that there are no outstanding statutory consultee objections and the conditions suggested by the Planning Officer have been agreed. He added that he understands that a Section 106 Agreement will have to be completed which will be done, and he is happy to proceed on that basis.

Mr Bevens stated that given the officers recommendation is one of approval based upon the proposal amounting to sustainable development and that fact that it accords with the development plan, he asked the committee to approve the application.

Members asked Mr Bevens the following questions:

- Councillor Mrs French asked Mr Bevens whether he had any knowledge of the Judicial Review? Mr Bevens responded that he was not aware, however, his client had provided him with a title drawing which demonstrates the extent of the boundary.
- Councillor Mrs French stated that, with regards to land ownership, is Mr Bevens sure that the applicant owns the whole site? Mr Bevens explained that the red line which forms the whole of the location plan is in accordance with the title plan which the applicant has provided to him.
- Councillor Mrs French asked whether the proposed dwellings are going to be bungalows or houses? Mr Bevens explained that his preference would be for the properties to be bungalows, however, the application is only in outline format and when it goes to market then the application would be to go for bungalows on the site.
- Councillor Marks asked whether the number of dwellings is likely to be more than the 20 proposed? Mr Bevens stated that given the conversations with biodiversity and ecology then he feels that there are likely to be less dwellings on the site with a more appropriate number being 15 homes. He added that from conversations he has had it is setting a maximum number in order to provide more green space on the site.
- Councillor Marks stated that when reviewing the site history, it went for review in 2003 and

then approval in October 2004 as well as being brought back and then withdrawn in October 2018. He asked for an explanation with regards to the delay. Mr Bevens responded that the applicant has had other sites and other matters to deal with and has just left it. He added that the previous application, which was withdrawn, was for more housing on the site, however, he does not think that this will be the case with the current application. Mr Bevens expressed the view the site will come forward with more bungalows in the reserved matters application.

- Councillor Gerstner asked Mr Bevens confirm that the time obligations for biodiversity can be met? Mr Bevens stated that the time frames can be met, and he is content with all of the conditions suggested by the officer and the Section 106 elements of it.

Members asked officers the following questions:

- Councillor Mrs French asked why the Judicial Review is not mentioned in the officer's report? David Rowen stated that he was not aware of the Judicial Review and the information he holds is that planning permission was granted for a full application with 20 dwellings in 2003. He explained that is 22 years ago, and the report in front of members today gives a full assessment of the application in relation to the current policies of the Local Plan and National Planning Policy Framework and the application complies with those and on that basis the officer has made their recommendation. David Rowen added that whilst there is reference made within the report with regards to the site having had permission in the past, in his opinion, that is only a passing reference and there is no significant weight given to that due to the age of any previous decision on the site and the officers recommendation is on the basis of the assessment of the current planning policies.
- Councillor Mrs French stated that there is a reduction from 25% to 20% for affordable housing and she does not find that acceptable. She added that with regards to the Section 106, which is for £40,000, only £6,168 is for education, and she questioned where the rest of the contributions are that the County Council have requested. David Rowen stated that the application was submitted in 2024 and, therefore, the Local Plan viability review which was undertaken by the Council in 2020/21 is still considered to be relevant and is a material consideration. He added that the affordable housing contribution and the financial contribution set out do accord with that and are consistent with the approach which has been taken with a number of other applications of this scale over the last few years.
- Councillor Connor expressed the view that the detail surrounding viability needs to be reviewed again.
- David Rowen stated that as of November 2024 and the publication of the new validation lists, the submission of an up-to-date site-specific viability assessment is something that is now required. He added due to the fact that this application predates that is why the approach that is being taken with this application.
- Councillor Mrs French stated that she understands the point that David Rowen has made but, in her view, somebody is going to have to pay towards services. She explained that there are contributions towards primary education of £145,496 requested, secondary education £126,265 and she questioned how those figures are going to be met as there is a shortage of school places. David Rowen stated that he agrees with Councillor Mrs French, and added that it is clear that £40,000 does not cover the requested contributions, which he stated is a fairly common situation in Fenland. He made the point that the committee will recall a number of applications where the fully requested contributions have not been met. David Rowen stated that the Council's assessment has indicated what is a viable level of contribution and the application meets that. He added that members will also be aware that it is not necessarily grounds to refuse an application because there is not the delivery of the full range of financial contributions.
- Councillor Mrs French stated that when considering the contribution of £40,000, there is £332 towards a library which, in her view, is a ridiculously small amount along with the contribution for the ambulance service which is £740. She stated that if there is going to be 20 dwellings regardless of whether they are going to be houses or bungalows, somebody has to pay for this, and the current contributions, in her view, are not acceptable.

- Councillor Marks questioned whether the roadway will be a private road and not adopted, and he also made reference to the refuse collection. David Rowen stated that the southern part of the access road is indicated to be of a shared surface which would not be adopted by the County Council. He added that dependent on the standard of the build and whether the Council's Refuse Team were provided an indemnity to go down there could be the case or a private refuse collection may be used. David Rowen stated that condition 16 refers to a refuse collection strategy which should be submitted to and approved in writing by the Local Planning Authority alongside the reserved matters and, therefore, it is addressed through the condition.
- Councillor Mrs French stated that should a road be adopted it would need to be made up to an adoptable standard and would also be governed by a 20mph speed restriction.
- Councillor Connor stated that he knows the land very well, explaining that it used to be scrap metal yard and due to that fact the land will definitely be subject to contamination as the Environment Agency did not undertake any enforcement until the early 90's. He stated that he would like assurances that there will be a detailed survey undertaken to ascertain the level of contamination in the land and the remedial action required. David Rowen stated that the Council's Environmental Health Team have been consulted as part of the application, and they hold a detailed history of historic scrapyards and, therefore, should be aware of the site. He added that their comments are included in full within the officer's report and they have requested a condition known as unsuspected contamination which is included as condition 23 in the schedule of conditions.
- Councillor Connor referred to the road and questioned whether it is going to be adopted? David Rowen stated that from the submitted details, it appears that the adopted half would be built to an adoptable standard including the appropriate width with footways and it is the lower half which is unadopted and, therefore, there is a potential for a split in terms of that arrangement. He added that there is no obligation for a road to be adopted and whilst the upper half maybe to an adoptable standard it is not necessarily the case that it would actually be adopted by the County Council.
- Councillor Connor stated that he has undertaken site visits and looked at developments similar to the one being determined and found some of the road surfaces to be in an awful condition. He asked that if the application is approved then could it be conditioned so that until the road is made up to an adoptable standard then the last dwelling remains unoccupied or unsold? David Rowen stated that there is a difference in this application due to the fact that the site is not 100% to be served off of an adoptable road as there are quite a number of the dwellings that appear to be served by a private roadway. He added that he is unsure whether the same wording would be applicable in this case or quite as reasonable. David Rowen added that if the committee are minded to want a condition to that effect then it is something that could be potentially delegated to officers in conjunction with the Chairman for appropriate wording to be formulated. Councillor Connor expressed the view that it would give him great comfort and he would hope that the committee would also be in agreement.
- Councillor Marks stated that, with regards to the roadway, it would appear from the site plan that there is an element of block paving included, and he was of the view that block paving is not acceptable for road surfacing as an adoptable standard. David Rowen stated that part of the road that is indicated as being a shared surface would not be to an adoptable standard, and he referred to the presentation screen and indicated the section in golden colour which does not appear to be a road that would be adopted by the County Council.
- Councillor Marks referred to the presentation screen referred to the first section where there is only one house on the plan before the block paving is reached and then a tarmacked surface and questioned whether there is going to be a mixture of road surface types. David Rowen referred to the presentation screen and explained that there is an area of shared surface or different coloured surface within the grey road section. He added that that it could be an indicated traffic calming measure but the rest of the roadway down to the point of the turning head within the middle of the site does appear to be to an adoptable standard in terms of the road width and predominantly the use of a bounded material including footways.
- David Rowen made the point that whether or not the road is adopted or not is not a material

planning consideration and would be dealt with, in the view, of officers appropriately through the relevant conditions indicated.

- Councillor Gerstner asked whether the refuse collection freighter is going to be able to access the unadopted road? He added that consideration needs to be given to the fact that there is a proposal for up to 20 dwellings there and on the indicative site plan there does not appear to be a great deal of room for pedestrians. David Rowen referred to the presentation screen and stated that there is a roadway which is 5 metres wide and typical for a width in an estate along with a 2-metre-wide pedestrian footway and is more than the required adoptable standard. He expressed the view that there is nothing to indicate that the site cannot be accessed adequately, and the Highway Authority have not raised any concerns in that respect.
- Councillor Connor made comment with regards to Section 38 Agreements dealt with by the County Council and the County Council cannot insist that developers make roads up to adoptable standards, they can only advise them.

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

- Councillor Mrs French expressed the view that she does not think that it is a good application as it appears to have too many details which are not confirmed along with other uncertainties. She added that there appears to be a dispute with land ownership, a Judicial Review which members have no details of, and an unknown factor of whether there are going to be bungalows or houses. Councillor Mrs French made the point that whilst that detail will be known at the reserved matters stage, the application is for up to 20 dwellings, but the agent has stated that it could be 15. She expressed the opinion that she is aware of a roadway in Christchurch which still is not finished even after 22 years which impacts 38 dwellings. Councillor Mrs French stated that she does not like the application, and she is not going to support it.
- Councillor Sennitt Clough stated that she is also aware of an unadopted road with raised ironworks, which remains unadopted after 10 years which has an impact on the residents who live there and their vehicles. She added that as an elected member she represents residents, and she does not feel comfortable with a number of aspects which have been outlined regarding the application.
- Councillor Marks stated that he agrees and also has unadopted roads in Manea. He made the point that the application before the committee has a piece of land which has previously had planning permission granted and whilst there are concerns over the roadway and the number of houses, consideration needs to be given to the fact that technically there is still a piece of land which could have something built on it. Councillor Marks expressed the view that it is poor that there is not more information to accompany the application including number of dwellings and the roadway but if comfort can be provided that the roadway will be brought up to a standard, albeit not adoptable. He stated that the application is for houses which the site has already had, and he does not see how the committee can refuse the proposal when considering the officer's opinion.
- Councillor Connor stated that he agrees with Councillor Marks, and added that in 2004 the site had planning permission for 20 houses and was withdrawn in 2018. He expressed the view that he does not see how the application can be refused in its present form. Councillor Connor added that as far as the road is concerned, which is his biggest worry, if it could be stipulated that the last 2 houses cannot be occupied until such time as the road is either adopted or brought up to an adoptable standard then it would alleviate that concern. He stated that he does not feel content to refuse the application although he does appreciate the points made by Councillor Mrs French.
- Councillor Marks stated that he does understand the points made by Councillor Connor, however, the number of properties is still not known for sure at the current time and he is actually considering whether it would be worth deferring the application so that there is a categoric number of dwellings in order that it can then be agreed how to proceed regarding occupation and the situation concerning the roadway. He referred to the indicative site plan and stated that he also has concerns with regards to the roadway as there appears to be an area of block paving after house number 1. Councillor Marks expressed the view that he is

not content to see the application refused as there are some unknown elements but he would like to see the application deferred.

