

# PLANNING COMMITTEE



**WEDNESDAY, 8 FEBRUARY 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 N Meekins, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding and Councillor W Sutton.

Officers in attendance: Nick Harding (Head of Planning), David Rowen (Development Manager), Graham Smith (Senior Development Officer), Danielle Brooke (Senior Development Officer), Stephen Turnbull (Legal Officer) and Elaine Cooper (Member Services)

## **P98/22      PREVIOUS MINUTES**

The minutes of the previous meeting of 11 January 2023 were agreed and signed as an accurate record, subject to amendment to minute P93/22, fifth bullet point, Councillor Sutton's comments in the member debate to read "He added that he does **not** want to criticise the agent.....".

## **P99/22      F/YR22/1318/LB AND F/YR22/1332/FDC THE BROAD STREET PROJECT, BROAD STREET, MARCH, CAMBRIDGESHIRE WORKS TO A LISTED STRUCTURE INVOLVING RELOCATION OF THE CORONATION FOUNTAIN CANOPY, STEPS AND FLAGSTONES AND RELOCATION OF THE CORONATION FOUNTAIN CANOPY, STEPS AND FLAGSTONES**

Nikki Carter presented the report to members and drew their attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillors John Clark and Skoulding, District Councillor objectors to the proposal. Councillor Clark stated that he has no pecuniary interest in this application although he does own properties on the junction of St Peters Road and High Street and has lived in March all his life bringing up a family and running businesses in the town. He expressed the view that March has always been a bustling market town and he believes the people of March want it to stay that way, with all the towns in Fenland having a similar short stay parking facility in their town centres as do many other towns in the area.

Councillor Clark made the point that Fenland District Council (FDC) secured the funding from the Government and they are responsible for its control and spending, with the Cambridgeshire County Council (CCC) being a partner to deliver the improvements and FDC and CCC set up a Member Steering Group consisting of Councillors French, Purser, Gowing, Count and Skoulding. He stated that Daniel Timms was engaged to prepare the proposed development who works as a consultant for Metro Dynamics of Manchester and queried whether someone closer who would have been more understanding of the needs of March could have been employed.

Councillor Clark referred to the CCC minutes which show the study examined a wide range of options developed from officer led workshops which were subsequently reviewed by the Member Steering Group so he feels that FDC would have had the power to influence and shape the town centre development and the comments by Councillor French that CCC do not have to take notice

of FDC opinions on highways issues he believes is untrue in relation to this major project. He referred to the March Town Council meeting on 5 September 2022, where minute 86 states that "it is also believed that the total Broad Street project was open to legal challenge and possible judicial review because of the lack of meaningful consultation in the early stages of the scheme", with March Town Council members unanimously agreeing that they would publicly oppose the project in its entirety with a view to getting the scheme aborted and a few weeks later an extraordinary meeting was held on 17 October, with minute 103 referring to a special motion proposed by Councillor Connor to be prepared and signed by councillors to amend the resolution of the Council meeting of 5 September to oppose the project, which was signed by 11 councillors, all March Town Council members except one, but does include Councillors French, Connor, Purser and Skoulding who sit on FDC Planning, to amend minute 86 point c, the fountain to be positioned as highlighted on the FDC artist's impression adjacent to Malletts and councillors unanimously agreed to move the motion which made the decision to oppose the development taken on 5 September obsolete.

Councillor Clark expressed the view that the public consultation at the Library has been reported by various residents as disappointing, with one March resident being told by an officer that it is this plan or nothing. He referred to the March Market Place consultation, where he stood at the market stall for 35 minutes and whatever suggestions were made were talked down and he came away with the impression that it is this plan or nothing and in the 35 minutes he stood at the stall no ones comments were recorded so it leads him to believe that the consultation was meaningless.

Councillor Clark expressed the opinion that this development wants to sterilise and rip the heart out of March Town Centre, with March residents not being against the refurbishment of Broad Street but very concerned that their voices and ideas have just not been heard in preparing this proposed scheme. He asked that the application be refused on the grounds of lack of meaningful consultation.

Councillor Skoulding made the point that the Fountain was paid for by the people of March 112 years ago and at present the road wraps around the majority of it and the rest of it is protected by railings so it does not get damaged. He feels that moving the Fountain to the footpath will bring problems as it will get damaged, vandalised and people will use it as a climbing frame.

Councillor Skoulding stated that as a March man born and bred, he does not want to see the Fountain moved at all but if residents cannot have a say what happens in their own town he is asking for it to be moved somewhere safe. He reiterated that it was paid for by the people of March and to let people have their say.

Members received a presentation, in accordance with the public participation procedure, from Councillors Count and Mrs French, District Councillors in support of the proposal. Councillor Count stated that he fully understands the comments made by the people of March who object to what is proposed for the town centre, they have the best interests of March and its future in their heart when they put forward their objections and he knows this proposal is about the Fountain but when he has listened to and read the objections much is connected to the wider scheme on which he has other views. He stated that objectors were not alone in objecting to the proposal and he is also not alone in supporting the proposal, with many people approaching him quietly expressing support as well as many expressing their frustration or alternative ideas, all of which he has taken into account and listened to.

Councillor Count expressed the view that March Town Centre is typical of many market towns and high streets up and down the country, it is slowly dying which is not the fault of the Council but is due to people changing the way they shop and where they shop and an additional burden is that the town centre is congested. He stated that in coming up with this proposal, he has been to many meetings where the evidence of traffic and potential solutions to deal with it were examined, all of the alternative suggestions he has heard, such as new bypasses, new bridges, outside of town, inside of town, using Grays Lane, have been looked at and examined in detail with officers,

experienced experts and other March Councillors who have tested, prodded and poked all of the evidence and came up with a package of schemes for March which, in his view, work.

Councillor Count stated that one of the biggest concerns of people is that they do not believe that two lanes will work, but the bridge only has two lanes and that is not the cause of congestion, it is the traffic lights so, in his opinion, solve the traffic lights and the two lanes will work. He feels that a roundabout where the Fountain currently sits solves that problem of congestion, this is because a roundabout removes all of the dead time when the lights are on red and the modelling did include pedestrians crossing the road.

Councillor Count expressed the view that this proposal is part of a package as the new northern link road, new Peas Hill roundabout and new junction at Hostmoor will follow on with funding from the Combined Authority moving congestion from the wider area and alleviating some additional traffic pressure from town, with this new layout working not just for now but for planned growth as well. He feels that accepting the roundabout is the best solution and the question had to be asked where the Fountain should go, stay where it is as part of a new roundabout, go in front of Iceland, on the Market Place or in the park or a more central point in the High Street, all of these were discussed and for various good reasons were decided as not being as good as the location currently proposed near to Malletts for reasons ranging from lack of visibility diminishing the importance of the Fountain, utilities and loss of car parking.

