

PLANNING COMMITTEE



WEDNESDAY, 11 JANUARY 2023 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor I Benney, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor C Marks, Councillor Mrs K Mayor, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton.

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Planning), David Rowen (Development Manager) and Stephen Turnbull (Legal Officer)

P91/22 PREVIOUS MINUTES

The minutes of the previous meeting of the 14 December 2022 were agreed and signed as an accurate record.

P92/22 F/YR22/0354/F 134A RAMNOTH ROAD, WISBECH ERECT 16 X DWELLINGS (2-STOREY 3-BED) WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING, INVOLVING DEMOLITION OF EXISTING BUILDINGS

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

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation in accordance with the public participation procedure, from Mr Peter Humphrey, the agent. Mr Humphrey stated that he would like to thank officers for working with him to bring forward an acceptable scheme and a recommendation for approval.

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

- Councillor Sutton made the point that it is nice to hear that officers have worked with the agent to bring an acceptable scheme forward which he will be happy to support.
- Councillor Murphy expressed the view that he can see nothing wrong with the application and he will be supporting it.
- Councillor Cornwell expressed the opinion that the application is very good, adding that it is nice to see how the officers have worked with the agent and developer and he will be happy to support it.
- Councillor Mrs French stated that she also agrees that it is a good application and that David Rowen had explained that there were no Section 106 contributions, however, she notes from the report at 5.26 it refers to £150,000 contribution to education, and she asked for clarity on that point. David Rowen stated that notwithstanding what the County Council may have requested in terms of an education contribution and given that the application has been through the viability assessment, there is no Section 106 in place for education. Councillor Mrs French stated that she is aware that the County Council can request it but there is not a statutory duty to pay it.

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

P93/22

F/YR22/0337/F

LAND SOUTH AND WEST OF MARCH ENTERPRISE PARK 33, THORBY AVENUE, MARCH

ERECT 7 X COMMERCIAL UNITS (CLASS E), COMPRISING OF 1 X BLOCK OF 6 X UNITS AND 1 X DETACHED UNIT, WITH ASSOCIATED PARKING

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

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation, in accordance with the public participation procedure, from Mr Adam Jackson, the agent. Mr Jackson explained that his client is a property holding investment company and they own the land depicted within the red line and the additional land which surrounds the site and is edged in blue on the location plan. He added that within the blue land there is an existing building which contains 10 existing commercial units which his client currently lets and he has advised him that they are fully let and there is a successful history of letting in that area.

Mr Jackson stated that the proposal includes seven new commercial units and six of them are situated in a terrace along the west of the site and one at the entrance to the site on the eastern boundary which is planned to operate as a café. He explained that the café would serve the development and the local commercial estate and the other six units at the rear of the site were planned as a Planning Class Use E which will provide the range of permitted uses within the use class.

Mr Jackson stated that having owned and rented the ten units adjacent to the application site for many years along with holding further properties within the area, the applicant has an accurate knowledge of local market forces and has consequently and confidently invested in the planning application and if approved the units will be constructed quickly and then rented out, with, in his view, the café being a worthwhile addition to the area. He made reference to the Planning Officer's comments and expressed the opinion that the primary reason for the recommendation of refusal is due to the planning use class that has been chosen for the new buildings and the amount of floor space for this use together with the lack of supporting documentation including the sequential test to prove that the new development will not prejudice or cause any harm to the town centre.

Mr Jackson stated that Council's adopted Local Plan refers to an out-of-date National Planning Use Class Order which was revised three years ago, with the Council's emerging Local Plan correctly recognising and including the new class order and he explained that it is the new class order and the emerging Local Plan which has been chosen to nominate the use for the proposed buildings. He made the point that the Council's emerging Local Plan at LP40 allocates the site within a land allocation zone of 40.01, with development proposals that fall into this area and form being for use classes B and E and there is no specific subdivision of the Class E Use and, in his opinion, the application should be considered appropriate with sufficient weight being given to the emerging Local Plan.

Mr Jackson stated that he would like to explain to members the detail concerning the deliverability of the scheme and made the point that as his client is a larger commercial developer it has the resources to start work almost immediately should the application be approved and it is believed that the scheme would be worth about £2,000,000 to the immediate local economy which includes, steelworkers, fabricators, roofers, cladding suppliers, electricians, building control, tarmac

providers and surfacing providers. He expressed the view that within 12 months, if the scheme is built, it is likely to generate in the region of 40 new jobs which will be a large stimulus to the local economy especially when consideration is given to the longest recession the country is currently facing.

Mr Jackson stated that he is aware that there is no sequential test which has been submitted with the application but the approach that he has taken was to provide an argument and a case towards the emerging Local Plan. He made the point that should the application be refused then a new application will be submitted which will contain a sequential test, but he asked the committee to consider the deliverability of the project presented to them in its current form.