- Councillor Imafidon stated that the application is in outline and the number of units and type of dwellings is still not known. He stated that the committee need to make a decision based on what is in front of them.
- Matthew Leigh stated that the application is in outline and applicants are allowed to submit applications in outline form with a certain level of unknown, including number of dwellings, lack of clarity on scale, mass in bulk and housing mix. He added that as decision makers the committee needs to be confident that an application can come forward and can be acceptable and, therefore, the two elements need to be balanced against each other. Matthew Leigh added that normally members are worried that there could be more dwellings rather than less which is often the issue and the agent has explained that it is relatively urban in appearance and elements such as biodiversity net gain and public open space needs to be taken into account. He expressed the view that he would not be content with regards to imposing a condition where it stated that it had to be adopted because there is not requirement for that to be but he understands the members concerns with regards to highways, access, vehicular movements within the site which is a completely relevant planning consideration. Matthew Leigh explained that if members have a strong feeling with this point then rather than looking at adopting where that maybe more appropriate for other schemes when taking into account the scale of this scheme and the fact that it is probably unlikely that it would be adoptable and the fact that the number of dwellings is not known is a concern, it would be possible to require a condition to require a hard standing and access details to be provided and for that to be provided prior to occupation of first dwelling. He explained in theory should permission be granted then they could deliver the dwellings at the front by getting approval under the hard standing and then that would mean that rather than having a cap on the number that could be completed and then still not having the roadway they would have to provide the roadway for each dwelling. Matthew Leigh explained that as this is a fairly small site there are no concerns with regards to interactions between different roadways where on a larger scheme it would not normally work. He expressed the view that there is a potential for a condition that could overcome the members concerns which he would suggest is delegated to officers.
- Councillor Connor stated that if the application was passed in outline form could it be brought back to the committee in detailed stage in order to address members concerns. David Rowen stated that it would depend on the scheme of delegation at the time of any reserved matters or full submission. He added that if the minutes stated that the committee requested that they wished to see any future detailed scheme on the site be considered by the committee that could be something that officers could ensure would happen.
- Councillor Connor asked for clarity that officers are confirming that the detailed scheme would come back to the committee. David Rowen stated that if it is noted in the minutes that members have requested that a full or reserved matters application is brought before the committee then it would be something that the officers dealing with such an application would address such a request at that time.
- Matthew Leigh added that it would be down to the authority of the Head of Planning to send any application to the committee, and he would hope that would be done.
- Councillor Mrs French expressed the view that there are still a number of points which have not been addressed which includes the issue of contaminated land. She made the point that if the application were to be approved then the applicant does have three years and by that time the District and County Council will not exist.
- Councillor Marks stated that the applicant has held on since 2004 and another three years will not make much difference, however, it will make a difference to some of the residents. He added that in three years they may come back for 25 or 30 dwellings, and he made the point that the application before the committee is recommended for approval by officers, however, he is not happy for the application to be approved due to the number of unknown factors. Councillor Marks stated that if the application is deferred with a number of questions for the agent to consider and then to come back to officers in a timely manner at that point

the committee can then reconsider the application. He stated that, with regards to the roadway, whatever is put in place is, in his view, a good idea so that the applicant knows that is what they are up against unless they want to bring the roadway up to an adoptable standard. Councillor Marks reiterated that he feels that the application should be deferred.

- Councillor Gerstner stated that the committee need to consider the application before them and access will be dealt with at the reserved matters stage, along with other factors that members appear to be concerned with.

It was proposed by Councillor Gerstner, seconded by Councillor Imafidon to approve the application as per the officer's recommendation, however, this was not supported by a majority vote.

Proposed by Councillor Marks, seconded by Councillor Mrs French and agreed that the application be DEFERRED in order to receive further information from the Agent.

(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. He further declared that due to the fact that he attended a meeting with the residents in New Road, some years ago, he does not feel that he would be able to remain impartial with the knowledge that was given to him and, therefore, he did not take part in the discussion and voting thereon)

(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)

**P110/24 F/YR23/0996/O
LAND NORTH OF HIGH TREES, RECTORY ROAD, NEWTON-IN-THE-ISLE
ERECT UP TO 6 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

Tom Donnelly presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from David Pritchard, Patrick Humphris and Kate Humphris, objectors. Mr Humphris stated that he is representing a large number of residents from the village of Newton who object to the proposal and has three points that he wishes to highlight to the committee, stating that the application does not constitute infill development and is, therefore, contrary to policy LP3 of the Local Plan. He referred the committee to the advice and detailed policy analysis provided by an independent planning consultant that he has engaged along with the officer's report which has concluded that it is not infill development.

Mr Humphris referred to the presentation screen and made the point that the photo shows sporadic housing on Rectory Road and the surrounding area which is green and beautiful countryside. He stated that his second point refers to the rural character of this part of Rectory Road which, in his view, would be harmed by the proposal and should make it contrary to policies LP12 and LP16 of the Local Plan.

Mr Humphris drew members attention to the aerial photo which clearly demonstrates, in his view, that the site is flat arable land and the surrounding area is mainly open fields, has sporadic dwellings and no linear development. He stated that he objects to the proposal because it will harm the rural character of Rectory Road and is contrary to planning policy.

Mr Humphris explained that the residents of the village overwhelmingly object to the development and strongly oppose the plan and have made their views clear through 42 letters of objection and by their attendance at every Parish Council Committee meeting. He expressed the view that he

finds it baffling that some of the Parish Councillors have not listened to the views of residents or taken their concerns raised with regards to planning policy and material considerations seriously.

Mr Humphris added that, whilst it is recognised that a tension will always exist between how to keep Fenland growing without losing the uniqueness of Fenland, the Local Plan clearly sets out that Fenland has a unique character with its flat open landscape and big skies as well as complex networks of drainage channels and watercourses and he asked the committee to help to protect the balance and to refuse the application.

Mr Pritchard stated that the application site is landlocked and, therefore, a discharge pipe has been added which only just touches the corner of the whole field, diverting all of the water from the site and much of the remaining field into higher flood zone. He explained that the permission to discharge given by the Lead Local Flood Authority is subject to riparian rights and he owns the adjacent field and dyke which has those riparian rights.

Mr Pritchard stated that his land is already saturated and, in his view, he is being put at an increased risk of flooding so he does not give his permission. He explained that the village has no amenities and, therefore, the site is not sustainable, with there having already been over 20 houses for sale in Newton as well as the threshold for houses having already been met with a six and a half year surplus without the additional nine houses which have recently received approval on the same field and with the same owners.

Mr Pritchard expressed the view that the development is not in accordance with current policies or emerging Local Plan. He stated that it will cause demonstrable harm to the rural character and environment of the village, and he asked the committee to support their officer's recommendation of refusal.

Members asked the following questions:

- Councillor Gerstner asked why the Parish Council appeared to be in favour of the proposal when there was clearly so much objection from residents in the village? Mr Humphris responded that he finds it baffling when there was so much objection from the residents. He added that the Parish Council decision was not unanimous and there were some Parish Councillors who were in opposition and some who abstained and the only other point that he can factually note is that the applicant is a Parish Councillor and is the applicant's sister.
- Councillor Connor stated that he would have expected both the applicant and Councillor Clark, the applicant's sister, to have abstained from voting and they would have hopefully made no comment and left the room.
- Councillor Connor asked whether the majority of the Parish Council voted in favour of the application? Mrs Humphris, also a Newton Parish Councillor, stated that the majority, but not all of the Parish Council voted for the proposal. She explained that she objected, and she raised concerns at the meeting with the concerns raised by the local residents attending the meeting not being listened to.
- Councillor Mrs French asked for clarity with regards to the field flooding. Mr Pritchard explained that in the winter months there is always a lot of water which sits on top of the field and his piece of land is adjacent to the field which he finds he cannot walk to the bottom of due to the water level being so high.
- Councillor Mrs French asked whether the applicant or agent has made any contact with him concerning the ownership of half the dyke? Mr Pritchard confirmed that no contact had been made. Councillor Mrs French expressed the view that is the first thing that they should have done.
- Councillor Marks referred to the application for nine dwellings which the committee approved at a recent meeting and flooding was raised as an issue. He asked Mr Pritchard whether his field is actually drained at the present time? Mr Pritchard explained that he is the third generation in his house and the family used to farm the field which falls down to the

dyke at the rear of the property and the garden and there is no land drainage as it is a natural fall into the ditch. Councillor Marks made the point that mitigation measures such as land drainage could be implemented if the field is already wet and asked what the perception is of a Fenland village as, in his view, it is houses built on the roadside and not back garden developments as a standard. Mr Humphris stated that there are different categories of Fenland villages which includes one which are designated as small villages and Newton is classified as a small village B, and the proposal is located at the very end of the village. He added that the Planning Officer explained that the application is not really considered to be in the centre of the village and the aerial photo highlights that the village is off to the left of that photo and that is why there is very sporadic housing at that end of the village location. Councillor Marks stated that there are other properties in the area which are located on the roadside and, therefore, regardless as to whether they are in the centre of the village or on the outskirts most Fenland villages have sporadically built properties as you go in and go out of the village. Mr Humphris agreed, however, in this case, he feels the dwellings are sporadic and there are not 6 houses in a linear development. He referred to the presentation screen and explained that on the entire length of Rectory Road there are 6 houses and the proposal is to add a further 6 houses in a very small plot almost doubling the number of houses on the road in a concentrated area and that is introducing a population and housing density which does not suit that end of the village. Councillor Marks expressed the opinion that is down to interpretation. Mr Humphris stated that it is not interpretation it is a fact with regards to the number of houses and the size of the village and the location at the edge of the village which is all factual information.

- Councillor Imafidon asked whether there is any historic evidence with regards to the site flooding in the field which Mr Pritchard made reference to? Mr Pritchard explained that when he walks down the field to the rear garden where he keeps geese and animals the ground is very soft under foot as you get close to the dyke due to the natural fall. He added that beside it in the field the photograph on the presentation screen shows the amount of water that just sits on top of the field and he explained that when he built his own house, the development had to stop due to the height of the water table which was high so the footings could not be dug. Mr Pritchard added that the level does rise very high in the winter and falls naturally into the dyke and disperses and currently the dyke is still half full and maintains water through a fair part of the year. Councillor Imafidon asked whether the water remains stagnant in the dyke and does not flow anywhere. Mr Pritchard explained that the water builds up.
- Councillor Sennitt Clough asked whether there are adequate properties for the young people who live in the village and she made reference to the number of houses for sale in the village questioning whether people stay in the village and are properties too expensive for people to stay in the village. Mr Humphris explained that he is also a father of two children and there are children in the village, with there being a nice playing field in the middle of the village. He added that there is a lack of school spaces so other people that his family knows who have children have had to send their children to school in Littleport as there are not enough spaces in Thomas Clarkson Secondary School which he believes is an issue. Mr Humphris added that Newton is a nice village and is a nice green and open place for children to grow up despite the fact that there are no amenities.
- Councillor Sennitt Clough asked whether the children as they grow choose to stay in the village. Mr Pritchard explained that he is the third generation in his parent house which was falling down and he rebuilt it. He added that because there is not really anything in the village for children to do he would have to transport them out of the village to various places to take part in activities. Mr Pritchard explained that there are no sports teams in the village and only a small playing field and he found life to be quite boring as he grew up. Mrs Humphris explained that with regards to families' prospects in the village, Mr Pritchard is third generation as is the applicant but she is relatively new to the village and there is a really good mix of people who live there with new people moving in. She added that when considering whether people with families stay in the village consideration has to be given to employment and where people can find jobs which will determine whether they will be able

to stay in the village.

- Councillor Connor stated that if villages in Fenland do not expand then they could die and the way to get more services, in his opinion, is for development of houses and more footfall.
- Mr Humphris stated that there used to be a school in the village, a post office and shop which all closed. He added that it is like a chicken and egg situation, if the village expanded significantly then maybe some of the amenities would open again, but, in his view, you cannot build to the scale and then expect those amenities to come. Mr Humphris added that when there is a designation of small village, the people who live in the village do not choose to do so because it is a suburb of Wisbech, they live in Newton because it is a rural green village and people who chose to live in Newton did that knowingly. He explained that there is already significant building in the village and Newton has exceeded its targets by 133% and there is already a great deal of building which is taking place on brownfield sites across the village and Newton is in a very healthy position having exceeded all the building targets. Mr Pritchard added that there are 18 properties currently for sale in the village and, therefore, there are properties available should people want to move in.
- Councillor Gerstner asked for clarity on the number of dwellings available for sale. Mr Pritchard said the additional 9 dwellings are where planning has been approved recently on the High Road in Newton on the same field which are still to be built.
- Councillor Gerstner stated that he finds this application difficult as the Parish Council has identified the site as part of the emerging plan for the area and it forms part of their future. He added that there were letters of support for the proposal as well as those in objection, however, the Parish Council appear to put quite significant weight into supporting the proposal.
- Councillor Mrs French stated that she does have concerns with regards to the flooding and she also has concerns that the applicant has not contacted Mr Pritchard with regards to discharging into the shared dyke.

Members received a presentation, in accordance with the public participation procedure, from Andrew Clark, the applicant and Chris Walford and Peter Humphrey, the agents. Mr Humphrey stated that the application is in outline form for 6 dwellings, with the application being submitted in November 2023. He stated that the site is located within Flood Zone 1 and as a result of a drainage issue which was highlighted recently, Mr Sharman from the North Level IDB walked the dykes at the rear of the site to investigate what the issue was and it was noted that there was a blockage due to a load of potatoes having been dumped into the dyke and Mr Sharman stated that he would deal with the matter.

Mr Humphrey stated that the application site drains the other way to Mr Pritchard's and a drainage strategy has confirmed that the site can be drained satisfactorily with no detriment to any adjoining landowners. He explained that the Parish Council support the application and although it is controversial, the Parish Councillors are the elected members and they have supported the application at both of their meetings on 21/3/23 and 20/09/24 particularly with the addition of a footpath to the frontage of Rectory Road so that people can almost walk the square without walking on the road.