Councillor Count believes the new location is still highly visible in the town centre and with the War Memorial at the other end it continues to define the two ends of Broad Street enhancing the look of the town. He feels that this piece of work concentrates on the road network, however, does nothing for the town except solve congestion, it is fortunate that with such a major change coming to March it gave FDC the opportunity to bid for funding which was successful and is the Broad Street package of measures, money to improve the look of the pedestrianised area and Market Place, with, in his view, evidence clearly showing that an attractive public realm space such as the one proposed in March increases footfall as well as dwell time which are vital for shops, restaurants, cafes, etc.

Councillor Count stated that he cannot promise that all of a sudden March will be full of shops but he honestly believes that instead of killing the town centre as some believe this is the best chance and a real opportunity so save and enhance the town he loves. He feels the committee is best placed to deal with the legal consideration on whether or not to move the Fountain but in all of this work there is the need to move the Fountain and he feels this location is the best place for it as did the working group he sat on.

Councillor Count stated like everyone else at the committee today either for or against the proposal the best is wanted for the town of March and he hopes that he has done enough today for the Planning Committee and those with concerns that this future for the centre of March is well thought through, concerns have been listened to and improvements are embraced by many.

Members asked questions of Councillor Count as follows:

- Councillor Cornwell expressed the view that members need to see the proposal in the context of the overall scheme and members have not seen anywhere in this application any of the details of the scheme for the public realm to see how the relocation of the Fountain sits within that public realm improvements and asked if there is a reason for this? Councillor Count responded that the reason he referred to the entirety of the project is that the concerns of the residents and in reading all of the objection letters this is the clear direction of thinking that impacted many of the objections, ie I objected to the Fountain being moved because the traffic will not work, there is no parking, the shops will die, etc. He stated that there is nothing in the planning application regarding the public realm as it is not part of the application, the drawings associated with the public realm works which show where the Fountain is located are available and he feels that people have looked at these drawings

and still objected.

- Councillor Cornwell made the point that the committee is still expected to take a decision based upon relocation of the Fountain somewhere within the public realm that members do not have the details of, which concerns him, and asked if this is right? Councillor Count responded that this is not right, the committee has to decide based on planning matters and the application and presentation showed the clear location of where the Fountain will be located and he expanded the discussion to the wider public realm improvements due to the concerns he read in the objections and not because there is not a location identified in the information before members.
- Councillor Cornwell asked why the planning application is being undertaken in this manner, surely there is another application to come, as normally when members look at an application the wider picture is available. Councillor Mrs Davis reminded members that this application is for the moving of the Fountain only and not the wider regeneration. Councillor Cornwell questioned that members are taking a decision based purely on moving the Fountain. Councillor Count made the point that there are elements that require planning permission and elements that do not and it is his understanding that the highways part can go ahead as it does not require planning. He added that the planning applications necessary are the demolition of the toilet block and shelter because they are in a Conservation Area and the relocation of the Fountain as it is a Listed Building in a Conservation Area and he feels it is a question for officers as to whether any of the public realm works result in a planning application being required.
- Councillor Meekins referred to parking spaces being lost and asked how many spaces this was? Councillor Mrs Davis responded that this is not relevant to this application as the application is looking at the moving of the Fountain and not any other affects.

Councillor Mrs French stated that members need to be aware why these applications are before committee, with CCC starting the March Area Transport Study (MATS) in 2017/18 and early 2020 it went out to consultation, with 1,000 responses received supporting the plans and she recognises this was in the early stages of lockdown due to Covid but a good response was still received. She stated that over the years working on the plans CCC wanted to remove the Fountain altogether and proposed to either locate it in the Market Place or in West End Park, which was disagreed with by herself and Councillor Count as it was the people of March that paid for it and it should, in her view, remain in Broad Street.

Councillor Mrs French expressed the view that Fenland roads have been neglected for years and she was pleased that finally investment and improvements were being made in March, with the first approach being to improve Broad Street removing the traffic lights that have, in her opinion, caused problems and install a roundabout and more importantly improve the air quality. She stated that CCC officers have undertaken various modelling to reach their final plan and also had discussion with the Remembrance Parade Marshall, with the proposed site for the Fountain allowing the parade to continue.

Councillor Mrs French made the point that Broad Street is a highway that belongs to CCC and it does not need planning permission as it has permitted development rights under Section 62 of the Highways Act and Schedule 2, Part 9, Class A of the Town and Country Planning Act. She added that in 2021 FDC received notification that it was successful in applying for funding to improve the town centre from Central Government and additional funding from the Combined Authority.

Councillor Mrs French stated that last year City Fibre invested £5 million into March with their internet service and work on the Market Place has already started, with next being the replacement of the old gas pipes that are over 100 years old and subject to many gas leaks. She expressed the view that this investment into March is a once in a lifetime opportunity.

Councillor Mrs French stated that the application in front of members today is to remove the Fountain to safeguard it whilst the works are being undertaken and replace it once the works are

completed. She expressed the hope that the middle of the Fountain will be replaced and asked members to support the application, which is March's future.

Members asked questions of Councillor Mrs French as follows:

- Councillor Sutton asked if he had heard right that Councillor Mrs French did not support moving the Fountain originally? Councillor Mrs French responded that she did not say this, what she did say was that CCC wanted to move it out of Broad Street and this she disagreed with.

Members received a presentation, in accordance with the public participation procedure, from Jennifer Lawler, an objector to the proposal. Mrs Lawler stated that she is Chairman of the March Society and, in her view, there has not been the legal requirement of statutory community involvement for this Broad Street development project under Article 15 of the Development Management Procedure Order. She expressed the opinion that from conversations with hundreds of people it appears that a large proportion of the town are totally unaware, and some still are, that this major redesign of Broad Street has been planned, there was not the promised in-person consultations and by the time of the so-called face to face meetings attendees were shown details and were informed it was too late and that the redesign had to go ahead as planned.

Mrs Lawler stated that many people were shocked to hear that half of Broad Street would be pedestrianised and that the Listed 1912 central Coronation Fountain would be moved onto the pavement in front of shops. She feels that every household should have received a letter setting out proposals for their comments, many are not online and do not receive local newspapers and a large proportion of those that are aware are against the proposed road layout, although they do recognise the need for modernisation.

Mrs Lawler expressed the view that the project including the applications to be decided today are going ahead without the support of a large proportion of the March population as evidenced in written comments, at face-to-face meetings and comments on the planning applications. She stated that people question the data that the proposed layout is based on, empty roads on the artist's impression, the wisdom in removing a west lane when the busiest shops are on the east side, no cycle lane when cycling is increasing, no disabled parking discriminated against the disabled and elderly and one main road through town.