Members asked Mr Jackson the following questions:

- Councillor Mrs French stated that when she first reviewed the application, she was delighted to see the proposal as the area is in great need of small industrial units, however, she is disappointed to see that the application has been submitted as incomplete. She added there is no sequential test included and Class E is being used when most of the units in Hostmoor Avenue and Thorby Avenue are Class B.
- Councillor Cornwell stated that he agrees that the application is incomplete, and asked Mr Jackson to explain how he is able to estimate that 40 jobs will be available if he is unaware of what industries, commercial operations or retail units are intending to utilise one of the units. Mr Jackson stated that the 40 jobs is anecdotal information provided by the applicant as they have a long history of renting and they have already received expressions of interest for the new facility, one of whom is a local Kung Fu club who would like to move there as they can find no other suitable premises in the area. He added that he has also carried out an anecdotal search on Rightmove earlier today and over the past few months to find similar use classes within the town centre and there is a very limited supply of other commercial uses. Mr Jackson explained that his client is of the opinion that a sequential test will be absolutely positive and will be supported and, therefore, would like to avoid the whole bureaucratic resubmission exercise which will delay the project for another year.
- Councillor Mrs Davis asked Mr Jackson to explain why he did not submit a complete application in the first place if he has acknowledged that the application is incomplete and has stated that, if necessary, another application will be brought back with a sequential test. Councillor Mrs Davis asked Mr Jackson if he understands what an emerging Local Plan is as it is still in the consultation stage and, therefore, the committee cannot consider it when determining applications. Mr Jackson stated that the sequential test was not attached to the application because they had decided to allocate a proportion of weight to the emerging Local Plan and that was the position that they were in when the application was submitted. He added that it was his understanding that there would be a negotiation process and, in his view, there is a strong case to be made for this and that is the reason why. Councillor Mrs Davis expressed the view that she believes that Mr Jackson does not understand the full procedure.
- Councillor Connor stated that Fenland is short of B1 industrial units, and he would like to see some brought forward and he asked Mr Jackson to explain how confident he is that the units will be small businesses which are similar to the units that his client already owns. Mr Jackson stated that during the course of the negotiations, he employed a planning consultant to liaise with the Planning Officer and proposed a reduction in this open Class E Use by reallocating some of the units to a use class that is not a town centre use but this was found to be unacceptable by the Planning Officer, but he did not understand why. He advised the committee that earlier today he had submitted a revised set of drawings to the Planning Officer via email which reduces the amount of open Class E to under the 500 sqm threshold which is the tip in the balance for the requirement of the sequential test. Mr Jackson added that with regards to how confident he is that the provision of business units can be achieved is that it is the testimony of the applicant that they constantly receive requests for all sorts of planning use classes in this particular area which is the whole reason that this proposal has come forward. He explained that his applicant has also had an

enquiry from one of the existing B1 units who has enquired about relocating into the new building.

- Councillor Connor addressed Mr Jackson and asked him to clarify that he has submitted revised plans to the Council today and Mr Jackson confirmed that is correct. Councillor Connor expressed the opinion that he fails to understand why the submission of the plans was not undertaken sooner in order to give officers time to review them.

Members asked officers the following questions:

- Councillor Mrs French stated that the application is incomplete, and the agent has pointed out that he has based the application on the emerging Local Plan and, therefore, the committee cannot consider the application when the current Local Plan is in use. She added that whilst she is pleased that somebody wishes to build industrial units in that location, it should not be for a location for cafes. Councillor Mrs French asked officers whether the application should be looked at in conjunction with the emerging Local Plan or should the application be disregarded in its entirety. Nick Harding stated that no weight can be given to the emerging Local Plan at this time.
- Councillor Cornwell questioned whether he is correct in his understanding that the issue with the application is the use and the use itself could affect the car parking issue which was evident on the site visits as the existing car park was full and parking proved to be an issue. He asked officers to clarify whether it is the two issues of the classification of use and the parking which the committee are considering. David Rowen confirmed that is correct.
- Councillor Murphy stated that on the site visit, in his view, the units at the site are class B1. He asked officers to clarify that with regards to the Class E Use, is it a way of building out of town and remove everything from the town centre and if the application was approved then could any type of premises operate from there? David Rowen referred to the officer report and his presentation and explained that Class E covers a multitude of uses including retail which would be classified as town centre uses and, therefore, the situation may arise where there could be a café and six B1 units or a café and six retail units. Councillor Murphy made the point that if the application is passed then that could be the end result which he does not want to see and if it is refused then the applicant has got to submit a different proposal. David Rowen stated that it is the committee's decision whether or not they wish to refuse the application as the agent has indicated if the application is refused then a further application will be submitted which will either have greater clarification on the actual uses proposes and/or it will be accompanied by the relevant assessment work to enable any impacts to be more adequately addressed than the current application does.

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

- Councillor Cornwell expressed the opinion that it is up to the applicant if they choose to come back with a further proposal and he stated that as it stands based on the information which has been provided to the committee the officer's recommendation is correct.
- Councillor Mrs French made the point that on her first review of the application she was delighted to see the proposal as that type of unit is very much needed, however, as the application is so unclear as to what or may not be there, she has serious concerns. She stated that the Town Centre is currently being regenerated and as many shops are leaving the High Street should the application be approved in such an incomplete format then further retailers could also be lost. Councillor Mrs French stated that at the current time she cannot support the proposal without it undertaking a sequential test and being a complete application.
- Councillor Mrs Mayor expressed the view that if the agent has submitted further plans this morning then this application should have been withdrawn from the agenda.
- Councillor Benney stated that he is Portfolio Holder for Economic Growth, and he was delighted to see the application for the industrial units as they are very much needed, but he agreed that the usage of them is very vague and should be far clearer than it is, and he does not think that he can support the proposal. He made the point that he does not think