Mr Humphrey added that the application predates BNG and, therefore, that does not need to be taken into consideration and the Highway, North Level IDB and LLFA find the application acceptable, with the archaeology team requesting an investigation. He expressed the view that he is disappointed to see the officer's recommendation for refusal, particularly with regards to LP3 small villages, where the policy states that development will be considered on its merits.

Mr Humphrey expressed the view that the merits of the proposal are enough to warrant support. He circulated an email to members of the committee which he had received in August 24 from a previous Planning Officer who had advised that the application was being written up with a recommendation for approval and the officer had asked him to agree pre-commencement conditions which he did and he never heard anything further until the committee report was

published last week with a recommendation of refusal which he found most surprising and he asked the committee to consider the application under its original recommendation from officers, according to the email which he received which was for one of approval.

Members asked Mr Humphrey the following questions:

- Councillor Imafidon asked why he has not chosen to circulate the email he received previously rather than wait to Planning Committee itself? Mr Humphrey stated that he did not see the need to do so.
- Councillor Marks asked Mr Clarke to confirm how long he has actually owned the field? Mr Clarke confirmed that the field has been in the family's ownership for 80 years or more, with the family having grown cut flowers. Councillor Marks asked Mr Clarke whether he has ever known there to be any flooding issues? Mr Clarke stated that the field is fairly well drained as he grows cut flowers on it.
- Councillor Marks referred to the presentation screen and the issue of infill development making the point that the approved application for 9 dwellings on the High Road, in his opinion, was infill development. He explained that officers have advised him that the 6 dwellings on Rectory Road take up 100 metres and questioned how many metres the application on the High Road took up as infill development. Councillor Marks added that consideration needs to be given to the fact that on Rectory Road there is one property on either end. Mr Walford explained that to the best of his knowledge the other development on the High Road was 130 metres wide with the one on Rectory Road being closer to 100 metres. Councillor Marks made the point that the distance is shorter but in the opinion of officers it is not infill even though there is a property at either end which is the same scenario as the High Road. Mr Walford explained that both applications have a property at either end and, in his opinion, if one is infill the other is the same due to the fact that there is a house either end.
- Councillor Mrs French asked whether anybody has contacted the other owner who shares the riparian dyke? Mr Clarke explained that he has not contacted them, but he added that he did contact the Drainage Board because he owns 30 feet of the dyke and he believed he only had to contact the Drainage Board. Councillor Mrs French made the point that with a riparian dyke it does belong to both parties and if one is going to undertake works then there should be an element of courtesy to advise the other owner. Mr Walford referred to the presentation screen and indicated that any water will flow away from Mr Pritchard's land and towards the IDB network. Mr Clarke explained that it actually flows both ways.

Members asked officers the following questions:

- Councillor Mrs French referred to the email that Mr Humphrey had circulated with regards to agents and applicants being misinformed with regards to their applications and she added that this has happened on a previous occasion and must not happen again.

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

- Councillor Marks stated that the application for the 9 dwellings on the High Road came before the committee on a couple of occasions and officers have added that in their view the new application is not infill development even though there is a property at either end which is the same as the approved application on the High Road which is longer. He stated that he cannot see how this application cannot be classed as infill, and it is not back land development. Councillor Marks stated that he can see nothing different and added that members are told that they need to be consistent in decision making. He stated that the majority of the Parish Council voted for the application to be approved, and he added that he will be looking to support the application.
- Councillor Benney state that he agrees with Councillor Marks and added that members need to be consistent in their decision making. He added that villages die if they do not grow, and he explained that he visited the site and drove around the village where, in his view, there has been other building along Rectory Road as it is evident from the type and style of architecture. Councillor Benney made the point that Doddington is a prime example

of what housing development can bring to a village as it was going to lose its shop but now has two. He added that development keeps schools alive and brings prosperity and services to an area and he can see nothing at all which is wrong with the application, and it is infill.

- Councillor Sennitt Clough expressed the view that Newton is a lovely peaceful village and she appreciates the concern in retaining that beauty and peacefulness but feels it is better to see a local man who wants to build a small number of houses rather than a larger developer who has no local knowledge. She added that she does understand the need to retain the sense of tranquillity in the village, but she does support the views of both Councillor Benney and Marks.
- Councillor Benney stated that if somewhere has the right kind of development and the right kind of people then it brings an enhancement to an area. He added that he agrees with Councillor Sennitt Clough that you do not want to see the wrong kind of development on this site and, in his view, this is the right kind of development.
- Councillor Marks stated that in Manea, the village is full of large applications and the application in Newton is a small application and members need to be consistent. He added as the committee have only recently approved development on the High Road, it would not be right to then refuse this application and say it is not infill.
- Councillor Connor stated that the majority of the Newton Parish Councillors voted in favour of the application and whilst it is not a material consideration their views do need to be considered.
- Councillor Gerstner stated that the application is in Flood Zone 1 and, in his view, villages do need to stay alive, and it is not impossible. He referred to the village of Coates where a small supermarket is being introduced because of development in the area and Planning Committee have seen small shops being passed by the committee previously and there is hope for the villages if they are let to go and breathe then they may get amenities which come along. Councillor Gerstner stated that he fully supports the views of the other members.
- Councillor Connor stated that Turves is another prime example and has not grown in the last 20 years since the Red Barn Estate and is slowing dying as it has no shop or public house, meaning that people do need to travel. He added that villages do need to grow but with sympathetic development. Councillor Connor expressed the view that he does think that it is infill development with a house each side and he will look to approve the application.

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

Members did not support the officer's recommendation of refusal as they do not consider that it falls under LP3 and feel that it is in the sign postage of Newton and it is not detrimental as it will add character and bring sustainability to the village

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

P111/24

F/YR24/0899/O

LAND NORTH WEST OF 100 WESTFIELD ROAD, MANEA

ERECT 3 X DWELLINGS AND FORMATION OF A POND AND BIOSWALE INVOLVING THE REMOVAL OF CONTAINERS AND IN FILLING EXISTING POND (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS AND LAYOUT)

Tom Donnelly presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Lee

Bevens, the agent. Mr Bevens stated that the application seeks approval for the erection of three dwellings on the application site and subsequent biodiversity BNG metric would be produced as part of any future reserved matters application, which would address the mandatory 10% BNG requirement. He stated that the planning officer's report at 1.2 makes reference to the fact that the proposal represents a form of development which fails to respect the built form of this part of the village, but he drew members attention to application F/YR24/0635/RM, which the committee approved for 24 two-storey dwellings, immediately to the north of the site, which goes further back behind Westfield Road than the current application before the committee.

Mr Bevens drew members attention to F/YR23/0337/F, which was for the erection of four dwellings, 2, two-storey three-bedroomed dwellings and two single-storey houses at land south of 37A Westfield Road, opposite the site, which was approved by the committee in August 2024. He added that both these applications offer development behind the main frontage of Westfield Road and made the point that if the application is approved then a full foul and surface water strategy will support a reserved matters application.

Mr Bevens referred to 1.3 of the officer's report regarding the long nature of the access and he explained that details of external lighting would form part of the reserved matters application and there is no reason to assume that the lighting or the height of the dwellings will give rise to a detrimental impact on nearby dwellings. He explained that plot 1 is over 45 metres away from 104 Westfield Road and 40 metres away from 98 Westfield Road, with the properties orientated at 90 degrees to the houses fronting onto Westfield Road to avoid any loss of privacy or overlooking and, in his view, he cannot foresee how any long term disturbance will be caused other than the limited time to construct the development any more than the adjacent approved scheme for 24 dwellings.

Mr Bevens circulated a hand out to members of the committee and stated that officers have referred to the application site as to being in Flood Zones 2 and 3 and he explained that it is only part of plot three that enters Flood Zone 2. He stated that plots 1 and 2 are not located inside Flood Zones 2 or 3 and made the point that the Council has recently approved a number of schemes in the immediate proximity of the site and these are indicated on the circulated handout.

Mr Bevens added that these sites are located on a lower point than the proposed scheme which includes the four-bedroomed dwelling at Westwood Farm which was approved a few years ago, 2 four-bedroomed houses along Fallow Corner Drove and four-bedroomed dwellings at 106 and 110 Westfield Road. He explained that as part of the reserved matters application a subsequent drainage strategy as well as full details of flood mitigation measures will be detailed to ensure that properties do not flood, and he asked members to reconsider the recommendation for the application and grant the application.

Members asked Mr Bevens the following questions:

- Councillor Marks questioned Mr Bevens as it is his understanding that he was involved with F/YR20/0186/F which was an application for one single dwelling located by the barn, and he indicated it on the presentation screen. He asked how far out of the ground that needed to be built due to flood mitigation measures which had to be incorporated? Mr Bevens stated that he was advised by the drainage consultant to build approximately two metres out of the ground. Councillor Marks asked how much further out of the ground will that stand compared to the proposed three dwellings? Mr Bevens stated that the three proposed are not as low as the four-bedroomed dwelling at Westwood Farm. He added that the flood risk consultant suggested that 300mm of flood resilient construction but, in his view, he does not see them being anywhere near that far out of the ground. Councillor Marks asked whether Mr Bevens would agree that the dwellings would not be seen as you drive down Westfield Road? Mr Bevens stated that is correct.
- Councillor Benney asked for clarity with regards to the location of what flood zones the dwellings will be located in. Mr Bevens stated that plots 1 and 2 are not in Flood Zones 2 and 3,

part of plot three is located in Flood Zone 2. Councillor Benney asked whether the actual building is located in Flood Zone 2? Mr Bevens confirmed that it is only part of it. Councillor Benney expressed the view that the maps are so far out of date, and he asked whether the attenuation ponds will be located in Flood Zone 3? Mr Bevens confirmed that is correct.

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

- Councillor Marks stated that he knows the area well and he rents a shed in the next-door adjoining buildings, with there having been various developments which have appeared over a period and there have been developments which the committee have refused due to land use and access concerns. He stated that he is very much in favour of this application as are the Parish Council and he has considered what the agent has said with regards to flood zones and added that the property which is raised out of the ground, in his view, looks very much out of place because of the height of the building. Councillor Marks made reference to the handout provided to the committee by Mr Bevens which indicates the other developments, and he stated that he will support the application against the officer's recommendation.
- Councillor Imafidon stated that the word consistency is used on many occasions when the committee determine applications, and he recalls visiting Manea and reviewing all of the developments that the committee had approved in the area. He stated that to remain consistent he does not see any difference with the application before the committee and he will support it.
- Councillor Benney stated that he agrees with Councillor Marks that it is a good solid development, and he recalled passing another property in Fallow Corner Drove which needed to be built 6 foot out of the ground, however, now it looks very good and does not look out of place. He added with regards to the point being made that the site is located in the open countryside when you consider Glebe Close which is in very short walking distance from the site that actually goes out much further into the open countryside than the application site does. Councillor Benney expressed the view that there comes a time where you have to build where you can build, and he questioned whether Manea should be filled with lots of little houses or whether it would be better to see some nice dwellings. He added that the site further along was approved a few weeks ago and he believes that there needs to be some consistency, and he added that this site and application is worthy of passing.
- Councillor Marks added that as far as he is aware he has never known the application site to flood and the Darcy Lode runs to the bottom of that and he has never seen that part of the Darcy Lode flood either and, therefore, he has no concerns with regards to flooding at the site.
- Councillor Connor stated that the Parish Council have raised no objection to the application and that should be taken into consideration.
- The Legal Officer stated that the Code of Conduct and Constitution states that if there has been a recent refusal and should any member wish to propose the application for approval, then that proposing member needs to explain the change in planning circumstances since the last refusal.
- Councillor Connor confirmed that the last refusal was in 2021.
- Councillor Marks stated that he will propose that the application be approved against the officer's recommendation as the field above the red line as shown on the presentation screen has now got development along with the area across the road from the application site and a number of properties have been granted planning permission within the local area. He added that the house that is raised out of the ground has also been granted permission and, therefore, within the last 3 years there has been a significant amount of development in the area.
- Councillor Marks referred to LP12 and LP16 stating that those parts of the Local Plan are very subjective, and he does not feel it can be seen as inappropriate when there are another 20 dwellings to be developed in the vicinity. He stated that the Parish Council are in favour of the proposal, and he cannot see it as making any difference to the streetscene as the properties will not be able to be seen.
- The Legal Officer stated that with regards to Flood Zones 2 and 3, there needs to be clarification with regards to why that is not a reason for refusal. Councillor Marks referred to the presentation screen and highlighted the bottom property on the left-hand side which is built in Flood Zone 3 and mitigation measures were included so that it was built out of the ground and,

therefore, in order to remain consistent there has already been approval given for a dwelling in Flood Zone 3 less than three years ago.