Mrs Lawler referred to English Heritage stating that Conservation Areas exist to manage and protect the special architectural and historic interest of a place, extra planning controls to protect the historic and architectural elements which make a place special. She expressed the view that this is about conserving the historic environment and the setting of the Listed Coronation Fountain in March Conservation Area, it's not just about moving a relatively rare beautiful iron work, with the Coronation Fountain being a historic landmark marking an event which took place 111 years ago, 30 January 1912, when the people of March came together to raise money by donations to mark the occasion of King George V's coronation, they paid for the Fountain and for its erection in Broad Street, its decorations represent the local Fenland environment and local wildlife and moving the fountain is comparable with moving a structure such as the Arc De Triumph from its setting, it completely loses its impact if it is moved onto a pavement at the side of the road in front of and close to shops, which will restrict views of and access to the shops affecting businesses and trade.

Mrs Lawler expressed concern that the Fountain would be vulnerable to vandalism, which is not a concern in its present isolated setting which is in the middle of the road where it can be seen by everyone arriving in March and is significant and important. She expressed the view that if the Fountain has to be relocated people would like it to be in a prominent central position in Broad Street worthy of its Listed status and heritage, a location nearer to the war memorial is preferred.

Mrs Lawler stated that the actual power of Listed status and Conservation Area to safeguard March historic environment is now questionable as in this development it appears to be

meaningless which can be overridden by planners and most people have very strong feelings about these changes, people do see the need for modernisation but not the removal of the Fountain from a central position in Broad Street to then become just another piece of street furniture. She feels that by moving the Fountain the unique character of Broad Street is changed and a location nearer to the war memorial is preferred.

Members received a presentation, in accordance with the public participation procedure, from Fiona Bage, the agent, and Simon Machen and Phil Hughes, on behalf of the applicant. Ms Bage stated that she is a qualified Town Planner and also a heritage specialist at ELG so she is accredited by the Institute of Heritage Building Conservation, but she has not undertaken the heritage work for this scheme but is the planning agent that submitted the applications on behalf of the Council. She reiterated that what is being considered today is applications for the Fountain's relocation and the wider highway works do not form part of the planning permission as those works are permitted development.

Ms Bage expressed the view that the Listed Building consent and Full planning permission is required for works to relocate the Fountain, both bring similar issues in respect of the Listed Building consent members can only consider the impact on the Listed structure itself and the planning permission brings with it other issues in respect of amenity, highways and proximity to the shop front. She stated that the intention with relocating the Fountain is to improve the setting and appreciation of this historic asset as part of the wider Broad Street public realm works, with the existing siting in between lanes of traffic does very little to enhance the setting of the structure and no works are intended to the fabric of the structure, which will be very carefully dismantled and safely stored, prior to it being re-erected in its new location which will be on the new pedestrianised area in front of 32 Broad Street.

Ms Bage stated that the application is accompanied by a very detailed heritage impact assessment and no concerns are raised by Historic England, who are the national advisors on heritage matters, or the Council's Conservation Officer. She feels that the new location of the Fountain, which will be approximately 14 metres from its current location, will allow improved appreciation of the heritage asset, whose settings has been very significantly changed since its original construction and is now very much limited in respect of how it can be appreciated by the highway junction that sits in such close proximity.

Ms Bage expressed the opinion that there is no harm to the fabric itself or its significance as a result of the works and the resulting impacts on the amenity of the area and the wider Conservation Area are considered to be acceptable and positive in respect of the setting of the Listed Fountain. She acknowledged that concerns have been raised that the structure will be in close proximity to the shop frontage in which it will sit but currently that existing shop front is bounded by a very narrow footpath and car parking spaces and, in her view, the relocation will create an improvement of the public realm in this area and an improved setting to the shop fronts themselves, with the Fountain forming a focal point bringing potential mutual benefits to those businesses.

Ms Bage stated that the structure will be set approximately 5 metres away from the front of the properties and will be a very open-sided structure, therefore, it will not hinder any views or any access to that commercial premises. She made the point that no objections have been received from any statutory consultees and the Police Designing Out Crime Team have no objection to this scheme, there is a very high level of natural surveillance in the area and it is not considered that the new location would give rise to anti-social behaviour issues over the current siting.

Ms Bage pointed out that Planning Officers have recommended approval of the scheme and she respectfully requested that members supported the scheme in line with the recommendation.

Members asked questions of Ms Bage, Mr Machen and Mr Hughes as follows:

- Councillor Cornwell referred to the crossing over between the application that is relevant today and rest of the ideas and plans for Broad Street and he will ignore the highways elements in the statement as he realises that falls under different legislation. He feels that the scheme cannot be spilt up into isolated areas as one does affect the other and asked during the consultation was there any real response on the element of moving the Fountain? Mr Machen responded that he appreciates it is an unusual situation when members can only consider part of what appears to be a proposal but that is the legislative position and the only thing that required planning permission/Listed Building consent is moving the Fountain, all of the works in Broad Street fall within the public highway and are not something the Planning Committee has any involvement in or FDC as the Planning Authority. He feels it is clear from the plans that the location of where the Fountain would move to is shown so there is an understanding of what will happen and what it will look like and also sectional plans showing it against the buildings from different angles. Mr Machen referred to consultation which has been mentioned a number of times by different speakers, there have been for wider works in March several rounds of public consultation through initially the Growing Fenland Masterplan funded by the Combined Authority, which highlighted a number of issues including congestion in the town centre and the need for improvement, and it is in no small part that Government awarded funding for the Future High Street Project on the back of the Growing Fenland Masterplan as it showed the Council had consulted very early on what the issues were in town and come up with a package of indicative measures for how those problems could be overcome. He reiterated that there has been consultation on the Growing Fenland Masterplan on what the problem is with March Town Centre or what needs to be addressed and there has then been consultation on the MATS scheme, with a range of highway projects necessary and essential for the future growth of the town, with this proposal forming a very clear part of that package as without the Broad Street roundabout, congestion and air pollution gets worse. Mr Machen stated that if you look at the history of consultation, the MATS package came up with these measures although not in fine detail and then the highway works, with Covid not helping with the timing being outside of their control but subsequent to this sessions in the Library and on the Market stall. He stated that he has a background in growth and regeneration for over 30 years and he has been engaged by the Council for a couple of years on a number of projects including this one and he is also a Town Planner so there has been a history of consultation throughout but this is a scheme that does represent significant change, for which there are drivers for and not everybody will agree with what is proposed and often in his experience, people fear change and its implications and in many ways it seems counter intuitive that you go from 4 lanes of traffic to 2 but all of the traffic modelling demonstrates that it will be better and this project fits in all of this future proofing of March to make it less congested and a better experience, but he does recognise that members can only look at one small part of it.
- Councillor Cornwell stated that what concerns him are the latter stages of the consultation that took place after Covid, which was undertaken in a manner that was against FDC's own Consultation Strategy and asked for confirmation of this. Mr Machen responded that the fourth strand of consultation which he omitted to mention was consultation on these applications before members today and residents have had an opportunity to make their feelings known, with March being a fairly big town and not everyone has objected. Mr Hughes stated that there was the Growing Fenland consultation, the MATS consultation, the consultation before the application to Government was submitted, there has been plans on the website, consultation at the Library and March Market Place, with officers having discussions with people who came along. He advised that on those more recent discussions people were asked to submit feedback and some was received, but in terms of the Fountain relocation there was various feedback from leave it where it is, which is not possible if the junction is to be achieved at the northern end of Broad Street which is uncongested, or move it to the Market Place/West End Park and in assessing where the Fountain ought to be moved to the decision was taken with members to move it as smaller distance as possible so that it remains at the northern end of Broad Street and as members would see

from the application Historic England agree with relocation to as close to where it currently sits to retain its historical impact within March.