that should the application be approved that it would affect the demise or bring about the demise of March High Street. Councillor Benney expressed the view that there will not be the larger well know high street brands relocating to that area or restaurants as it is a commercial area and is more akin to units such as double-glazing businesses and small manufacturing units which is exactly what is needed and required. He added that they will pay higher business rates than retail businesses would be able to due to the fact that in the current economic climate retail is struggling. Councillor Benney stated that the application is incomplete and, in his opinion, had the paperwork been completed properly it is likely that the application would have been approved. He expressed the view that it is disappointing as he would have liked to see the units built as they are very much required, and they are in the middle of an industrial area so would be cited in an appropriate location. Councillor Benney added that to hear the agent state that there are revised plans which have only been submitted today means, in his view, the application should not be being discussed. He stated he would like to support the proposal, but the application is incomplete, and it is a shame that the application has been submitted in such a way that it cannot be supported

- Councillor Sutton expressed the view that he has mixed feelings on the proposal and whilst he believes that members would like to see the commercial units developed, had the proposal been for Class EG, the application would not have been before committee as it would have been passed. He made the point that whilst he would like to see the application approved, he does not think it can be as it would be setting a dangerous precedent. He added that he does want to criticise the agent for assuming that he could take the emerging Local Plan into consideration when submitting the proposal. Councillor Sutton stated that in order to expedite the application he would suggest that it should be deferred for further negotiation with the officers and for the agent to take a clear steer that Class EG will only be accepted and then it would not need to come back to committee as it could be dealt with under officer delegation rather than start a whole new application process.
- Councillor Mrs French asked for clarity as to whether the proposal could be deferred as it is her understanding that members need to determine an application based on the information presented to them and contained within the officer's report. Nick Harding clarified that Councillor Mrs French is correct in the fact that members should be a making a decision based on the information before them and deferrals should only be used in order to get clarification on an issue where further detail is required, rather than to re-engineer an application which would have to go through another public consultation exercise for it to be brought back to committee.
- Councillor Mrs Mayor expressed the opinion that she does not think that the application should be deferred, and a decision should be made on it. She added that it is her understanding that Planning Officer's had last week tried to contact the agent to try and resolve some issues so that it was ready to come before committee and it looks as though that was unsuccessful and, therefore, in her view, members should accept what the officers have said and the agent will have to come back with a different application.
- Councillor Mrs Davis stated that she does not think that the application should be deferred, and that consideration should be given to what is contained in the officer's report and the fact that the proposal has been recommended for refusal by officers on two issues.
- Councillor Benney stated that he agrees with Councillor Sutton that the application could be deferred which would mean that the application could be approved far quicker. He added that the actual buildings will not change and it just their usage and if that is defined it would also address the car parking issue too. Councillor Benney made the point that there would not be the need to go back out to public consultation as the size will not change and it is just a paper exercise which is required to ascertain the usage of the proposal which is needed and, therefore, it will bring the delivery of the units forward far quicker.
- Councillor Connor stated that he does not disagree entirely with the points raised by Councillor Benney, but the advice which has been provided by officers is that members need to consider what has been provided to them today and, in his view, the committee should not deviate from that.
- Councillor Cornwell stated that if it was just one recommended reason for refusal then

consideration could be given to defer the proposal but there are two reasons listed which are the classification and the car parking and there does appear to be issues with both. He expressed the view that rather than a deferral and in case there has to be a revision of layout and content then the application does need to be determined today.

- Councillor Mrs Davis stated that regardless of the comments made by members earlier, nothing has changed, and the application is still incomplete and if the committee decide to defer it then there is a message being sent to other agents that they can submit applications without including a sequential test and their applications will be deferred. She expressed the view that the application needs to be refused and officers have made the correct recommendation.
- Councillor Sutton stated that there are two things to consider, and the parking issue only becomes an issue if the use Class E is used for retail but if the units are used for use Class E/G then the parking issue falls away in his opinion. He stated that he never suggested that the application was incomplete although other members did, and he added that it is not unprecedented to defer something like this in order to improve it and there are no reasons, in his view, what this could not be done with this application. Councillor Sutton asked the Legal Officer to clarify whether the committee could defer the application on the reasons given or would that not be an option.
- Stephen Turnbull, the Legal Officer, stated that this a situation where the legal position is broader than the planning policy position. He made the point that there is no doubt that legally the committee are entitled to defer the application should they wish to do so, however, it is whether the committee take the view on planning issues it is a sensible to thing to do.
- Councillor Sutton stated that had the advice from the Legal Officer been that it would not be legal to defer the proposal then he would consider that view, however, in his opinion, he still believes that with the proposal it would be the best way forward for the application to be deferred.
- Councillor Skoulding stated that he cannot agree to approve the application as there are two factors to be considered and he will support the officer's recommendation.
- Councillor Sutton made the point that the parking issue will not be a consideration if there are no retail units involved.
- Councillor Benney stated that he agrees with Councillor Sutton and added that if you define the use the parking issue is resolved and then you have a solution. He added that a deferment today would bring forward the delivery of the units far quicker than a refusal would. He added that the units are much needed, and he would like to se a solution reached to get the units delivered.
- Councillor Cornwell stated that the proposal before the committee does go into an area which is currently used by the users of the units to the north as a car park and, therefore, there has to be a decrease in the existing parking area that the committee have already seen which is really heavily used. He added that if you are going to build in it it will reduce the area for parking already there for those northern units. Councillor Cornwell added that although the officer report centres on the possible change of car park quantity use, dependent on the classification of those units, it does have a wider implication on the units already in existence and is, therefore, a bigger issue than just related to that classification.
- Councillor Murphy stated that the application is incomplete, and members must make a decision on what is front of them.
- Councillor Benney questioned whether the parking is allocated parking because if the other units have their allocated parking and this was not allocated as parking then it is irrelevant whether the land is used as car parking. He added that it may just be a piece of waste ground that people have chosen to park on and in that case they have parked illegally. Councillor Benney stated that if that is the case then the parking issue is no longer a reason for concern due to the fact that the allocated parking that would have been in place with each of the industrial units that are already on the site would have had allocated parking. He made the point that his assumption is that the proposal is looking to be built on waste ground and not a car park and, therefore, it is an irrelevant argument.