- David Rowen highlighted the difference between the current application and the application that Councillor Marks had made reference to, namely Westwood Farm. He added that he recalls that the dwelling was granted because there was actually a need that the committee accepted in relation to a dwelling being required on the site and a tie through condition of the occupancy of that dwelling to the adjacent commercial operation. David Rowen added that consequently there would be no need for a sequential test in that instance as opposed to the current proposal which does not have those sort of site specific circumstances and, therefore, there is a fairly distinct difference between the two sites in terms of consideration of flood risk.
- Councillor Marks stated that he is not aware on what grounds the previous application was refused on and the agent has explained that only a small proportion of one of the dwellings is located within Flood Zone 3 and, therefore, he is considering the application on face value today, with only one property out of the three being in Flood Zone 3 and members have heard previously that maps alter fairly regularly. He stated that officers have advised that they cannot do an overlay map and advised that is down to the responsibility of the agent which he understands, however, there is one property in Flood Zone 3, others in Flood Zone 2 and he feels that the committee needs to be consistent.
- Councillor Connor stated that the agent has confirmed that only half of one of the properties is located in Flood Zone 3 and it conflicts with officers' opinion. He added that two of the dwellings are probably in Flood Zone 2 and 3 and at Chairman's briefing it was discussed that it was down to the agent to undertake the proper work and, in his opinion, the agent has undertaken the proper work. Councillor Connor added that there are mitigation measures which can be looked at and he is happy to support the application.
- Councillor Benney stated that in Elm, several years ago, there was an application where the dwelling was in Flood Zone 1 and next door was in Flood Zone 2 and it was noted that the dwelling in Flood Zone 2 was actually higher out of the ground than that in Flood Zone 1. He expressed the view that the maps are very vague as are the maps that the Environment Agency publish. Councillor Benney stated that most of Fenland goes from Flood Zone 3 to Flood Zone 1 and he made the point that there should be Flood Zone 2 between the other two zones but for 90% of the area there is not.

Proposed by Councillor Marks, seconded by Councillor Benney and agreed that the application be GRANTED against the officer's recommendation with conditions delegated to officers in conjunction with the proposer and seconder.

Members did not support the officer's recommendation of refusal as they feel that there is other development which has been granted permission in the vicinity and, therefore, a precedent has already been set.

(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)

**P112/24 F/YR25/0006/F
LAND SOUTH OF HORSE CREEK FARM, COLDHAM BANK, COLDHAM
ERECT 1 SELF BUILD DWELLING**

Tom Donnelly presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Deptford, the applicant, and Shanna Jackson, the agent. Mrs Jackson explained that the proposal is for an occupational dwelling for the applicant and his family to reside in to enable the applicant to be on site 24 hours a day, 7 days a week in order for him to be able to maintain the local drainage system within the area. She explained that the second reason for refusal relates to visual impact and the perceived harm to the countryside and, in her view, this is subjective given the fact that the

dwelling is proposed to be located next to the existing buildings and set against the backdrop of these buildings and located within a small cluster of development, in her view, the dwelling would not cause visual harm to the character and appearance of the countryside.

Mrs Jackson referred to the third reason for refusal which relates to flood risk and she made the point that given that there is an essential need for the dwelling to be in this specific location and that it will facilitate the maintenance of a local drainage system and that an acceptable Flood Risk Assessment has been provided the proposal passes both the sequential and exception tests.

Mr Deptford stated that he would like to refer to the first reason for refusal and explained that the dwelling is required to support his business, adding that he is a fourth generational farming business and his son has just returned to the family business to ensure that it continues. He explained that he has recently expanded the farming operations to approximately 890 hectares of owned, rented and contract farmland, and none of the land has any available housing.

Mr Deptford explained that he has farmed the land where the proposed dwelling is located since 1942 and originally there were three farms which his grandfather combined, and it had several dwellings on the farm and up until the 1970s there were five houses on the farm. He added that during the 1970s these houses were all demolished as they were badly built and suffered from significant subsidence, making the point that there is a history of housing on the farm.

Mr Deptford explained that he has a sustainable ongoing business and due to expansion, the demands to be on the farm in person have increased significantly over the last four or five years. He made the point that he has over 150 lorry movements a year, loading and unloading of produce as well as numerous stores which require constant checking along with the issues of theft, trespass and hare coursing.

Mr Deptford added that one of the reasons he needs to be located on the farm is due to the private drainage board which is one out of only six in the whole of the Middle Level and his is the largest which incorporates 340 hectares which drains his land and small parcels of land next door. He added that the farm is drained by a single pump and like many in the area is 70 years old and is becoming increasingly demanding to maintain and this is particularly relevant due to its age and changing weather patterns.

Mr Deptford stated that due to increasing demands in winter months and in particular requires daily weed cleaning for up to an hour a day and vigilance in case of breakdown as water levels can rise extremely quickly. He expressed the view that a breakdown of the pump would be extremely concerning which was the case during the winter when the pump broke and resulted in the installation of three temporary diesel pumps to control the water until the pump was fixed which took four weeks.

Mr Deptford explained that during this time it meant that he had to visit the farm four times a day to check the water levels were not rising and this means he was on site at 5am and 11pm throughout the Christmas period which was not pleasant. He stated that this is a job which requires expertise and knowledge which not many other people have, and he explained that the implications of a major breakdown are obvious and would include flooding of his land, some of his neighbours and that would result in a loss of income for both of them.

Mr Deptford made the point that he can commit to farming in the March area, and operates a viable multigenerational farming business which is a new generation involved for the future and an ongoing need to be present on the farm both for business, land and drainage management.

Members asked the following questions:

- Councillor Marks asked how much water is pumped off of the land within a season? Mr Deptford explained that he would not know an actual figure, but explained that it is a lot.

Councillor Marks stated that most pumping stations that were 70 years old would have had a house connected to it because they had a full-time pump man on site, and he can see the necessity to be on site. Mr Deptford stated many years ago there used to be a diesel pump there and a member of staff would be there all night running the pump and now the pump is electric.

- Councillor Mrs French asked Mr Deptford to confirm what he farms on his land? Mr Deptford stated that he farms oilseed rape, wheat, sugar beet, beans, peas and mustard.
- Councillor Connor asked Mr Deptford to confirm where he lives now in relation to the pumping station? Mr Deptford explained that he lives in the middle of Wimblington. Councillor Connor made the point that it is quite a distance. Mr Deptford stated that he spends an hour and a half to two hours a day driving backwards and forwards and does 30,000 miles a year managing the farm by driving backwards and forwards.
- Councillor Marks asked Mr Deptford how much farmland he farms around the area? Mr Deptford confirmed that there is 670 acres there and a further block further down the road of 200 acres.

Members asked officers the following questions:

- Councillor Sennitt Clough asked for clarification from officers as to why the application was recommended for refusal and asked whether there could not have been an agricultural tie to the building rather than a refusal. David Rowen stated that yes there could have been, but due to the policies at both local and national level, there is a requirement for there to be a demonstrated essential need for an agricultural worker dwelling on any site and unfortunately what has just been presented to the committee was not included within the application submission. He added that unfortunately that due to that lack of information and the lack of demonstration of an essential need is the reason why the application is before the committee with a recommendation of refusal.
- Councillor Connor stated that it is disappointing and due to the fact that Mr Deptford and Mrs Jackson have provided to the committee some relevant information, there may well have been a different officer's recommendation to consider.
- Matthew Leigh stated that members need to be very aware that what has been presented to them verbally must be given significantly less weight than to what has been provided formally as part of an application to them by officers.
- Councillor Mrs French stated that she has known the farming family of the Deptford's for many years and with the information that members have she would think that a favourable approval would be successful.

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

- Councillor Mrs French stated that after listening to the information which has been provided by Mr Deptford and Mrs Jackson, in her view, the application should be supported. She added that she is a member of 11 drainage boards, and she is well aware of the problems that the drainage boards do have with their pumps and it is not uncommon for the Chairman of the drainage boards to be up in the middle of the night as well. Councillor Mrs French added that she is aware that many of the drainage board pumps are old and need significant investment and the Council do pay Middle Level a precept to keep Fenland safe from flooding and last year that figure was £2.4 million. She added that if there is another private drainage board that are maintaining their pumps independently then she fully understands why they need to be closer.
- Councillor Benney stated that he knows the size of the farm that Mr Deptford operates as well as the drainage board and it is disappointing that the information that was provided to them in the verbal presentation did not form part of the written application. He added that part of the committee's responsibility is to take into consideration local circumstances and local knowledge and in view of that fact he feels that the application should have a recommendation to approve, although he does take into consideration the point made by the Head of Planning with regards to giving minimal weight to the verbal presentations. Councillor Benney expressed the view that in this case, members should be including their

own personal knowledge into the decision-making process, and he feels that the application should be supported.

- Councillor Sennitt Clough stated that she recalls a similar application determined by the committee last year where there was also a lack of information provided for an agricultural dwelling in Christchurch which the committee approved. She added that the committee received more information in the meeting and, therefore, in her opinion, in order to remain consistent, members need to recall previous applications and decisions made. Councillor Sennitt Clough added that as the applicant is a well-known local farmer then the agent may have thought that the committee had more local knowledge than they actually did about the family. She added that as an application was passed previously for an agricultural dwelling then there does need to be consistency, and she will support the application.
- Councillor Marks stated that he also agrees, and added that he presumes that the applicant has livestock as well and security for the site also needs to be a consideration and residing on the site gives an element of added security. Councillor Marks stated that officers are not mind readers and agents need to be putting more emphasis as to why applicants need to reside in this type of environment and provide that detail in their application submissions.
- Councillor Connor stated that Mr Deptford provided a very informative presentation to the committee and he is aware that the family are a very well respected multi-generational farming business, and he will support the application.
- Councillor Marks stated that had the information been provided in the application submission it may not have been necessary for the application to have been brought to the committee for consideration which would have saved significant time for officers, and he hopes that agents consider this going forwards.

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

Members do not support the officer's recommendation of refusal as they feel that the need for the dwelling to be on site overrides policy, they feel that LP12 and LP16 are very subjective as flood zones or the drainage board cannot be moved and the dwelling is required on the site.

P113/24 F/YR23/0914/F
LAND NORTH OF 3 WIMBLINGTON ROAD, DODDINGTON
ERECT 9 X DWELLINGS (6 X SINGLE STOREY 3-BED, 2 X 3 STOREY 5-BED
AND 1 X 2 STOREY 4-BED) INVOLVING THE FORMATION OF A NEW ACCESS
AND DEMOLITION OF EXISTING OUTBUILDINGS, AND ALTERATIONS TO 3
WIMBLINGTON ROAD INCLUDING SINGLE STOREY EXTENSIONS TO SOUTH
AND WEST ELEVATIONS, EXTENSION TO ROOF TO CREATE A FIRST FLOOR
AND ERECT A GARAGE

David Grant presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Alex Bateman, the agent. Mr Bateman explained that there was outline planning permission on the site and for the neighbouring site for 13 dwellings and a reserved matters application was submitted which was close to determination and approval but had to be withdrawn due to the option expiring. He stated that three storey dwellings were proposed on his part of the site in the top left-hand corner and, therefore, where this development is now down to single storey, three storey units were proposed in the original scheme.

Mr Bateman stated that he attended meetings with officers in the summer of 2024 prior to determination but that was postponed due to the need for ecology surveys which were required. He explained that the application was then passed to a new case officer who was less supportive of the proposal but following a meeting with officers a positive route forward was achieved,

however, he is surprised to have received the recommendation for refusal.

Mr Bateman referred to the presentation screen and provided images of his client's other developments in Doddington and the images show two schemes which have now been sold. He made the point that he is pleased to see that the officer's report supports the proposal in principle, and he referred to the report concerning the two three-storey units of plot 7 and 8 which are to be considered to be at significant odds with the scale.

Mr Bateman added that he finds this disappointing as it was not the conclusion reached at his meeting with officers in December as he was led to believe that there were no issues. He explained that unit 9 should be a two-storey dwelling stepping down to a three storey for unit 8 and that was embraced in the revised scheme and whilst the applicant has made the changes it would appear that unit 7 now has issues which he was not made aware of and the stepping up proposal is no longer acceptable which he feels is unjust and disappointing.

Mr Bateman made reference to the location of the dwellings at the termination of the development at the northern end and added that within the reserved matters application there are three 3-storey units in the same location, however, the two single-storey dwellings are not in that location. He explained that it is disappointing that these points were not picked up in his meeting with officers in December and it was embraced that the position chosen for the higher units meant that the development stepped up as you went through the scheme.