- Councillor Cornwell referred to some of the feedback stated that the Fountain should be left where it is and asked if they did not feel that this was a valid argument for those people who saw its position as being preferable to some of the other ideas being put forward. Mr Machen responded that a situation is being drifted into that is not about planning. Councillor Mrs Davis stated that she had taken advice and reiterated that members are merely looking at the application to move the Fountain, it not about where the Fountain goes and it is not about the whole regeneration scheme.
- Councillor Sutton made the point that there is an application in front of members to move the Fountain to a specific place and if he heard right, Councillor Mrs Davis is saying it is not about where it is moved just about moving it, which he does not feel is right. Councillor Mrs Davis responded that she stands corrected.
- Councillor Mrs Mayor asked if it is too far down the track to find a different place for the relocation as she has read some of the comments and Mrs Lawler in her presentation suggested further down Broad Street towards the war memorial and asked if this is not a possibility or has it already been looked at and how many other sites have been looked at that members are not aware of. Mr Machen responded that planning is not generally about making a choice where things should be or what they should be it is when an application is before committee they need to determine what is in front of them, but it is unusual to move a Listed Building and in this instance it is an unusual Listed Building and Historic England support the application and they have clearly looked at it in a lot of detail and the starting point is if you are going to move a Listed Building you should move it the least distance from where it currently is as the further you move it the less relevance it has to its original setting and it can be better appreciated in its new location. He expressed the view that if you move it closer to the war memorial it may begin to conflict with the setting of the war memorial itself and where it is proposed is the shortest distance from where it is now and still sits within its own distinct setting, it is also important to understand that what happens around the Fountain is very different to what happened when it was historically put in its current location as it was not in the middle of a road with cars and lorries and probably would not put it in this location today. Councillor Mrs Mayor stated that she is not saying she is against the Fountain being moved but she thinks it should be looked at in a different location.

Members asked questions of officers as follows:

- Councillor Cornwell referred to Paragraph 5.6 of the officer's report where it refers to March Town Council and there being no comment and asked surely there was a subsequent comment as this is why some colleagues cannot sit and hear the applications? Nikki Carter responded that Paragraph 5.6 is copied and pasted from March Town Council's comments and they are the only comments received. David Rowen added that the comments within the report at Paragraph 5.6 are the comments that were submitted by March Town Council, the discussions that March Town Council may have had separately to their formal representation on this application officers do not know about these and can only report the comments that come in on the application.
- Councillor Benney referred to the mention of consultation and asked if the legal statutory consultation had taken place for this application? Nick Harding responded that the speakers referred to consultation taking place through the course of the proposals which is distinct from the consultation on these planning applications and he is satisfied that the relevant consultation from a legislative and planning perspective has been complied with.

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

- Councillor Cornwell expressed the opinion that any move to change a long-standing structure is bound to cause considerable interest and the Fountain is one of these as people have said it was provided by public subscription 111 years ago and has been in this position ever since and was also the indicator of the war memorial which was erected in 1922. He feels relocating the Fountain now to a position that is slightly at odds with the layout of



Broad Street is strange and listening to the comments of Councillor Mrs Mayor about whether another location can be found in Broad Street probably in line with where it should be at the moment would perhaps be better but he does not think any relocation is going to be popular. Councillor Cornwell expressed confusion with some of the way this planning application has gone and the continual reference to things that members have no control of or have no information about and he feels rather let down as if this was an application for a development members would want to see the bigger picture so that it was known what members were taking decisions about and in this case members do not have it which he finds strange and slightly confusing.

- Councillor Mrs Mayor agreed with the comments of Councillor Cornwell as she feels members have got part of something and members do not know what the rest of it is about, preferring to see a whole rather than a piece.
- Councillor Benney expressed the opinion that it should be the remit of March Councillors to decide what happens in March, but he is on the Planning Committee and there is an application in front of members which is policy compliant and whether members want to see the wider information for the overall scheme this does not form part of what is being considered. He stated that whilst members might be interested, as he is, to see what is happening around in March, this is not what this application is about, it is about moving a Listed Building 14 metres and if English Heritage and other historic organisations are supporting this move members are not qualified to go against that and he feels that officers have got this application correct in terms of policy and consultation. Councillor Benney made the point that there are certain aspects of any public realm works that people will object to and there are also aspects that people think are good and bad and looking at the whole proposal for March he feels there is a lot of good in it and it will improve the air quality and allow the traffic flow to be managed appropriately, with March becoming the biggest town eventually due to the development in the pipeline and this provides an opportunity with a lot of money having been given to March and whilst he accepts it is not to everyone's taste there is always the greater good and if action is not taken to allow this to happen problems are going to be caused in the future which will exasperate the problems in March. He is very reassured with the mapping that the traffic flow is right on the wider scheme, with the bridge being the pinch point and getting rid of the traffic lights should alleviate the traffic as well as the roundabout. Councillor Benney reiterated that this application is policy compliant and he can see no reasons to turn it down, with it future proofing the centre of March.
- Councillor Sutton queried how keen Councillor Benney would be if there was a fountain in Chatteris and it was proposed to be moved in front of one of his shops? He feels there is plenty of reasons to refuse this if this is the committee's wish as the reasons for granting it are, in his opinion, subjective. Councillor Sutton referred to the consultation and if you look at what a consultation should be on the Government website it gives specific advice on what a consultation should be and he has heard from many people that their views were not taken into account and listened to, which, in his view, is not a consultation but a demonstration of what is coming and he feels it is shameful on this Council to pretend that it is consultation. He referred to the Localism Act which brought in that people are to be consulted with, are listened to and are taken notice of and he questioned what happened after this consultation, was anything changed, no results have been seen so, in his view, it was not a consultation but a demonstration to the people of March. Councillor Sutton referred to Historic England who state that they support the application but they do mention consultancy (he made the point that he was not aiming the comments at planning officers and their professionalism) and the Council employs a firm of consultants to give it advice but in the real world if he wanted an answer he would be employing somebody that was going to give him the answer he wants and he feels this is what has happened here. He referred to public access and all the comments and letters and whilst there may only be 200 in objection when you put that against the amount in support there is not a single letter of support and asked how can members possibly impose this proposal on the town of March. Councillor Sutton queried how the position was reached that there was £8.4 million to invest

in March Town Centre and nobody has been consulted, nobody agrees with the proposal, the only people he has heard speak positive on it are the two councillors who spoke earlier, with two councillors speaking against it and all 4 councillors are March Town Councillors but the difference between them is that Councillor Skoulding and Clark have history in March and he feels they should be listened to, with the businesses and residents not wanting this scheme and he does not feel the Fountain should be moved in front of Malletts shop, which is a disgrace.