- Councillor Sutton made reference to comments made by David Rowen on the site inspection where he had advised members that had the application been for Class Use EG it would not have been brought before the committee. Councillor Sutton added that he assumes that the parking issue would not be a concern had the proposal been for class use EG.
- Councillor Connor stated that he called the application into committee, and is extremely disappointed to hear that the agent has submitted revised plans on the day of committee, which in his view is unacceptable. He stated that Nick Harding has advised him that the application can come back before the committee in 13 weeks if everything is in order.
- David Rowen stated that if the application was solely for EG uses given the nature of Thorby Avenue and its identification in the Local Plan, it is highly likely that the application would have been a delegated granted permission several months ago and he referred to comments made by the agent with regards to the fact that there may have already been units built on the site. David Rowen explained that it is not what the application is for, and there may have been an oversimplification in the counter argument by some members who have stated that if the proposal was for all EG class use then it would have been acceptable. He referred to a point made by the agent who had indicated that if the application was to be clarified there would still be a mix of E uses within in and it would not be solely 7 units for class EG and David Rowen explained that there would have to be an assessment of the balance and the mix of those uses which may still lead to the need of a sequential test dependent on what the balance of the units was.
- David Rowen stated that with regards to members consideration of deferring the application it is quite possible that the applicant would still need to several weeks or months of actual work before any future submission could be looked at and, therefore, members need also to consider that as part of any clarification to the description of the application there would be the need for a further consultation exercise because it forms part of the process and so that occupiers in the vicinity know exactly what the proposal is for. He explained that by deferring the application it would not mean that the application could be approved imminently as there are a number of further steps which need to be overcome and from the comments made by the agent it would appear that the applicant does not appear to want to be restricted to just doing units that will fall within Class EG in any respect.

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

(Councillors Sutton and Benney asked for it to be noted that they only voted against the proposal as in their view they thought that a deferral for the application would be more appropriate)

(Councillors Connor, Mrs French, Skoulding and Purser declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning matters)

P94/22

F/YR22/0505/VOC

33 GAUL ROAD, MARCH

VARIATION OF CONDITION 23 (LIST OF APPROVED DRAWINGS) OF PLANNING PERMISSION F/YR18/0947/F (ERECTION OF 7NO DWELLINGS COMPRISING OF 1 X 2-STOREY 4-BED; 4 X 2-STOREY 3-BED AND 2 X SINGLE-STOREY 3-BED DWELLINGS) WITH GARAGES (PLOTS 3, 6 & 7 ONLY) INVOLVING DEMOLITION OF EXISTING DWELLING, OUTBUILDINGS AND BOUNDARY WALL) - TO REMOVE TURNING HEAD AND CHERRY TREES

David Rowen presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation in accordance with the public participation procedure, from Mr Matthew Hall, the agent. Mr Hall explained that the site was largely completed in 2021 and the properties were occupied, however, since that time one of the dwellings has been resold. He added that is a private block paved driveway and he made reference to the Public Access system which details comments to make the point that there is not enough on-site parking.

Mr Hall made the point that the development was approved in 2018 and still meets the parking standards requested by the adopted Local Plan and, in his opinion, that by not setting the turning head it will not impact the on-site parking. He added that the applicant can provide further replacement of the trees as detailed in the officer's report which will accord with the neighbour's comments.

Mr Hall stated that one of the two objections received has raised concern regarding a brick boundary wall being demolished, however, there are no walls to be demolished as part of the proposal. He made reference to the officer's report and stated that as part of the officer's report it details an approved site plan of the original development, however, the site plan that was approved under the discharge of conditions application shows the bin lorry reversing into the site and this was commented on by the Highway Authority and Environmental Services and their comments are available on the Public Access system.