Mr Bateman explained that there is quite a substantial amount of vegetation at the front site which hides the single-storey units, and you go through the development to the bigger dwellings behind and there was no mention of bland and featureless elevations. He added that with regards to the bungalow there were concerns raised with regards to the extension to the existing bungalow and he made the point that there was no mention with regards to the extension itself being the issue and the concern appeared to be more about how it read with the rest of the development.

Mr Bateman explained that since the plan is to extend an existing dwelling there are limitations as to what changes can be made in order to make it blend through. He added that he has looked at the render colour in order to make the dark grey through with the rest of the development and he made the point that the existing bungalow already has a first floor and therefore there is already a dormer window so the proposal is only to include one additional dormer window to the development.

Mr Bateman expressed the view that it is better to see an existing dwelling and extend it rather than to demolish and replace it for no good reason. He referred to the cohesive design and referred to the presentation screen in which he had produced a 3d image which is taken outside of unit 10 and he explained that it demonstrates how the development progresses through from the single-storey to two and then to three-storey at the back.

Mr Bateman expressed the view that he embraces the position of the taller units because there was no impact on the overlooking of neighbours, and they were not overbearing on the front of the site and opened to the countryside behind. He referred to the potential overlooking from 20 Beech Avenue and explained that the presentation screen shows a slide which is taken from the rear garden of 20 Beech Avenue and on the other side of the trees there will be a single-storey bungalow, adding that the further slide shows an image from the garden looking at the other dwellings in Beech Avenue overlooking the rear garden of 20 Beech Avenue and they are two-storeys whereas the proposal is for a bungalow.

Mr Bateman explained that the display depicts the floor plan and there are no side facing windows and the nearest windows to his boundary are two obscure windows, the bathroom and the en suite. He stated that the further images show the vegetation that is existing between unit six and he added that the variety of rooms on the eastern elevation are essentially secondary kitchen, utility and garage doors.

Mr Bateman expressed the view that he did have lengthy positive discussions with officers and the officer's recommendation was at complete odds to that of the meeting he attended with officers.

Members asked Mr Bateman the following questions:

- Councillor Sennitt Clough referred to the presentations screen and asked whether the points relating to Unit 7 where it shows that there are 'no issues' and Unit 9 where it states, 'should be a 2 storey, stepping up to three storeys for Unit 8' are quotes taken from written communications that he has received. Mr Bateman stated that he attended a meeting with a Planning Officer, and they were his concluding points that were sent to the officer to confirm that this reflected the key points from the meeting.
- Councillor Sennitt Clough questioned whether the notes are Mr Bateman's notes and not notes from the officers. Mr Bateman confirmed that they are his notes.

Members asked officers the following questions:

- Councillor Gerstner stated that it would appear that the agent has been given some sort of indication that their application is positive. David Rowen stated that as the agent has confirmed the quotes that were given were in fact his notes of the meeting and not from the officer. He added that recollections may vary and the notes that the officer took from that meeting are slightly different in respect of the three-storey properties. David Rowen added that notwithstanding what may or may not have been said in terms of giving advice on the application, the information, judgements and conclusions within the officer's report are the material issues which members need to consider and what was not said during the application process is irrelevant to the committee's consideration of the application.
- Councillor Gerstner expressed the view that applicants who attend meetings with officers should, in his opinion, not be given any indication whatsoever during the pre-planning process of whether or not the application maybe approved. David Rowen stated that officers have discussions with agents and applicants as part of a pre-application and application process and any views given within that are an officer's view only and this is a commonly accepted practice and will not prejudice any future decision of the Council or any future recommendation that is made. He explained that sometimes instances do happen where advice is given and for whatever reason, the recommendation changes but ultimately it is not material to the determination by the Planning Committee of the application. David Rowen stated that the officer recommendation in the report is what matters to the committee and what may or may not have happened in the process of getting to that point is not something for the committee to be concerned with.
- Councillor Mrs French expressed the view that the application should be deferred in order that the two points can be redesigned.

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

- Councillor Mrs French stated that she has listened to the points that David Rowen has made, and, in her view, he is totally correct as it is nothing to do with the committee with regards to what happens when officers are working on applications and are making their professional opinions. She added that it does look quite a good application with a couple of small adjustments made and could be approved following a deferral.
- Councillor Marks stated that the application does have a couple of anomalies that need answering and he questioned whether it is worth refusing the application or should members look to defer and bring it back with the further information.
- Councillor Benney stated that the application needs to be determined by April 9 and, therefore, it cannot be deferred. Councillor Connor stated that a deferral could be an option if the agent would be happy to agree an extension of time. Mr Bateman confirmed that he would be content to agree an extension of time.
- Matthew Leigh explained that his assumption is that members are looking for further information in relation to a redesign of the scheme to challenge the two reasons for refusal. He advised the committee that they are quite significant changes to the scheme and from

looking at the application form, it does not appear that the applicant entered into pre-application discussions and, therefore, it would be a dangerous precedent to set to decide that the scheme was unacceptable and allow significant changes to be made. Matthew Leigh added that an applicant has the right to come and find out all the information that they need prior to applying and once an application is submitted there is no reason for officers to engage in any conversation at all. He stated that members appear to be relatively supportive of the application, however, where a small number of issues are identified then there should not be the opportunity to keep allowing further iterations of the scheme as that does have a cost implication to the Council which is in turn shouldered and a burden on its residents and, therefore, his advice to the committee would be to determine it in its current form.

- Councillor Mrs French stated that she takes on board the points made by Matthew Leigh and questioned that if the committee refuse the application can the application be resubmitted on a free go because the application would be significantly changed. Matthew Leigh explained that the opportunity for a free go submission was deleted in December 2023 by Central Government.
- Councillor Marks stated that there is a granted application albeit out of time application for 13 dwellings which has now been reduced to nine. He added that if the committee refuse the application and the applicant then appeals that refusal, the Inspector is likely to question on what merits it has been refused and then the Council may incur costs.
- Councillor Connor stated that it is not a material consideration, but it is a moral consideration.
- Councillor Marks added that if the committee take the other route, officers have advised that there is officers time to be considered which has a cost implication to residents and, therefore, is a no-win situation.
- David Rowen stated that application site that Councillor Marks had referred to was larger as it encompassed part of this application site and the property next door and, therefore, it was a different site and development. He added that the precedent that would be set with regards to unreasonable behaviour to be subject to costs would not happen. David Rowen added that ultimately officers would not be recommending a refusal to the committee if they felt that it could not be sustained at appeal and certainly there would be costs liable because of that.
- Councillor Marks requested clarification that in the site planning history if it was double the size why would officers still tell members it was the same site. He added that when he first read the report it stated 13 dwellings and the application has come down to nine dwellings, but it would now appear that the site has been reduced in size as well, but the report does not say that.
- David Rowen explained that it is included within the site history due to the fact that there have been dwellings permitted on part of the site is a consideration and the background section of the report does explain that permission and does explain how that permission was arranged over a slightly different site.
- Councillor Connor stated that members have heard what the agent has said and if the committee choose to defer, would officers be happy to re-engage with the agent. David Rowen stated that if the committee choose to defer the application then officers will work with the agent who has indicated that he will be prepared to engage and come up with a mutually accepted scheme.
- Councillor Connor stated that he would like to see the application deferred and the agent has indicated that he is happy to work with officers, which means there will be no appeal, and it will not be detrimental to any figures.
- Councillor Benney expressed the view that the application appears to be sound and, in his view, could be determined today. He added that with regards to the overlooking issue, in his view, when he visited the site, he does not see that there is a great deal of overlooking if indeed there is any at all. Councillor Benney added that the fact that it works its way from a single-storey to two-storeys to three-storey is based on the fact that it is a different type of application and who can state whether that is right or wrong.

- Councillor Connor stated that he knows the site well as he is the Local Councillor, and from the design and mix of the scheme, in his view, there is no reason why the application is unacceptable. He added that there are a variety of heights in the scheme as well as similarities in the property and designs. Councillor Connor expressed the view that it is a harmonious development, a good design and a distance of over 10 metres would generally mitigate the overlooking and the non-habitable second windows can be obscure glazed to mitigate any harm.
- Councillor Benney stated that he agrees with the points made by Councillor Connor and referred to the presentation screen, making the point that this application is not the normal type of application that the committee determines. He added that this application has had a great deal of thought applied to it and it is a good solid application. Councillor Benney expressed the view that slightly more interaction with the agent and officers would put it right, but if it is a significant change, there is a good solid application in front of the committee. He referred to the presentation screen and expressed the view that the point made with regards to overlooking, the overlooking depicted is no worse than a lot of other applications that the committee have dealt with. Councillor Benney added that the overlooking in this case is going to be to a bungalow and, in his opinion, the distance looks further than 10 metres. He stated that it is a good solid application and there could have been slightly more work undertaken to conclude the application in a more favourable manner but, in his view, to refuse it would be harsh.
- Councillor Connor stated that he agrees that it would be harsh, and he added that the comments he has made are relevant and he feels that it is a good solid application.
- Councillor Marks stated that there have been 8 letters of objection to the proposal and if any of those objectors had been concerned about overlooking to them they would be here at the committee today to state their case. He added that there are letters of support as well.
- David Rowen stated that if the application is granted by the committee, officers do not have any powers to require any further amendments to be made and it would be down to the applicant to do any amendments voluntarily.
- Councillor Marks stated if the application was deferred to give the applicant the opportunity to come back in order to make a minor change then, in his view, a deferment to make a minor change would be better. He added that if officers are advising that conditions cannot be added if the application is granted and if members want to have guarantees that those minor amendments are made then a deferral, in his opinion, would be better. David Rowen stated that it is dependent on the scale of the changes and part of the debate had been with regards to resolving the reasons for refusal which would involve the redesign of the properties so they were not three-storeys, possibly two-storey and then considering some of the overlooking issues. He added that now because of the proposal made by Councillor Benney, essentially 95% of the development is acceptable but with some slight tweaks to some windows. David Rowen added that the scope of discussions with the agent and the applicant now appears to have altered from earlier on in the debate.

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

Members do not support the officer's recommendation of refusal as they do not feel that the issue of overlooking is significant enough to warrant refusal.

**P114/24 F/YR25/0124/PIP
LAND NORTH OF 6 FALLOW CORNER DROVE, MANEA
PERMISSION IN PRINCIPLE TO ERECT UP TO 3 X DWELLINGS**

David Grant 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 application is for planning in principle development to try and establish a principle of residential development at this site within the growth village of Manea. He added that the application complies with Policy LP3 and is for a small development.

Mr Hall explained that he has listened to the debate this afternoon concerning flood risk and none of the properties are located in Flood Zones 2 and 3 as they are all located in Flood Zone 1 as is the parking for the dwellings, along with the swale and turning area. He explained that the existing entrance to the site is in the flood zone and is not changing and the existing property which was on the site would still be left with a 40 metres long garden which is over half of the plot area which would be left to garden.

Mr Hall stated that the access to the site is going to be improved and will be 6 metres wide for the four properties, with there being no objections from Highways, and it is the front section of the access which is located in a flood zone as are nearly all the properties located in Fallow Corner Drove. He stated that there is mature vegetation along the northern boundary of the site which abuts where an application for 100 dwellings may be coming forward and the mature vegetation is within the ownership of the applicant and, therefore, the development would not be visible from the north or, in his view, from the street scene.

Mr Hall referred to 10.1 of the officers' report where it states that the principle of development is acceptable under policy LP3, and he referred to the presentation screen where the map displayed identifies the adjacent approvals and, in his view, the application site is not in isolation. He made reference to an earlier application where the long driveway to that particular site is located and indicated to members where it is be located.

Mr Hall referred to the presentation screen and made reference to some previous approvals, including a development in Westfield Road, where the five dwellings extend well back from the frontage development which was approved under delegated powers as was the site depicted in blue which was for three chalet bungalows and a bungalow which are almost completed. He explained that the site-coloured orange was a brownfield site which is a site for over 20 dwellings which has been approved, making the point that next to the entrance of that site an application came to the committee in February which was deferred and was in a flood zone and the properties also extended back and was also recommended for refusal by officers and was not frontage development and that the development extended back in a flood zone and the application was deferred.

Mr Hall expressed the view that he does not think that the application site is in isolation and none of the properties are in a flood zone. He stated that when you look at other properties in Manea some of the developments are located in Flood Zones 2 and 3 and they have a long driveway which is similar to the application and the refuse freighter will be able to access the site as he has already checked that point.

Mr Hall made the point that it cannot be seen from the street scene and is set well behind an established line of dwellings and, therefore, in his view, the site is not in isolation.