- Nick Harding reminded members that the decision they are making today is about the Fountain and is not about the wider street work scheme so the issue of the consultation arrangements for those street works is not relevant to the decision today. He stated that members cannot use the street works as a reason to refuse the application, this is all about whether or not the proposal is harmful or not to the Listed structure.
- Councillor Sutton expressed the view that it is not just about whether it is harmful to that structure but whether it is harmful to the place it is being relocated to and those businesses that surround it.
- Councillor Cornwell stated that as a March Councillor he is concerned about this proposal as March Broad Street is the centre of the town, with March probably being the most vibrant of the four market towns in Fenland and March is always busy, busier during certain times of the day, and people will queue and people need to remember that the proposal will actually, related to the Fountain, create a roundabout and if you look at March Broad Street at the moment the whole of Broad Street is a roundabout so a big roundabout is being replaced with a smaller one. He referred to consultation, not the consultation relative to the planning application but the failed public consultation about the whole joint schemes and, in his opinion, it does not comply with the Council's own Consultation Strategy, which says "only consult if you are willing to make changes based on responses do not consult on decisions already made" and he feels this describes it all as the Council has not complied with its own Public Consultation Strategy.
- Councillor Sutton asked to see the photos on the presentation screen again and stated that it unfortunately does not show clearly on the right most arch the depiction of the Stone Cross which is local to and associated with the history of March and this is the problem with people out of town being involved as it says it is a depiction of the Tower of Babel, which is a biblical myth. Councillor Mrs Davis stated that she is finding it hard to know what point Councillor Sutton is making as nothing is changing on the Fountain and it is only being moved. Councillor Sutton responded that it is the principle of people coming in from outside the town and knowing nothing about it. Councillor Mrs Davis made the point that this is not a material planning issue. Councillor Sutton disagreed.
- Councillor Sutton referred to the modelling. Nick Harding stated that this is not material to the determination of this planning application. Councillor Sutton acknowledged that it may not be but feels it shows the background to the moving of the Fountain and made the point that Councillor Benney was not pulled up when he mentioned the modelling. Councillor Mrs Davis responded that Councillor Benney asked a proper question and raised a proper point. Councillor Sutton referred to Councillor Benney mentioning the bridge but expressed the view that this is not where the congestion is, it is not going south out of the town, the congestion comes going north into the town and looking at the modelling it is difficult to see and get exact numbers because the two elements are modelled together and you are unable to see when it first starts and comes into a bigger picture so he feels the modelling is flawed as the numbers are not right. Councillor Mrs Davis stopped Councillor Sutton as whilst in his opinion what he is saying is relevant to the application, in her view, it is not in terms of planning legislation.
- Councillor Marks stated that he has listened to what has been said and he feels it comes down to one thing, is the character of central March going to be ruined, does the Fountain need to be moved but if a roundabout needs to be put here then it needs to be moved, is this going to help town centres when it is being stated that everyone is internet shopping so town centres are dying anyway so why is money being wasted moving it. He stated that his biggest concern is by moving it just 14 metres, when members are being told it is in the

middle of the town where nobody can get to it so it is actually protected, there will be takeaway signs, people eating takeaways under it and does this not detract from what it actually is, which is a monument given 112 years ago, its come through 112 years and suddenly it needs to be moved and he does not quite follow the logic unless it is hand in hand with the roundabout apart from that leave alone. Councillor Marks made the point that earlier it was said that the Fountain is not actually in bad condition and can be removed fairly easily but there was a comment that the base has a problem and needs money finding for repair so in one breath members are being told by experts the Fountain is fine and in another breath being told there are issues with it so which one is it, does it need money spending on it and is it going to take more harm by trying to move it.

- Councillor Benney stated that whether it will be harmed by moving it is not what committee is looking at today and what is being looked at is the Fountain going to move 14 metres, with all the rest of it being scenery and fluff and the committee is here to look at policy. He expressed the view that whether it can be moved or not is a technical issue not a planning issue.
- Councillor Sutton disagreed with Councillor Benney's comments as, in his view, it is all about substantial harm and it states in the report that weight can be added or removed regarding substantial harm to the significance of the asset.
- Nick Harding reminded members that their decision needs to be based around whether or not the displacement of this heritage asset would be detrimental to it and that is not in the context of physical damage to it whilst deconstructing it and assembling it again that is a technical issue, it is whether or not in its current location its heritage significance is so great that moving it 14 metres would irrevocably damage that quality of the heritage asset and its setting.
- Councillor Marks asked for clarification, so if the Fountain is moved and there is more footfall around it resulting in damage can that be taken into consideration. Nick Harding responded that if the property is demonstrably at greater risk of being damaged as a consequence of it being moved then that would be a legitimate consideration but there is not any evidence that this is necessarily going to be the case. Councillor Marks made the point that at the moment people are not walking around it or in it as there would be with the footfall where it is proposed to be moved to and asked officers if they agreed? Nick Harding responded that he is not sufficiently knowledgeable about the use of it by people in its current position so he is unable to comment.
- Councillor Marks asked to look at the photograph in the presentation again as it has railings around it at present time and whilst you can get in and out of it, it is less open than it would be in its new proposed location with no railings around it at all and asked officers if they agreed. Nick Harding responded that it would be difficult to balance whether or not in its current location it is more susceptible to damage by vehicles potentially as opposed to damage by people, there is no strong evidence in either instance.
- Shane Luck, CCC Highways Officer, stated that the Fountain in its current location, whilst he appreciates it has not happened to date, is at greater risk of vehicle strike because it is in the middle of an active highway and its relocation to what would be a footway in the public realm increases accessibility for pedestrians but it does decrease the risk from motorised vehicles. Councillor Marks made the point that the Fountain has been in its location 112 years and to the best of the Mr Luck's knowledge it has not been damaged by lorries, buses, cars, however, by moving it where pedestrians with pushchairs and trolleys, etc, could actually hit it but that should not be taken into consideration because it has not been hit where it is at the present time. Mr Luck responded that what he is saying is that while it has not happened historically to the best of his knowledge and the likelihood is low but if it is hit by a motorised vehicle the potential for severe damage is greater than if it is hit by a pedestrian.

**F/YR22/1318/LB**

Proposed by Councillor Sutton, seconded by Councillor Cornwell that the application be REFUSED

against officer's recommendation as they feel that moving of the structure would result in it being in a less appropriate position, which would be detrimental to the character and setting of that structure. This was not supported on a vote by the majority of members.