Mr Hall made the point that, prior to any works commencing on the site, the drawing clearly shows as part of the discharge of conditions application the lorry reversing into the site and as part of the application the applicant provided an indemnity with regards to damage to the private block paved driveway and the applicant still owns the road. He stated that he has an email from the Environment Services Manager, Adam Pratt, which also states that his drawing originally showed the swept path for the bin lorry was from Gaul Road into the private driveway of the site and the email also states that the bin lorry does not turn in the site and collections would not be affected by removing the turning head.

Mr Hall explained that the swept path provided as part of the application shows that a 6.6 metre long vehicle could enter the site and turn without the turning head and he explained that a typical Amazon delivery van is less than this at 6.3 metres long and a typical Sainsburys Sprinter delivery vehicle is 6 metres long. He stated that Environment Services have confirmed that they do not enter the site since the development was completed nearly two years ago and they will not use the turning head.

Mr Hall made the point that the site is compliant with the parking standards in the Local Plan and to the best of the applicant's knowledge there have been no accidents within the site and there are no mention of any accidents by the Highway Authority to date at the junction of Gaul Road.

Members asked officer's the following questions:

- Councillor Mrs Davis stated that the reason the proposal is before the committee is due to the comments from the Town Council which are contrary to the officer's recommendation, however, it appears that the comments on the website are redacted, and the comments cannot be seen. Councillor Mrs French made the point that March Town Council very rarely comment on planning applications. David Rowen stated that he is unaware why that should be the case but referred to the officer's report at 5.1 where it states that March Town Council recommends approval of the application. Nick Harding stated that it is most likely that the Town Council did not state the reasoning why and the report has possibly been redacted due to the fact that the other parts of the email do not relate to the application.
- Councillor Cornwell stated that the County Council appear to be clear in their view that the application should be refused as there is an insufficient turning head and David Rowen clarified that the County Council responses are detailed at 5.2 of the officer's report where they point out that the size of the vehicle used for the swept path is not suitable and does

not demonstrate that large vehicles can access the development and it will require servicing with various sizes of vehicles and the lack of a turning head is not acceptable. He added that the County Council do acknowledge that as part of the refuse collection strategy, it was agreed that the refuse collection vehicle would back from Gaul Road into the site but notwithstanding that they do maintain the view that there is a need for the turning head to be provided as part of the scheme. Councillor Cornwell stated that consideration needs to be given to any vehicle and not just a small refuse collection vehicle.

- Councillor Mrs French made the point that the applicant has not complied with the condition to supply the turning head and she asked officers to confirm that they are looking to enforce that aspect as detailed within the report. David Rowen stated that if members support the officer's recommendation to refuse the application then the associated next step would be for the appropriate action to be taken to secure the delivery of the turning head.
- Councillor Murphy stated that when members visited the site it was clearly visible that you could not turn as it was grown over and the surface was not solid enough for a vehicle to use. He added that he also observed that there was actually a blue water pipe sticking out of the ground and he questioned whether the intention is actually for a turning head or is the intention to site another dwelling. David Rowen stated that members do need to consider the application before them which is for the securing and delivery of the turning head.

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

- Councillor Mrs French stated that she knows the site exceptionally well and planning permission was first applied for in 2007 and it has a very long planning history. She made the point that as the application was approved in 2018, she would have expected that the works on the site to have all been completed by now. Councillor Mrs French stated that prior to any commencement of works there used to be 14 Tree Preservation Orders on the site which should have been retained and the trees have all gone and the two cherry trees, which did not have tree preservation orders attached to them are both dead and should they be removed they should be replaced with mature trees. Councillor Mrs French expressed the view that the officer's recommendation is correct.
- Councillor Cornwell stated that on the site visit it is clear that there is no turning head at the bottom unless you use two private driveways as there is no proper turning bay at the bottom and that is further indicated by the fact that the grass on one side has been very badly churned up where vehicles have possibly tried their best to turn around at the bottom. He added that it means that the original plan that was approved has not been complied with and, in his opinion, the turning head is required in the middle of the road.

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

(Councillors Benney and Murphy stated that the agent for this item is known to them in a professional capacity, but it would not make any difference to their decision making and voting on the application)

(Councillors Connor, Mrs French, Skoulding and Purser declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning matters)

(Councillor Skoulding declared that he owns part of the Chase adjacent to this development, but it would not make any difference to his decision making and voting on the application)

David Rowen presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation in accordance with the public participation procedure, from Shanna Jackson, the agent and from Andy Sewell, the applicant. Mrs Jackson explained that the proposal is for the construction of two buildings to accommodate an established building contractor's business and the associated office. She stated that the business is a family run local enterprise and the proposal will allow the applicant to work from his home at Park House.

Mrs Jackson stated that the applicant is keen to invest in the business but is unable to do so in the rented accommodation which he currently operates from and the proposal site offers an excellent opportunity to provide bespoke buildings which meet the specific needs of the enterprise to secure the long-term viability and for it to be retained within the local area, with 75% of the staff who are employed by the applicant are from around Wisbech. She explained that the size and height of the buildings have been calculated to be specific in order to meet the exact needs of the business and she has worked closely with a Conservation specialist to ensure that the buildings have very little impact, with them being single storey and positioned approximately 50 metres away from Park House behind a brick wall.