Members asked Mr Hall the following questions:

- Councillor Marks referred to Fallow Corner Drove and stated that as far as he is aware apart from the area shaded in brown on the presentation screen, which was a new estate, there is no other back garden development until you get way past FJS Services which is at least half a mile. Mr Hall expressed the view it is about a third of a mile further on, but he added that he agreed that there is no development between the estate and the application site. Councillor Marks asked Mr Hall to clarify that he believes that there is back garden development towards Westfield Road. Mr Hall explained that there are areas off Westfield Road and the large estate off Fallow Corner Drive, where development has been allowed in

the back, but he agrees that there is nothing going towards Purls Bridge.

- Councillor Marks stated that in the officer's report at 1.6 it states that insufficient justification has been provided to demonstrate that development of the site is necessary in this instance having regard to national policy, making the point that it is his understanding that the site was purchased recently by the occupants who are now looking to undertake the development. He expressed the view that he is aware that there has been quite a bit of social media publicity including from the applicant who has requested that the village support the application as the applicant has stated that they do not like the area and are looking to dispose of the property. Mr Hall stated that the applicants have only owned the property for less than a year and added that in the officers report at 1.6 of the officer's report it relates to flooding, and none of the proposed properties are in a flood zone.
- Councillor Marks stated that the point he raised was with regards to the reasoning for the property and now the justification for the extra properties on the site.

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

- Councillor Marks stated that he attended the Local Parish Council meeting when this application was discussed, and he heard what had been said and has seen what has been written on social media since. He expressed the view that he agrees with what the Parish Council have stated which is that they feel that the application is for back garden development and there is nothing else along the road that is close to the application site. Councillor Marks added that having read the report it would appear that the applicant is trying to benefit by knocking down a garage, building three houses and then leaving the village with three dwellings that do not fit into Manea. He expressed the opinion that he wholeheartedly agrees with the officer's recommendation of refusal.
- Councillor Connor expressed the view that it is back land development and there is nothing there, which the aerial photograph clearly demonstrates, and he agrees with the officers recommendation which he will support.
- Councillor Benney stated that if the Parish Council and the Local Councillor are not supportive of the proposal then, in his view, those are good enough reasons to refuse the application.

Proposed by Councillor Mrs French, seconded by Councillor Marks 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)

P115/24

F/YR23/0525/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

David Rowen presented the report to members and drew attention to the update report.

Members received a presentation, in accordance with the public participation procedure, from Mr Savage, an objector. Mr Savage circulated a handout to members of the committee and explained

that his property backs onto the land associated with the application, and he has been in business for over 40 years and lived behind the property for 30 years. He explained that his main work is groundwork and drainage, and, in his view, he believes that the application should not be passed.

Mr Savage stated that as a joint landowner with the Fox family, the applicant has not sought his permission for any drainage or surface water to cross his land to connect into the pipe in the middle of the field which is shown on the handout provided to the committee. He explained that the applicant has not obtained any permission from the dyke owner of the Darcy Lode which the pipe from the field discharges into and which he maintains, but agrees that the applicant may have permission from the local drainage board but to get the surface water to the drainage board system, they have to pass over three landowners' properties and the IDB drain only starts two large fields away which is half a mile from the applicant's site.

Mr Savage explained that apart from himself and Mr Fox, the only other right of way is for the use of the public footpath and there is no mention of any third-party owner, making the point that permission needs to be sought from himself and up to the present time, no contact from the applicant has ever been made. He expressed the view that his concern is that without any robust drainage strategy this could result in flooding issues not only in the local area but also elsewhere in Manea causing flooding not only to his property but to neighbouring ones too, including Cox Way which borders the site and was developed five years ago.

Mr Savage explained that ,when the site was developed, a dyke which runs adjacent to the applicant's site was filled in and not piped which resulted in surface water being retained not only on the site but also filling the local network to the dyke on the road beside his property causing flooding. He added that his further concern is that further to the recent application on his own land, he was asked to introduce a holding pond by officers to alleviate any flooding and by allowing the seven properties in the application before the committee it could have an impact on his site by causing flooding to his own properties, with the agent for that application, Mr Hall, also being the Agent for his application two years ago.

Mr Savage state that at that time particular attention was given with regards to issues concerning potential flooding to both his and surrounding sites. He added that he would strongly request that the committee do not grant planning permission and take into consideration that he has not given any permission as a landowner.

Mr Savage expressed the opinion that the application fails to demonstrate a robust drainage strategy and if permission is granted to the application there is the likelihood of further flooding issues, not only to his property but also to the surrounding area. He added that Manea Parish Council are also not content with the application with the main reason for their concern being flooding.

Members asked Mr Savage the following questions:

- Councillor Mrs French asked whether the owner has made any contact with him at all asking if they can access his dyke as the officer's report states that Mr Fox has contacted him? Mr Savage explained that Mr Fox has been contacted but he has not. Councillor Mrs French asked whether it is a legal agreement at this stage? Mr Savage stated that it is not.
- Councillor Benney stated that from what Mr Savage has advised the committee today, the discharge from the site has got to cross his land. Mr Savage explained that it has to cross part of his land as well as Mr Fox's and a farmer's land down the bottom. Councillor Benney added that if that cannot be achieved is it likely to cause flooding to his property. Mr Savage confirmed this to be the case.
- Councillor Benney stated that he understands that Mr Hall was the Agent for an application which Mr Savage submitted, and he asked Mr Savage whether the extensive drainage works he had to undertake as part of his application would be overridden if the present application were to be approved? Mr Savage advised that it could cause an issue if the

works are not undertaken by proper people who can ensure that the water can discharge off of the site as the pipes that they wish to go into are not even shown on a map. He added that there are many unknown factors to consider including the size of the pipe and whether it can cope with the water.

- Councillor Marks stated that flooding in Manea is a serious issue, and he recalled a flooding event one Christmas where he spent a night baling out various areas including an area very close to the application site. He referred to the filled in dyke at the back of Cox Way and he asked whether it was piped? Mr Savage stated that the dyke was not piped. Councillor Marks stated that the water from there is running off Cox Way into the field as well. Mr Savage explained that there is a big flooding issue at the current time on the actual property.
- Councillor Marks stated there is a pipe which runs from Cox Way to the Darcy Lode, and he recalls going to the Darcy Lode when there have been flooding episodes and it is owned by a farmer, not the IDB or the Middle Level. He added that the pipe takes the water to the bottom and from there it goes to a culvert which backed up and flooded previously and he asked Mr Savage whether he concurs with that. Mr Savage stated that following a flash flooding event, he had been lending pumps out for residents to pump their gardens, and he then cleaned the whole back of the dyke out to get rid of the water from the High Street.
- Councillor Marks referred to the 32 houses that are now being built behind the pub, and he recalls Mr Savage attending a meeting which he had arranged regarding flooding concerns in Manea, with there being an issue of the water which is going to enter the Darcy Lode before the pipe work for the site. Mr Savage stated that the pipe has not been connected in the road as of yet, but the planning permission has been approved for the connection to be made, and all of the 36 properties will be coming into the same dyke. He made the point that there is nothing on paper to determine whether the dyke can cope with all the extra water and, in his view, it is about time that people make a stand and say that the dyke cannot take any more water until it is surveyed properly.

Members received a presentation, in accordance with the public participation procedure, from Tim Cliss, the applicant, and Matthew Hall, the agent. Mr Cliss stated that he would like to focus on the history of flooding and the history of the site, within the officer's report it makes reference to the fact that there appears to be a history of poor drainage and localised flooding in the area, and he made the point that most of that information is unsubstantiated or has not been formally reported and he would even go further and add that there is no evidence for it whatsoever in his opinion. He explained that he was born in 12a Westfield Road, 62 years ago, and he played in the garden when he was a child as his father had made the whole garden into a football pitch and he played there throughout his childhood, and he can guarantee that rain never stopped him from playing even though the Winter.

Mr Cliss added that the site of 12a Westfield Road does not flood and does not even suffer from surface water, and he still has a football pitch in the garden for his children which is still used in the winter. He stated that when he heard the points made by Councillor Marks, with regards to his intimate knowledge of the site, he was horrified because as he is the owner of the site and lives there, he knows the site inside and out, with his mother having passed away three years ago, and he lives there which is the reason why he is selling the property.

Mr Cliss explained that all he is trying to do is to maximise the estate as infill, with the property being surrounded as there were no other dwellings anywhere, on either side or behind and he is a little bemused that the application has been highly recommended and then deferred due to the so-called flooding issue in the area on the site, making the point that he does have an intimate knowledge of a lifetime of being on the site and there has never been an issue. He added that with regards to the Highways report, previously the opinion of the Highways Officer was positive and this time the positivity is even greater, and the only objection appears to be on the matter of drainage.

Mr Cliss explained that the pond was always located on the site as a natural feature in the 1960s and in the 70s his father dug it out and it was made three times deeper than it was originally and it has always adequately drained the site. He made the point that there will be increased run off with the development but on the site plan, the swale, the drainage base of the pond will be extended to twice its size to form a short term collection point so that if there was very heavy rainfall it would adequately collect all the water, with the attenuation of that subsequently draining very slowly over a long period of time down to the Darcy Lode.

Mr Cliss stated that he would hope that the committee will agree with the officer's recommendation of approval for the application from the outset and he apologised to Mr Savage as he did not realise that the associated works for the application would involve encroaching onto his land which is why he has not approached him. He added that he was under the impression that it would go along the public byway and across Mr Fox's land, which he has received permission for.

Members asked Mr Hall and Mr Cliss the following questions:

- Councillor Marks stated that he will stand by what he has stated previously where three Christmas's ago he had to request the assistance of the Fire Service at 11pm to a property adjacent to this site because of flooding and the water could not be disposed of. He added that following that a public meeting was held with Anglian Water and a number of residents including some from Cox Way who also stated that they had flooding issues backing onto Mr Cliss property. Councillor Marks added that there has been water in the ditch or runoff onto that side of the road and when discussions have taken place concerning planning applications in Dairy Road that ditch has been a topic of conversation by councillors who visited the site.
- Councillor Marks stated that his concern is that there is dyke which has been filled in and there is nowhere for the water to go and there is definitely water there. He added that when he has reviewed the points made by the Parish Council who were not in favour of the application due to flooding concerns and until there is a solution which is brought forward, he will not be supporting the application. Councillor Marks asked for confirmation that when the pipe was filled in was it on the land in the ownership of Mr Cliss or was that on Cox's Way land? Mr Cliss confirmed that it was Cox's Way land.
- Mr Cliss addressed Councillor Marks and stated that the only thing which he has raised has been with regards to flooding and nothing to do with the application site. Councillor Marks stated that where the water comes from is to do with the site. Mr Cliss asked Councillor Marks how can he be sure that the flooding issue from Cox's Way comes from his site and how he can ascertain that fact? Councillor Marks explained that when Anglian Water and Cambridgeshire County Council attended an onsite meeting along with the Environment Agency and all along Westfield Road, there were several places identified which were highlighted as issues as to why the water was not getting away along with the drainage towards the Darcy Lode. He explained that there were a number of residents from Cox's Way and Westfield Road following the flooding meeting providing information with regards as to what was taking place and one of the highlighted places was the area where the application is located.
- Mr Cliss stated that that nothing specific has been mentioned with regards to the application site at all and reference is only being made to adjacent areas and not the site itself. Councillor Marks explained that he has never walked onto the site, however, in his view, it is blatantly obvious that the ditches around the site have water in them and that has not come from anywhere and has not come from across the road. He added that he is aware that when Mr Savage submitted his own application there were concerns with regards to flooding. Councillor Marks expressed the view that by adding houses on the site is only going to make matters worse.
- Mr Hall stated that on most applications he obtains a land registry plan, from which he ascertains where the boundaries are as well as reviewing historic maps, having the site surveyed and gaining an understanding of where Mr Fox's boundaries were. He added that he also found out where the byway and public footpaths are and he was unable to find

anything that shows between the land in the ownership of Mr Fox and the application site that shows Mr Savage owns or has any rights. Mr Hall explained that should Mr Savage have any documentation then he will be more than happy to have a look and engage with him.