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

**F/YR22/1332/FDC**

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

*(Councillors Connor declared that he is perceived to be pre-determined and had proposed a motion on this application and took no part in the discussion and voting thereon. Councillor Mrs Davis took the Chair for this item)*

*(Councillor Benney declared that he is a member of Cabinet but is not pre-determined and will approach the application with an open mind)*

*(Councillor Mrs French declared an interest in this application, by virtue of being a member of MATS and the Member High Street Steering Group, and after speaking as part of the public participation took no part in the discussion and voting thereon)*

*(Councillor Murphy declared that he is a member of Cabinet but is not biased or pre-determined and will approach the application with an open mind)*

*(Councillor Purser declared an interest in this application, by virtue of being a member of MATS, and took no part in the discussion and voting thereon)*

*(Councillor Skoulding declared that he was pre-determined on this application and after speaking during the public participation took no part in the discussion and voting thereon)*

**P100/22**

**F/YR22/1319/FDC**

**THE BROAD STREET PROJECT, BROAD STREET, MARCH, CAMBRIDGESHIRE  
DEMOLITION OF THE PUBLIC TOILETS AND SHELTER WITHIN A  
CONSERVATION AREA**

Nikki Carter presented the report to members and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Councillor Skoulding, a District Councillor objector to the proposal. Councillor Skoulding stated that the toilet block is very necessary for March and he would personally like it to stay and be revamped but if it must go he feels it would make more sense to build the new toilet block before demolishing the current one. He expressed the view that if portaloos are used for about 18 months this is going to cost a fortune and he can imagine seeing these portaloos going down the river, with consideration required to be given to the needs of the disabled and the elderly so, in his view, it makes more sense to keep the current toilets until the new toilets are built.

Members received a presentation, in accordance with the public participation procedure, from Councillors Count and Mrs French, District Councillors in support of the proposal. Councillor Count expressed the opinion that one of the major jewels in the crown of the town of March, not just the Fountain, War Memorial and the Stone Cross, is the river coursing straight through the centre, which is not made enough of it is just accepted and people are used to it. He feels the proposal to move the toilet block and bus shelter to open up the area to provide seating to enhance the view of

the river are all positives in his opinion and unlike others he cannot see the beauty in these buildings and cannot understand why people believe residents would want to embrace a view of a toilet block, with people entering and leaving, over a beautiful view of the wonderful river, which he recognises is a personal opinion.

Councillor Count expressed the view that when someone arrives in March that does not know the town he would want them to see and enjoy a beautiful river not people going in and out of the toilets but he does understand people talking about the need for toilets in a town centre location, with the initial proposals not having any public toilets and himself and Councillor Mrs French, amongst others, fought long and hard to have new ones included in the budget and to have them located in the town centre. He stated that he felt the toilets would be better off in the car park because the people that use them tend to drive to City Road car park and these are people that do long stay car parking but residents said otherwise, Councillor Mrs French said otherwise and it has been talked about listening to residents and this is one of those examples where the Council did listen to residents and he backed down on his thoughts and accepts that a town centre location is the best place for the toilets.

Councillor Count stated that he supports the removal of the toilet block and the bus shelter to open up that space so people can enjoy the beautiful river in March and he feels it is essential that town centre toilets are kept, with the new location in Grey's Lane being appropriate.

Members asked questions of Councillor Count as follows:

- Councillor Cornwell asked from Councillor Count's personal point of view where does he see a new toilet block being located because as the previous speaker said toilets are important and maybe rather than considering any temporary toilets priority should be put into providing the new toilets before the existing ones are demolished. Councillor Count responded that the current location proposed for the new toilets is in Greys Lane, further away from the town centre but still literally in the town centre and he agrees with this as the best location having moved away from his original thoughts primarily based on what the people of March want who want a town centre location. He agrees with Councillor Skoulding that it would be wonderful to have the new permanent ones built prior but this is not possible due to the funding and budget as there are delivery time schedules so there will be a period where the situation is not perfect but there will be temporary toilets in the meantime and the new ones will be built with enhanced changing facilities and disabled facilities.
- Councillor Marks referred to relocation and that March has a lorry park with no toilets so he thinks what is already happening where lorry drivers are staying overnight would it not make more sense to put a facility here? Councillor Count stated that was his initial preferred location, however, the people of March, whose views he respects and has come around to their way of thinking, feel it is much more important to have those that are may be frailer, less able to go longer distances have it right in the town centre so that is what the proposal is for it to still be in the town centre. He made the point there has been a lorry park for as long as he has lived in March and he is not aware of any significant issues with having the toilets further away and there used to be a second set of toilets by West End but no problems have arisen since that toilet block closed so either they use places like pubs or cafes or they are using the town centre toilets of which the new ones will be virtually the same location but just stopping them blocking the view of the river.

Councillor Mrs French stated that the plan is to demolish the toilets and rebuild new ones but there is not a design for the new ones as yet but the roof tiles of the current toilets are going to be reused on the new block so it has to be demolished first, put the temporary toilets in and as Councillor Count alluded to there is approximately £160K from changing places to supply a disability adult changing facilities which includes a hoist. She made the point that there is only one toilet working in the current block as they keep breaking down and the Council is unable to get the parts.

Members asked questions of Councillor Mrs French as follows:

- Councillor Cornwell asked if there is any real reason why the new ones cannot be prepared now because the rest of the High Street project will not depend upon the demolition of the old toilets. Councillor Mrs French responded that he was correct, the first stage is to get the application approved today for demolishing and then officers through the consultants will hopefully very quickly come up with an actual planning application bearing in mind that it is proposed to use the tiles and possibly the other features. Councillor Cornwell referred to the previous application that had been considered which was to take the Fountain down and put something up so he is a bit disappointed that this application does not include the new toilet block. Councillor Mrs French responded that this application needs to be approved to demolish then for the architects to prepare a new plan including possibly the turret and the old tiles, which they would not want to do if this application was refused. Councillor Cornwell asked if the new plan will include the retention or replacement of the trees and the grass etc that will have to be in this location. Councillor Mrs French responded that this will all come within the planning application.
- Councillor Sutton stated that he does not understand the comments that an architect has got to wait for a demolition before designing a new toilet. Councillor Mrs French responded that why would this Council waste money on an architect to supply drawings for a new toilet if this application is refused.

Members received a presentation, in accordance with the public participation procedure, from Jennifer Lawler, an objector to the proposal. Mrs Lawler expressed the view that again there has not been the legal requirement of statutory community involvement for the Broad Street project under Article 15 of the Development Management Procedure Order. She stated that in conversations with hundreds of people when raising the petition to prevent the demolition of this toilet block it appears again that the large proportion of the town population were totally unaware of this major design of the town, with no promised in-person consultation and people at the face-to-face meetings were shown details and learnt it was too late and plans would go ahead including demolition of the toilet block.