Mrs Jackson expressed the opinion that the buildings will not dominate any views or harm the setting of the Listed Building and the buildings are set well back within the site and will be screened from the front and side by the existing frontage trees and forest to the east and will, therefore, have no harmful visual impact on the visual amenities of the countryside. She explained that the nature of the business does not provide for semi-industrial activity and the site will primarily function as an administrative hub and a base for vehicles and equipment in between jobs.

Mrs Jackson made reference to the history of the wider site which included the residential conversions of the barns which were originally associated with Park House and the barns which have now been converted are in separate ownerships. She stated that in effect the proposal before members would replace the barns so that Park House would again benefit from associated barns which would typically be expected of a building of this nature and explained that the previous use of the site was for the storage of stock cars and there is evidence to show that they were on the land until 2020 which proves that there has been recent commercial activity on the land.

Mrs Jackson stated that Section 6 of the National Planning Policy Framework (NPPF) supports the rural economy and recognises that sites to meet local business needs in rural areas may need to be found beyond existing settlements. She explained that it states that sites that are well related to existing settlements should be encouraged where opportunities exist, and the development will provide an economic use within a rural area which benefits from excellent transport links.

Mrs Jackson stated that there is no other land available to accommodate the specific needs of the business within the main settlement and the land has a previous commercial use and is available now. She expressed the opinion that the site does represent an opportunity to promote appropriate economic development in order to meet Section 6 of the NPPF and she made the point that she hopes that members can see that the significant local economic benefits of the application outweigh any perceived harm in relation to heritage and locational aspects.

Mr Sewell explained that he operates his family business and the application is key to its expansion in order to make the business more productive, with the company also including a joinery section and the rented accommodation currently used is not suitable for the planned expansion of the company. He explained that his company undertakes work for the likes of Burger King, KFC, Costa Coffee and Sandringham House and also works within the locality too.

Members asked Mrs Jackson and Mr Sewell the following questions:

- Councillor Cornwell stated that there are comments within the report which state that the use of the current land for the business is unauthorised and he asked whether that is correct? Mr Sewell stated that there is nothing on the site currently that was not there originally, and made reference to Google Maps which shows that the area that he is currently occupying was used previously for stock cars and creating scrap piles. Councillor Cornwell asked Mr Sewell whether he accepts that the current use is unauthorised, and Mr Sewell stated that he agrees that it is.

Members asked officers the following questions:

- Councillor Murphy asked officers to clarify what the committee are actually determining as currently there is no permission in place, and it is currently illegal. He stated that there is a piece of land with nothing on it so in the first instance it needs permission and as it is a Listed Building would officers normally allow buildings to be built on land without any permission which are adjacent to a Listed Building. Nick Harding stated that the application is part retrospective as there is a construction business operating from the site without planning permission and the proposal before the committee is firstly to make the use lawful and then to consider the construction of the proposed new buildings and the associated infrastructure that goes with it. He added that with regards to the second point raised as to whether it is possible to gain consent to construct buildings in the grounds of a Listed Building, there is the potential of this being permissible, but a great deal depends on a number of factors which need to be considered.
- Councillor Cornwell stated that members are considering a double application which includes the regularisation of the current use and then adding to the use by building. He added he is somewhat confused as to why it is being done in that particular format as, in his opinion, it would have been better to regularise the business use of the piece of land which is immediately adjacent quite a rare classification of Listed Building which is a Grade 2 *. Councillor Cornwell added that he presumes that some of the buildings surrounding Park House are also within that classification. Nick Harding confirmed that the comments made by Councillor Cornwell are correct.
- Nick Harding stated that the application in its own right does not seek to authorise the use as it sits there physically because members are being asked to regularise it in the context of what the proposal is. He explained that members cannot make a decision to approve the use as it stands today but not the construction and development.
- Councillor Mrs Mayor asked for clarity as to whether the two converted barns are also Grade 2 Listed Buildings. David Rowen stated that the two converted barns that Mrs Jackson referred to in her presentation are Grade 2 listed in their own right.

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

- Councillor Mrs Davis stated that whilst she likes to respect conservation, the Council has a strapline which states that we are open for business and the application is for a man who is looking to expand his family business and provide more employment in the area. She added that she often wonders why we cannot have new buildings within and by Listed Buildings. She added that whilst she understands the need to protect the buildings, it often appears to be to the detriment of something else.
- Councillor Mrs Mayor stated that in the officer's report it makes reference to the erection of a 2.2-metre-high brick wall and gates and she asked for clarity as to whether the gates that are already in place are already part retrospective or are the gates being replaced for

different ones. David Rowen stated that the gates proposed are between the two buildings.