- Councillor Marks provided Mr Hall with the handout which was circulated by Mr Savage. Mr Hall explained that when he submitted the application, he served a Certificate C, which is where an advertisement is placed in the local paper, which is not dissimilar to other sites which he has worked on in the vicinity because the actual surface of byway is maintained by the County Council but the ownership of the byway is not known and it is not shown on the land registry documentation. He referred to the pipes that the application will connect into and which goes across the land belonging to Mr Fox, is actually an Anglian Water sewer and, therefore, he does know what he is connecting into. Mr Hall added that he agrees that the ditch has been filled in, however, he is demonstrating a pipe to connect onto the main sewer in third party land for which he has approval in principle. He explained that with regards to the pond on the site it is going to be enlarged to hold all the water on the site and then it will be attenuated at greenfield run off rate into the Darcy Lode because that is what the Middle Level has asked them to do. Mr Hall stated that he cannot see any reason why Middle Level are objecting to the proposal, and he would be more than happy to engage with Mr Savage, but the Land Registry did not demonstrate that Mr Savage has any ownership in the relevant parcels of land.
- Councillor Mrs French referred to the ownership of the Public Right of Way and the fact that Mr Hall is stating he does not know who the owner is. She explained that the County Council are responsible for them and the officer is Mark Peck, making the point that a Public Right of Way cannot be built on. Mr Hall stated that when he has undertaken other applications in the Old Dairy the County Council are not always sure who the owner is. He added that the County Council have raised no objections to the proposal.
- Councillor Mrs French stated that she concurs with the points made by Councillor Marks with regards to flooding and according to Mr Savage the water cannot be moved to the Darcy Lode without crossing his land, asking Mr Hall to clarify. Mr Hall stated that is what Mr Savage has advised but the work that he has undertaken with Land Registry does not demonstrate that Mr Savage owns the land when following the route that needs to be taken for the application.
- Councillor Connor stated that prior to 1981 it was not a requirement to register your land.
- Councillor Benney asked Mr Hall whether he has a robust drainage strategy which proves that the water can get away from the site including the size of piping to ensure that the whole scheme will work because if that is not the case then the application is incomplete. Mr Hall explained that as part of the application submission a drainage strategy was included but as it is an outline application it was indicative, and the type of dwellings could change. He stated that there was not a detailed drainage strategy submitted showing the pipe size, falls and manholes as it is an outline application in Flood Zone 1 with no history of surface water drainage on the EA flood map and he explained that officers have not raised anything. Mr Hall stated that he has some calculations based on the sizes of the houses that he had done, permeable block paving, size of the swale, what it would take to get to the manhole in the third-party land and should the application be approved the house sizes could be changed and then all of that detail would need to be redone.
- Councillor Marks stated that there still appears to be area of no mans land which has to be addressed. Mr Hall stated that following the deferral at committee he spoke to officers and asked whether there were any other changes or any steps that need to be undertaken. He added that the officer stated that she had spoken to David Rowen and he was advised that officers would be contacting other consultees but from his perspective there was nothing further that he needed to do.
- Councillor Imafidon stated that, apart from the drainage surveys and reports for the actual site and apart from the remarks from Mr Savage, has there been any surveys undertaken of the actual discharge channels with regards to whether they will cope? Mr Hall explained that where the pipe crosses the third-party land it discharges into the Darcy Lode, he has the fall

of that at the diameter and position. He added that he does not have the detailed pipe layouts for the actual site although he does know where the pipe goes down to and where it discharges to which would have to be at greenfield run off rate otherwise the Middle Level would refuse it. Councillor Imafidon stated that there is still the unknown point of whether it would cope. Mr Hall explained that this is not undertaken as it is an indicative layout.

- Councillor Connor stated that it appears to be inconclusive because Mr Savage has stated that he owns the land where the pipe has to go through and he is a third party owner as is Mr Fox and that it is something that needs to be addressed, although it is not a material planning consideration.

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

- Councillor Mrs French stated that this application was deferred last month and the questions that members requested answers to, in her view, have not been addressed. She added that she did not know about Mr Savage's land as she does not know Manea very well, however, she did visit the site and the last time she visited the site, the ground was wet regardless of what Mr Cliss has stated. Councillor Mrs French added that the committee have always been told that applications cannot be approved if it is going to cause flooding further down the road and there are still unanswered questions. She stated that it also appears the surface water is also going into the sewerage, and she is not happy with the application, the questions which arose have not been addressed and she will not be supporting the application.
- Councillor Marks stated that he has listened to the points made by Mr Cliss, and it appears that they are both in disagreement. He added that he has seen the Fire Service in attendance previously pumping out water and there is a flooding issue in that area. Councillor Marks added that by adding extra properties on the site without a robust drainage plan he feels that there are going to be more problems for the village of Manea, and he cannot support the application without a proper robust drainage plan.
- David Rowen stated with regards to the issue of land ownership, it is not a material planning issue, and someone does not have to own land in order to make a planning application on it. He added that if the application were to be granted then that is a matter which would need to be resolved privately.
- David Rowen explained that with regards to drainage the application is in outline form and as Mr Hall has stated a fully worked up detailed drainage scheme would not be expected. He made the point that there would be certain basic principles to be agreed which largely appear to have been accepted by Anglian Water as they are stating that their surface water sewer has capacity to take the flow. David Rowen added that it also appears as though the Internal Drainage Board are satisfied that the flows can potentially be delivered into their water course and, therefore, as it stands he cannot see any substantive reasons why the application could not be granted with the recommended condition which would then secure a further detailed drainage scheme when the reserved matters application is submitted. He added that if members are looking to refuse the application then he would strongly caution against that with regards of the likely success of defending that at appeal as given the comments and evidence that is held he is not convinced that an appeal would not be subject to an award of costs against the Council.
- The Legal Officer stated that he agrees with the point made by David Rowen and having listened to the debate he cannot see what evidence that there is to put before an Inspector to support an appeal and should an appeal be lodged then, in his view, there is a strong likelihood of costs as the expert consultees, Anglian Water and the Drainage Board, are not objecting and, therefore, there would be no expert evidence for the Council to say that there will be flooding issues and there is a serious risk of costs.
- Councillor Mrs French stated that the application was deferred last month in order to sort out the flooding issue and to ascertain who owns what and that has not been done. She added that she is aware that it is not a material consideration with regards to land ownership. Councillor Mrs French made the point that if the application is approved then there does need to be a very strong condition that should the application reach the reserved

matters stage then they do not receive planning permission.

- Councillor Marks made reference to a meeting that took place in Manea with Anglian Water and at that meeting he asked them why they keep saying yes to all of the developments and they responded that they advised that they are told by OFWAT that they have to. He questioned whether members are now airing on the side of caution due to the advice provided by officers concerning an appeal and possible costs and he questioned whether the committee are going to do the right thing for the residents in Manea who will otherwise get flooded. Councillor Marks added that the Parish Council have also made very strong representation with regards to the concern over flooding and he expressed the view that members did ask for more information to be provided and that has not happened. He stated that the Middle Level have agreed to take the water and the local IDB have as well, but the water needs to be able to get to their systems in the first place. Councillor Marks questioned as to what will happen if the water cannot reach the appropriate systems and development starts, and he expressed the view that the application needs to come back when there is an appropriately designed water strategy in place and at the moment there is not one.
- Councillor Connor stated that costs do need to be taken into consideration as it is Council taxpayers money, however, in his view, members have a moral judgement to look after the residents as well. He added that members need to take that into consideration when they make their decision.
- Councillor Connor stated that the application does not need to go to appeal just for 7 dwellings and it can easily be resolved by the submission of a proper drainage strategy.
- Councillor Marks stated that he wholeheartedly agrees that the appeal route is a very expensive course of action for all parties and also takes time. He added that he is the local councillor, and he would be happy with both parties and then not take any further part in any determination of the application going forward.
- Councillor Connor appealed to the applicant and agent not to take the application forward to an appeal as it would not expedite the application process by doing so.
- Councillor Mrs French questioned that if the application is refused then the applicant can decide to take the application forward to appeal and she asked Councillor Connor that as Chairman is he suggesting that the committee defer the application again.
- Councillor Connor stated that if the committee decide to refuse the application, it will be refused, however, it is his strong feeling that it would be in the applicant's interest not to take the application to appeal because if they submit a drainage strategy it could come back to the committee in a far timelier manner and hopefully reach a satisfactory resolution.

Proposed by Councillor Marks, seconded by Councillor Mrs French and decided that the application be REFUSED against the officer's recommendation.

Members do not support the officer's recommendation to approve the application as they feel that there is a flooding issue which has not been addressed.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, and that he knows Mr Savage from when they were at school together and subsequently when he carried out some work for him as a sub-contractor, but he is not pre-determined and will consider the application with an open mind)

(Councillor Connor declared that he knew Mr Savage many years ago, 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 and further declared that the applicant is known to him in his capacity as the village postman)

(Councillors Gerstner and Sennitt Clough took no part in the application in its entirety as they were not present at the meeting on 5 March when the application was discussed and subsequently deferred)

P116/24 **F/YR24/0793/F**
LAND SOUTH EAST OF ABERFIELD, WELL END, FRIDAY BRIDGE
ERECT 9 X DWELLINGS (3 X 2-STOREY 4-BED, AND 6 X 2-STOREY 3-BED),
AND THE FORMATION OF 3 X ACCESSES AND EXTENSION OF EXISTING
FOOTPATH

David Rowen 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 the proposal at the site has been developed following various discussions with his client and various other schemes prior to making the application. He explained that there is a mixture of properties including semi-detached three-bedrooms, detached four-bedroomed dwellings and he added that they are not all the same and are not all boxes in a line, with along the frontage of the site there will be a footpath which will be adopted and then where it goes into the access to the field at the back which is in separate ownership.

Mr Hall made the point that the site already has outline approval which was supported by members in June 2023 and the current proposal is a detailed layout which follows on from that. He explained that there are no technical objections, and the archaeological excavation has already been carried out over the site and the County Council have visited the site.

Mr Hall stated that on site percolation testing has been undertaken and that proves that soakaways work at the site which is all located in Flood Zone 1. He explained that during the course of the application there have been various discussions with the Highway Authority, and he has undertaken a review of some of the objections to the proposal.

Mr Hall stated that he has purchased land registry documents, a highways boundary plan and he has had the site professionally measured and has received a good service from the Highway Authority, where he has demonstrated the extent of the footpath that can be provided. He made the point that the proposal allows for extra dwellings in Friday Bridge to help support local amenities and the Parish Council have been consulted twice on the application and have supported it on both occasions.

Members asked Mr Hall the following questions:

- Councillor Connor asked whether there will be any provision of street lighting? Mr Hall stated that during the discussions with the Highway Authority concerning the footpath, radius kerbs and accesses he does not recall any mention of street lighting.

Members asked officers the following questions:

- Councillor Connor asked officers to clarify the situation with regards to street lighting. David Rowen stated that if the footpath is to be adopted then it will need to be the standard that the County Council request and if that includes the need for street lighting then that will form part of the adoption.

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

- Councillor Mrs French stated that it is a good application, and she will fully support it.

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

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

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

P117/24 **F/YR25/0036/PIP**
LAND SOUTH OF POPPYFIELDS, WIMBLINGTON ROAD, MANEA
PERMISSION IN PRINCIPLE TO ERECT UP TO 9 X SELF-BUILD DWELLINGS

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

Members received a presentation, in accordance with the public participation procedure, from Daniel Samuel, the applicant. Mr Samuel stated that the proposal is for up to nine self-build dwellings, which addresses strong demand and a lack of supply offering opportunities to build dream homes. He added that the plots may attract higher earners and executives boosting investment, creating jobs, supporting Manea train station, local builders and tradesmen along with local building material suppliers.

Mr Samuel made the point that the committee has previously supported self-build developments and he would hope that the committee will support his application. He stated that the officer's recommendation of refusal lists five reasons, firstly that it is claimed that the development is situated outside the settlement of Manea and within open countryside, however, in his opinion, that assertion is incorrect as from the junction of Station Road located on the southern side of Wimblington Road there is an agricultural building with permission granted for conversion to housing, a skip hire yard, a commercial fishing lake with caravan, motor home and caravan facilities, a dwelling at the proposed site, an agricultural warehouse, a motorsports engineering workshop, a dog kennel operation and a further dwelling.

Mr Samuel stated that across from the site entrance there are three dwellings and a sizeable commercial establishment and, therefore, in his view, the application site is not isolated or undeveloped countryside, and he referred to Braintree District Council and the Secretary of State for Communities and Local Government. He referred to the second recommended reason for refusal where it states that the location is not ideal for walking and cycling due to the road speed limit and the absence of pavements and street lighting but made the point that these same conditions apply to the developments previously mentioned and, in his opinion, his application should be evaluated on the same basis.

Mr Samuel referred to the third recommended reason for refusal where it states that the property lies in Flood Zone 3 and made the point that a site-specific Flood Risk Assessment including surface water drainage strategy that he has just received indicates that only 50% of the site is at medium flood risk. He added that in the event of a flood from a combined breach of defences, the water depth would reach just 25cm without fast flowing currents which will pose a low hazard and the likelihood of such a breach is minimal and most of the dwellings can avoid flood risk zones and those within such areas can be safely elevated to mitigate loss.