Mrs Lawler expressed the opinion that people were shocked to hear that the toilets and shelter together with trees on the riverbank would be cleared to expose a less attractive view of the river. She stated that many reasons were given against demolition, with the main being the loss of amenities, with Fenland having statistically significantly fewer people reporting good or very good health compared with England as a whole and many people with medical conditions saying they need the security of knowing that easily accessible toilets are there in the town centre and the shelter is available for both the need to rest and inclement weather, with the removal of both resulting in discrimination against people with disabilities who are unable to come into town without the security of knowing that there are facilities available near the shops.

Mrs Lawler expressed the view that the toilets are a lifeline to people and the preferred option is for the toilets to be modernised and restored with a new façade but there must be the provision for new toilets before any demolition occurs. She made the point that this application is for demolition and not for rebuilding and she has been told there will be a time without toilets and people can use them in shops but that, in her opinion, is unacceptable, with the town's Women's Guild quoted as saying they were concerned at the decline in the number of free to access public toilets being a threat to citizens hygiene, health, mobility, dignity and equality, with available High Street toilets being essential in the town centre for an aging population and increasing percentage of older residents, those with medical concerns and visitors, families especially at town events in the area use these as they are the only public toilets in March, conveniences belong in the town centre and the present building is in full view and visible for visitors.

Mrs Lawler expressed the view that the shelter is a sound protected well-frequented seating and meeting place for various age groups offering shelter in all weathers and contrary to rumours of unwelcome users she has spoken with many town residents who use it and need the facility to rest

while in town and do not want to lose it. She referred to environmental concerns in that the toilet building has been a prominent landmark on this site for nearly a hundred years and is a familiar well-liked building adding character to Broad Street, with demolition of these buildings offering changes of character and leaving an empty space.

Mrs Lawler stated that it is disturbing that when conservationists are calling for buildings to be refurbished rather than demolished there is an application to demolish a sound building in order to build a replacement just a few metres away and if it is not required as toilets the building should be given an alternative use. She feels that opening an area on a steep riverbank with proposed seating facing old buildings does not open up an attractive view, with there being, in her opinion, far more attractive views of the river.

Mrs Lawler stated that the proposed replacement toilet building would be near the riverside grounds and the play area of Listed Bank House, with there being concerns about night-time vandalism and anti-social behaviour in this more secluded area. She expressed the opinion that the present site is ideal as it is open to the high street view.

Mrs Lawler stated that, being mindful of climate change and the beneficial effects of trees on health and well-being adding beauty and improving air quality in the urban environment, trees must be retained on the bank adding character to the area and importantly supporting the bank, with the tree report recommending trees are retained and new planting added to benefit wildlife and biodiversity. She expressed the opinion that demolishing a sound building to obtain a view, and not an attractive one, sets a disturbing precedence for removing buildings which are not recognised as being important and raises concerns for other March buildings.

Members asked questions of Mrs Lawler as follows:

- Councillor Meekins referred to Mrs Lawler mentioning in both the previous application and this one that she had had hundreds of conversations. Mrs Lawler responded that she has spoken to masses of people for months, she is involved in many groups in March, people have contacted her and she is on social media. Councillor Meekins asked if a survey was undertaken or was it just people talking to her and made the point that the March Society has not put anything in the comments about the hundreds of people that these conversations took place with as he would have thought if she was campaigning for something and hundreds of conversations had taken place with the vast majority of them being against it she would have produced some statistics to back his argument up and the March Society does not do that so he wonders where the facts and figures are to back up her statement. Mrs Lawler responded that she omitted putting that as she was just giving the March Society's objections but a petition of over 500 signatures was handed in and because she was so busy she did not go all out to have a campaign. She stated that people have approached her since the closing date to ask if they could sign up.
- Councillor Sutton asked for clarification on the number of signatures for the petition? Mrs Lawler responded that there were actually 515 signatures she believes.
- Councillor Meekins stated that it does say a 318 signature petition was submitted and names, signatures and addresses have not been checked. Mrs Lawler stated that there was also an on-line petition on the Council's website as well so the two added together came to over 500.

Members received a presentation, in accordance with the public participation procedure, from Fiona Bage, agent, and Simon Machen and Phil Hughes, on behalf of the application. Ms Bage stated that the application seeks planning permission for demolition of the existing toilet block and shelter, with the works forming part of the wider scheme of the funding works through the March Future High Street Project which is intended to address the challenges and assist in the regeneration of the centre of March. She expressed the view that the demolition of the structures is intended to open up views of the riverbank and create an area of improved public realm within the vicinity and permission for demolition is only required by virtue of the buildings being located within

a Conservation Area.

Ms Bage advised that, whilst not forming part of this current application, new toilet facilities will be provided and there is the commitment from the Council already to do this with £250,000 worth of funding already allocated to provide these facilities, which are approximately 12 metres away from the existing facilities, therefore, in her view, the new toilets will be conveniently located near to the existing centre. She stated that the new and improved facilities as one of the councillors mentioned will be built to modern standards and meet more specialised needs than the current facilities which cannot be provided within the confines of the existing building.

Ms Bage stated that if there is any crossover between the demolition of the current provision and the creation of the new facility, temporary facilities will be provided and made the point that no trees are to be removed through the current application. She acknowledged that a number of objections have been received as a result of the public consultation, in her view, a number of these concerns in respect of the proposals relate to the wider scheme, such as loss of car parking, highway implications, etc, with these works not being part of the current application for demolition of the toilet or shelter.

Ms Bage stated that the proposal is policy compliant, is not considered to harm the character and appearance of the Conservation Area, which is the one reason why the building needs consent for demolition in the first place, there are no objections raised from statutory or internal consultees with several conditions being requested by consultees in respect of trees and ecology due to the location of the works in close proximity of the river and the existing trees along the riverbank and they are more than happy to accept these conditions. She expressed the view that the planning officer has worked really proactively with them through the course of the application and they are pleased to secure a recommendation for approval and requested that members support the scheme in line with this recommendation.