- Councillor Cornwell stated that he is also undecided between the two aspects of the application and had the business side of the proposal been a bit further away from the Grade 2* Listed Building then he may have considered supporting the business slightly more. He added that as the proposal is right next door to the house, some of the buildings that are there are actually incorporated and, in his opinion, there is no clarification between the two aspects of the application within the proposal. Councillor Cornwell added that he may be more inclined to support the proposal if there was an actual physical distance between the two aspects and the plot size does lend itself to that being able to happen whilst still giving some visual protection to the house and at the same time creating the business need. He stated that the house is a Grade 2* Listed Building which is not a very common type of dwelling within Fenland.
- Councillor Benney stated that the Council should be encouraging growth and Mr Sewell is looking to invest in his business and whilst he appreciates that it is a Grade 2* Listed Building, in his opinion, new dwellings can live beside older dwellings. He expressed the view that it would not be detrimental, and the application has a great deal of positives, with, as he has stated before, the best way to look after your business is to be on the premises. Councillor Benney added that the premises is in a rural area and there can be instances of rural crime, however, if the applicant is living close to his premises he can look after it which is an excellent form of security. He stated that the applicant has gone to the trouble of submitting an application and, therefore, he must feel that it is a worthwhile exercise as he wants to expand and progress his company. Councillor Benney made the point that as the proposal is for a builder's yard, it should not ideally be located in a residential area and it does need to be in a more rural location which, in his opinion, the proposal is an ideal place. He added that he will be supporting the proposal.
- Councillor Sutton stated that it is a difficult decision where there is heritage and a business to be considered. He expressed the view that officers have made the correct recommendation and there is plenty of industrial land in the current Local Plan and whilst it would not fit in a residential area it would ideally fit in an industrial area of which there are plenty in Fenland. Councillor Sutton stated that to build this building next to a Grade 2* Listed Building, in his opinion, does not sit well with him and he will be supporting the officer's recommendation.
- Councillor Cornwell expressed the view that the application submitted could have been better if there was a very clear distinction between the operation of the business and the actual protection of the immediate area of what is, in his view, a very attractive house. He made the point that there is possibly the need for the investment from one, to help the other, but his view remains that there should be a much clearer definition of the two uses, the house and the business, which, in his opinion, could be done in a way that protects the heritage of one and in effect does not stop the other from going ahead. Councillor Cornwell expressed the view that currently the house and the proposed buildings are too close as there is no gap between them, and you have to drive across the front of the property in order to get to the gate to get to the proposed site. He stated that he can see the need for the commercial aspect but also the need to protect the house and, in his view, there is a different way of doing it compared to the submitted application and for that reason he will supporting the officer's recommendation.
- Nick Harding explained that the Local Plan and national policy does make provision for the expansion of existing buildings which are located in the rural area. He stated that the initial consideration of the application should be that there is not a lawful business operating from the site and, therefore, members cannot look at the proposal as an expansion of existing business on the site, with there being policies in place which state that when a new business wants to operate within a rural area then there is a restriction on what that can be. Nick Harding explained that it could be that a business needs to be located in a rural area because the nature of the business lends itself to that type of location, but in the application before the committee, which is a construction business, it does not need to be located in an open countryside location and the Council's policies say a town location is where it should

be located. He stated that with regards to the impact the proposal has on the Listed Building, there is the issue of the scale of the buildings themselves and the scale of the area of land which is proposed which, in the view of officers, has an impact on the setting and appreciation of the heritage asset.

Proposed by Councillor Sutton, seconded by Councillor Cornwell that the application be REFUSED as per officer's recommendation, which was not supported by the majority of members.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that under Policy LP3 it is a perfect place to build in the open countryside, under LP6 it is not going to effect the rural economy, that it does not detract from the high quality environment in terms of the Listed Building and the proposal can be located side by side with the heritage asset and under Policy LP18, which assesses the significance of the heritage asset, it is not detrimental.

**P96/22 F/YR22/0988/O
LAND WEST OF 121 WEST END, MARCH
ERECT 1 X DWELLING INVOLVING THE REMOVAL OF EXISTING SHED
(OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members received a presentation in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that there are no technical objections from any of the consultees, Highways, Environment Agency, March Town Council, Environmental Health or the Wildlife Officer. He stated that one of the key points is the access and the Highways Authority have not objected and down this section of West End there is already street lighting, and the proposal allows for onsite parking for both the existing and proposed dwelling.

Mr Hall explained that where any dwelling would all be in Flood Zone 1 and the Environment Agency have not objected. He stated that it does not detail in the officer's report that he has spoken to the officer and advised even though the proposal shown is indicative and a 2-storey small family house, it could be reduced to one and half storey if this would help which is what the property to the west is and the property to the east is 2 storey.

Mr Hall pointed out that within the officer's report under 10.12 and 10.13 it advises there would be limited impacts of overshadowing and overlooking from this indicative proposal and to assist the applicant is happy to have a condition imposed regarding the submission of a construction phase plan to be agreed with officers. He reiterated that there are no technical objections to this application and the site is within the built-up form of March, in Flood Zone 1, and there is no objection from Highways.

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

- Councillor Skoulding stated that officers have expressed the view that the proposal is squashed in, however, that could be said for every house in West End as they are all the same and he cannot see any problem with the application.
- Councillor Mrs French stated that she knows the area exceptionally well and there are so many different designs of dwellings in West End some of which date back to the 1600's. She added that there is a mixture of large and small dwellings, and she does not see any

reason to refuse the proposal. Councillor Mrs French made the point that she agrees that the proposal should be a one and a half storey dwelling and not two storey. She stated that it is a beautiful walk, and it is amazing to see some of the houses, which the residents who live there call the 'Gem of March'.