Mr Samuel expressed the view that members highly value the IDB's management of flood defences and water systems leading to the committee's approval of developments in flood risk areas particularly large and self-build homes. He added that a recent example was the approval of a self-build home at Honeybank, Second Drove, Chatteris which was contrary to the officer's recommendation, and he made the point that his proposal should be addressed on the same basis.

Mr Samuel referred to the fourth reason for recommendation for refusal which is for loss of habitat for overwintering birds and stated that the site lies approximately 2.3km from the Ouse Washes protected area which encompasses over 1,600 hectares, equivalent to 2,286 football pitches within that radius from just one point. He expressed the opinion that given the vast area surrounding the Ouse Washes it is highly unlikely that given the small size of the site that it would significantly impact bird habitat.

Mr Samuel made reference to the fifth recommended reason for refusal with regards to loss and degradation of peat soils and explained that site excavation would be limited to foundations, drainage and utility infrastructure with soil redistributed on site causing no loss or degradation. He explained that the proposal could offer improvements as agricultural use would leave peat more exposed and vulnerable to wind erosion which is documented in the Cambridgeshire Fens.

Mr Samuel concluded by stating that the proposed development will bring much needed self-build plots to the village of Manea, and these will help to sustain the village facilities, builders and local trades people. He made the point that the site is not in isolated countryside and the site is no less accessible than the other approved developments along Wimblington Road.

Mr Samuel stated that a substantial part of the site is free from flood risk and the rest allows for safe development with the loss of habitat being minimal in relation to the area that will remain available for the bird population. He expressed the view that there will be negligible loss or degradation of peat soils, and he asked the committee to support his proposal.

Members asked Mr Samuel the following questions:

- Councillor Marks stated that from Wimblington Road T junction and all the way along the straight, he is aware of one new development approximately 2 miles out of the village along that stretch of road and there has been no other development for at least 18 years. He referred to the point made by Mr Samuel who stated that the proposal would fit in nicely, and he asked him to confirm why he feels it is a sustainable place to develop when it is outside the village? Mr Samuel stated that he disagrees with the point made by Councillor Marks, referring to a planning application for Rutland Manor in 2021, which was to convert an extension along with the application for development at Rutland Farm for commercial use, along with the other developments which have taken place within a certain period. He added that there have been developments in that area for some time.
- Councillor Marks expressed the view that he disagrees and added that apart from Gant Farm where they have converted a barn, and at the end of Wimblington Road there is an application for two dwellings, however, along that stretch of road there is no other development being built along there to the best of his knowledge for the last 18 years.
- Councillor Marks referred to the applicant's presentation slides where it states that there is a footpath, however, the footpath which goes down the side is only able to be used for three months of the year due to the mud but there is nothing from the applicant's development site into the village. Councillor Marks stated that the applicant makes reference to a footpath but there is not one and there is a dyke which has been filled in past the skip company but that is not a footpath, and the road has a 60mph speed limit. Mr Samuel stated that the footpath adjacent to the property is a footpath for cyclists and people walking to the village centre and it is the same footpath that exists along Wimblington Road. Mr Samuel referred to the presentation screen and indicated to the committee where the footpath is located. Councillor Marks stated that the area which Mr Samuel had referred to was actually not a footpath and he added that it is actually a grass verge owned by the County Council which was only introduced four or 5 years ago. He added that the road has a speed limit of 60mph which has been subject to a number of accidents.
- Councillor Connor made the point that the road is not of a good standard of repair. Mr Samuel stated that he disagrees and added that the road is in a good state of repair and has seen no accidents in the last decade. He added that the response received from the Department of Transport has demonstrated that there has not been a single accident in the

last decade. Mr Samuel explained that the Highway Authority responded to one of the neighbouring properties and have confirmed that their records show that there has not been a single accident on that stretch of road in the last 5 years.

- Councillor Marks stated that he is aware that a Post Office van went through the fence into that property about four years ago. He added that a skip lorry went into the dyke along with another lorry which went into the other side on the left as well as another resident in the village who went into the dyke and spent 2 months in hospital following an accident. Councillor Marks made the point that whilst it is not an accident blackspot there have been numerous accidents along that stretch of road where Mr Samuel's property is located. He added that there is no footpath for pedestrians and the application is for up to nine dwellings on the site. Councillor Marks added that the letters of support appear to be from families, and he asked Mr Samuel whether he has taken into consideration the risk to families living there with no proper footpath or street lighting? Mr Samuel stated that he disagrees with the points made by Councillor Marks due to the fact that the Highway Authority have looked at the development and have no objection to the proposal. He added that if the neighbouring properties objected to the proposal, then they would have been present at the committee to make their objections. Mr Samuel stated that the neighbours have all reiterated the comments made by Councillor Marks but none of them have turned up today.
- Councillor Marks expressed the view that the neighbours are aware just how vocal he is as their local Councillor, who knows the area and knows the property and who has sat in the Parish Council meeting. He added that with regards to the Parish Council meeting, the Parish Councillors are elected officials and have lived in the village for a number of years whereas Mr Samuel has only lived in the village for less than a year.
- Councillor Marks asked Mr Samuel how he can consider that the application he has submitted is a good application for nine self-build dwellings which have these issues. Mr Samuel stated that he totally disagrees, and he would not have contemplated submitting an application or considered building properties if it was not safe. He added that safety of people is a priority for him and there are developments all along this area which are clearly not in the open countryside and there are properties to the left and the right.
- Councillor Marks stated that the application site is in Flood Zone 3, and he is a member of the Manea and Welney IDB where the site would feed into. He explained that at the T junction at Wimblington Road there is a culvert and that backs up according to the IDB Engineer who has said that they are unhappy to take the water. Councillor Marks asked Mr Samuel to explain what steps he is going to take in order to deal with the water which will come from the application site should the application be approved? Mr Samuel explained that he commissioned a Flood Risk Assessment report with a surface water drainage strategy and that has listed the development as being totally safe and there is nothing wrong with the application and nothing wrong with the flooding in that location. He stated that half of the plots on the site have no associated risks whatsoever and the other half which have a flood risk element will be elevated.
- Councillor Mrs French stated that she is a County Councillor, and she sits on the Highways and Transport Committee and with regards to accident reporting, the County Council only record accidents which result in fatalities. She explained that there have been various accidents along that stretch of road which has meant that the road has had to be closed but the County Council will only provide statistics concerning fatalities.
- Councillor Mrs French expressed the view that the application appears to be backland development and is in the open countryside. She stated that at the top of the road there is a Public Right of Way, and she asked whether Mr Samuel has introduced a gate in order to stop the public from being able to access it? Mr Samuel stated that there is no public right of way.
- Councillor Marks stated that there is a metre width down the side of the fence to the dyke in order to allow access. He added that it should be a metre but it is a little less but that was down to the previous owners who erected the fence and there was a dispute, with the measurement taken from either the centre of the dyke to the fence or the metre left so there is a walkway to the left and he does not believe it is gated as it is a maintained Public Right

of Way.

- Councillor Mrs French asked what is being farmed on the site at the current time? Mr Samuel stated that it is not used for farming, and it is only used for residential purposes. Councillor Mrs French stated that she would question that as it is certainly open countryside, and it used to be farmed and, in her opinion, it looks as though it has something growing on there unless it is just grass, and Mr Samuel is cutting it.
- Councillor Marks stated that he has noticed some garages on the site which have been built, and he asked whether any planning permission has been granted for them. Mr Samuel stated that the garages were there before he purchased the property. Councillor Marks expressed the opinion that the garages that are on the site with the brown fronts were added after Mr Samuel moved in. Mr Samuel stated that he does not agree with the point made by Councillor Marks.
- Councillor Connor asked officers to look into that matter at a later time.

Members asked officers the following questions:

- Councillor Benney questioned whether there is anything special with this application which means it is exempt from nearly every planning policy as it appears to contradict many elements. David Rowen stated that the officer consideration of the application is set out within the report.
- Councillor Sennitt Clough stated that she realises that the application is a planning in principle application (PIP), and questioned that when considering a self-build application there appears to be a lack of control, asking whether her understanding is correct and if the application was approved eventually what the controls would be. David Rowen stated that if a PIP application were to be granted, it cannot be subject to any planning condition or planning obligation and, therefore, it would not be possible to secure the delivery of self-build through the PIP. He stated that if the PIP was approved then potentially there is the mechanism to give weight to that in the determination of the application then there would potentially be an expectation that the further technical details consent might come forward as a self-build and that could be tied. David Rowen explained that ultimately it is a case of determining whether it is an acceptable location for housing.

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

- Councillor Benney stated that the application should be refused as it does not comply with policy as the application is in the open countryside and the officer's recommendation is correct, and the application should be refused.
- Councillor Mrs French stated that it is time that there was a policy introduced for self-build applications as they are very complicated applications to deal with and cause many issues.
- Councillor Marks stated that he agrees that the application is very poor, and the Parish Council were also of the same opinion. He made the point that the letters in support of the application are from a great distance away and not very many from the local area. Councillor Marks added that there are a number of objections from the village of Manea, and he congratulated officers for a very comprehensive report and feels their recommendation is 100% correct. He stated that if the application is resubmitted then he would hope a great deal of thought and consideration is given to it before it is resubmitted.

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 14 of the Code of Conduct on Planning Matters, that he is a member of Manea Parish Council but takes no part in planning)

P118/24

F/YR25/0046/F

LAND NORTH OF FOUR WINDS, SANDBANK, WISBECH ST MARY

ERECT 1 X SELF-BUILD/CUSTOM BUILD DWELLING INCLUDING FORMATION OF A NEW ACCESS

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that the application is for a single dwelling which abuts the developed footprint as per the policy LP12(a) of the Local Plan, where it states that any extensions to a village should abut the built form. He explained that Wisbech St Mary is a growth village and has all the facilities that would be expected in such a village.

Mr Humphrey added that over the years there has been three approvals for 36 caravans beyond the application site out of the village which demonstrates that it is acceptable in the area for development. He made the point that whilst the site is located in Flood Zone 3, it is identical to the adjacent recently approved dwelling currently under construction and the sequential test shows that there are no plots available.

Mr Humphrey added that three plots were identified, and he has spoken to all three owners and none of them are available. He explained that his client, Mr Curtis Woods, is currently living in a caravan in the village whilst waiting to find himself a self-build plot and he lives with his partner and daughter who is registered at the local school.

Mr Humphrey added that the applicant works for his family's engineering business TAM Engineering who are based on Leverington Common, and they have their site located approximately one mile from the application site. He stated that TAM Engineering are often on call 24 hours a day sometimes to the Council, North Level Internal Drainage Board, Barhale and McCain and, therefore, the closer the applicant can live to his place of work will enhance his quality of life, with there being no house or room to build one on his work site.

Mr Humphrey stated that he would like to remind members of the committee that housing has been approved on four different roads into the village, Station Road, High Road adjacent to the Vicarage, Bevis Lane and Sandbank have all seen growth along the existing built form and, in his view, Sandbank would be no different. He stated that Mr Woods is desperate to do a self-build home for himself and his family and the application site would deliver a self-build custom-built plot, and it should be supported as per policy LP5(C).

Mr Humphrey made the point that there have been 12 letters of support and none against with no objections from the North Level IDB, Highways, Environmental Health, Environment Agency and the Parish Council fully support the application. He asked the committee to support the applicant in his venture to build a self-build house for his family so that he can move closer to his business.

Members asked Mr Humphrey the following questions:

- Councillor Imafidon asked whether the applicant owns TAM Engineering? Mr Humphrey stated that the application is for Mr Curtis Woods, who is Mr Woods son, and they run the business together. He added that it would be conducive for a family home to be on the site. Councillor Imafidon stated that he knows that the business is well used, and he just wanted clarification whether the applicant was the business owner.

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

- Councillor Sennitt Clough stated that she knows the area quite well and she made the point that if the self-build is designed to the specification then it will improve the street scene.
- David Rowen stated that there was an appeal decision on the site in the last few years which concluded that whilst the site is adjoining the built form of the built settlement as per LP12, there are other parts of LP12 that also still require the development to not detrimentally impact the character of the area. He added that the Council has taken the view that the development of this site would do that previously and that has been verified by a Planning Inspector. David Rowen added that if members were minded to grant the

application then there would be the need to provide an explanation as to what has changed since the Inspector reached their conclusions.

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

P119/24 WILLOW VIEW, THE CHASE, MARCH

Andre Dudley presented the report to members.

Members asked questions, made comments and received responses.

Members agreed the recommendations in the report.

(Members resolved to exclude the public for this item of business on the grounds that it involves the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12a of the Local Government Act 1972)

6.42 pm

Chairman