- Councillor Sutton disagreed, making the point that it is a single track and barely a cycleway and to consider more traffic down there, in his opinion, is ridiculous. He stated that whilst there may be a mixture of different styles and sizes of dwellings down there, it is not a reason to make it even worse. Councillor Sutton stated that he could not consider supporting the proposal and the officers have made the correct recommendation.
- Councillor Cornwell expressed the view that it is certainly bijoux and the frontage of West End is actually quite a bit narrower than the Riverside frontage. He made the point that when he visited the site, he never realised that the plot had such a sharp angle across it, believing it to be far wider, but it is not, and it is actually quite narrow. Councillor Cornwell expressed the opinion that West End is not a suitable highway, and he was very surprised to see that cars can actually get that far down there. He made the point that if the proposal is done right then it will be ok but, in his view, the attraction will actually be the river and not that of West End. Councillor Cornwell expressed the view it is very cramped in, and it is a very strange part of the town as it is narrow and very constricted and if the proposal is done right, it will look good but if not built sympathetically it will look awful. He stated that if the proposal is approved it needs to have some fairly strong conditions attached to the permission including during the construction phase as he has no idea how some of the building materials are going to be able to reach the site. Councillor Cornwell added that if there is somebody who feels that they can make the dwelling look nice and it fits in then he will support it but otherwise if it is just going to be a modern thrown up building, he would not support it as it would detract from the whole area.
- Nick Harding stated that the proposal is an outline application and if the committee decide to approve the application then it will just be standard conditions concerning materials and other basic elements that can be added. He explained that conditions could not be added to influence the design and appearance of the scheme except for maybe mentioning something in the informative to say that the committee felt that a one and a half storey dwelling would be appropriate but he stated that he would advise against that as potentially a two-storey well designed property may work which is dependent on what the designer comes forward with.

Proposed by Councillor Sutton, seconded by Councillor Cornwell that the application be **REFUSED** as per officer's recommendation, which was not supported by the majority of members.

Proposed by Councillor Mrs French, seconded by Councillor Skoulding and agreed that the application be GRANTED against officer's recommendation.

Members do not support officer's recommendation of refusal of planning permission as they do not feel that the proposal will be harmful, and it will actually enhance the area .

(Councillors Benney and Murphy stated that the agent for this item is known to them in a professional capacity, but it would not make any difference to their decision making and voting on the application)

(Councillors Connor, Mrs French, Skoulding and Purser declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of March Town Council but take no part in planning matters)

LAND SOUTH EAST OF THE BOATHOUSE, HARBOUR SQUARE, WISBECH
ERECT A ELECTRICITY SUBSTATION

David Rowen presented the report to members.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Members asked officers the following questions:

- Councillor Cornwell stated that there had been some discussion concerning the statement that the design of this monstrosity was acceptable, and he asked whether there was any possibility that the housing of the substation could be made to look a little bit like the Boathouse rather than a brick-built structure with a flat roof. He added he would prefer to see a more modern finish on the structure which could be timber so that it actually fits in with the surroundings rather than it being a brick-built eyesore. Councillor Cornwell expressed the view that he has no problems with the electricity substation itself, but he would like to see it sited so that it fits in with the award-winning design namely The Boathouse that it will be next door to. David Rowen stated that condition 2 that is recommended does explain the full details of the materials to be used for the external walls to be submitted and approved in writing before the substation is built and if members request a higher standard of materials that is something that could be potentially added as an informative on the decision notice, however, he does not think that it would be possible to be too prescriptive about that as there are safety issues to be considered.
- Councillor Cornwell made the point that wood can catch fire and the safety elements of the proposal do need to be considered and he would consider brickwork in this case.
- Councillor Sutton stated that in terms of cladding it would make no difference to the fire risk because the fire protection and fire risk would be the brick part and with regards to cladding that will make no difference if the substation catches fire.
- Nick Harding stated that the concern that officers have is that there may well be a specification that the electricity company has to work to which would then prevent doing all the additional elements to it and as David Rowen has stated officers would see if members wishes are feasible but there can be no guarantee. He added that in terms of the railings around the block, if there is a particular style of railings used in the promenade area at The Boathouse then consideration could possibly be given to replicate that design for the substation in the informative with the permission if it is granted.

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

- Councillor Murphy stated that he does not see the point of debating this proposal as it needs to be on site and is supposed to be there and it is required for any possible future development in the vicinity. He added there is nothing wrong with it and substations are in place all over the country without any enhancements.
- Councillor Connor explained that Councillor Cornwell is quite adamant that he would like to see a better design.
- Councillor Cornwell made the point that he has no issue whatsoever concerning the need for the electricity substation, but the point he was making was concerning the visual impact within its setting and it could be made to look better.
- Councillor Mrs French stated the officers have explained that they will try to obtain a good design, and, in her view, members should accept that.
- Councillor Sutton made the point that whilst he appreciates that a substation needs to be there and the fact that they are in place all over the country he agrees that consideration can still be given to ensuring that the design can be made to look more attractive. He added that he has knowledge of a water pumping station in the middle of a housing estate which has been made to look attractive and has palisade fencing around it and wooden cladding, so it can be done, has been done and should be done.

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

Members requested that an informative be added with regards to making the external fabric of the substation more attractive if that is feasible.

(Mrs French and Murphy declared that, whilst they are both members of the Cabinet, they are not pre-determined on this application and will approach it with an open mind)

3.28 pm

Chairman