Members asked questions of Ms Bage, Mr Machen and Mr Hughes as follows:

- Councillor Cornwell asked if a scheme has been drawn up yet as to what the final product will look like? Ms Bage stated that those works would be permitted development works through the highway works with the rest of the pedestrianised scheme but there is an indicative scheme as part of the application.
- Councillor Cornwell asked what type of safety provisions are being thought of as the rest of the town where the river comes through is post and fence on the two eastern sides and opposite there is protection on the southern bank, with further along there being natural protection but this is the old quay he believes of the old port going back to the days when the barges operated and is there going to be a quay type structure here and is there going to be any protection at all from the Saturday night crowd. Mr Machen responded that in terms of the details of the public realm scheme that will replace the toilets that is a combination of hard surfacing, landscaping and seating and there will need to be some demarcation to the edge of the relatively steep bank but it is worth bearing in mind that anyone could wander around the back of the existing toilet block and fall in the river now, although he is not aware this happens on a regular basis. He stated that any works that are undertaken within the public realm particularly where it involves public highway are subject to risk assessment. Mr Machen made the point that in an ideal world the planning application for the new toilet block would be submitted alongside the application to demolish the existing toilets, however, where new toilets should be located or whether the existing toilets should be refurbished has been discussed a number of times, particularly with March Town Council. Mr Hughes stated that subject to the outcome of today an architect's design should be available in the next two months and then a planning application to follow. He emphasised that the Council has a £250,000 put aside to develop brand new toilets in a central town location and those toilets would consist of two fully accessible toilets and one Changing Place toilet to modern standards, which would be the best standard toilets in Fenland.



- Councillor Mrs Davis asked for clarification that the existing toilets have to be demolished as to build proper disability toilets you are unable to reconstruct inside and need the building to be slightly bigger? Mr Hughes responded that it would be quite a big space and taller than the existing one as well. He stated that in terms of the phasing, the wider Broad Street works and changing the riverbank requires the demolition initially.
- Councillor Marks asked what the age of the existing toilets are? Ms Bage advised they are from the 1920s.
- Councillor Cornwell asked for confirmation that a working compound facility will remain in the quay? Mr Hughes responded that it has just been replaced at a cost of £12-13,000 and it is also refurbishing the building itself improving the lighting and fresh water supply so that the pump out station for boat users is being improved at the moment ready for the Summer.

Members asked questions of officers as follows:

- Councillor Benney made the point that there is an application for the demolition without the rebuilding and he would not want to see it demolished and then the money is no longer available and asked if conditions can be placed on the application that if approved that safeguard the demolition with a plan for re-building so that it is not demolished and then nothing is built to replace it. Nick Harding responded that this would be a tricky one to deliver because in terms of the street works that is something that does not need consent, the Council is not in control from a planning perspective and there is a legal process to go through for the application to construct a new block. Stephen Turnbull added that the best that could be undertaken would be a Section 106 Obligation but the Council is the landowner itself. Nick Harding explained that the Council cannot enter into a Section 106 Obligation with itself and given that the Council is the applicant the decision would be made in good faith that the demolition of the existing toilets would not commence until there is assurance about the implementation of the street works and the wider scheme for the replacement toilet block.
- Councillor Mrs Mayor made the point that no one has mentioned that it is not a statutory duty to provide toilets in towns so it could be knocked down and not rebuilt. Nick Harding responded that as explained by the agent consent required for the demolition of the toilet block is as a consequence of it being in a Conservation Area and it is part of the Council's wider duty to consider the equality issue in respect of the loss of the toilets, would that be detrimental to a certain section of the community if there was not going to be a replacement but there is the promise of a replacement so that issue of equality is resolved.
- Councillor Cornwell queried if it is being said that in giving approval for the demolition of the toilets it is being linked to the replacement of the facility? Nick Harding responded in the negative, there is not going to be any condition or legal agreement attached to the planning permission for demolition if that is what is resolved by the committee today that insists on the replacement toilets being provided given that the Council is the authority that is behind both the demolition and the replacement toilets, which is a fairly good covenant to say that those replacements will be provided. Councillor Cornwell made the point that an option is not really wanted, it needs to be clear steer that permission is given for one on the condition that a replacement is secured. Stephen Turnbull responded that as it is a Council scheme the conventional way of approaching these things is that the members of the Planning Committee will entrust that this will happen and be assured that this will happen by the people promoting the scheme elsewhere within the Council. Councillor Cornwell queried that members should not be dealing with the application any differently to whether it is a private individual, company or the Council. Stephen Turnbull stated this is correct but the committee cannot require the Council to enter into a Section 106 Obligation with itself.
- Councillor Sutton referred to Councillor Mrs French's presentation where she said the Council did not want to waste money on architect's fees for new drawings but in Ms Bage's presentation she indicated that there were indicative drawings so have these drawings been seen by officers, if they have should members not have seen them also and if they are available why are they not in front of members as it just seems an incomplete application. Nick Harding responded that there is no planning application for replacement toilets, the

application before members is for the demolition and it has been heard today from the speakers that there is funding included within the project to provide for the replacement and given that this is a Council scheme it is being accepted in good faith which does not seem to be unreasonable. He made the point that there will be an application in due course for the new toilets and he is sure this will come before Planning Committee but the applicant cannot be criticised for not including the replacement scheme as Mr Machen has indicated there has been more toing and froing discussions in order to get the scheme right for the replacement toilets and that has set back the work programme slightly as otherwise the committee might have seen both applications together.

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

- Councillor Mrs Mayor expressed the opinion that she would have liked to have seen an application come forward for demolition and rebuild, but members have got what is in front of them and this is what needs a decision.

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

*(Councillors Connor declared that he is perceived to be pre-determined on this application and took no part in the discussion and voting thereon. Councillor Mrs Davis took the Chair for this item)*

*(Councillor Benney declared that he is a member of Cabinet but is not pre-determined and will approach the application with an open mind)*

*(Councillor Mrs French declared an interest in this application, by virtue of being a member of MATS and the Member High Street Steering Group, and after speaking as part of the public participation took no part in the discussion and voting thereon)*

*(Councillor Murphy declared that he is a member of Cabinet and is Portfolio Holder for the Environment responsible for public toilets, and took no part in the discussion and voting thereon)*

*(Councillor Purser declared an interest in this application, by virtue of being a member of MATS, and took no part in the discussion and voting thereon)*

*(Councillor Skoulding declared that he was pre-determined on this application and after speaking during the public participation took no part in the discussion and voting thereon)*

**P101/22      F/YR22/0226/F  
33 AND LAND NORTH OF 17-31 GOSMOOR LANE, ELM  
ERECT 63 X DWELLINGS COMPRISING OF 4 X 2-STOREY 4-BED, 27 X 2-  
STOREY 3-BED, 24 X 2-STOREY 2-BED, 4 X SINGLE-STOREY 2-BED AND 1 X  
BLOCK OF FLATS (4 X 1-BED), INSTALLATION OF A PUMPING STATION AND  
THE FORMATION OF AN ATTENUATION POND, INVOLVING THE DEMOLITION  
OF EXISTING BUILDINGS**

Graham Smith presented the report to members and drew their attention to the update report that 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 asked questions of Shane Luck, the Highways Officer, as follows:

- Councillor Mrs Mayor stated that on the site visit members were concerned about where the footpath is situated as it is on the opposite side of the road to the development, which means when they are affordable houses there will be children who will have to cross the

road to get to school, cross the road to get to the village and it was felt it was possibly better to have the footpath link on the same side as the development. Mr Luck responded that in engineering feasibility terms, due to constraint on the width of highway available and the number and nature of direct frontages and their individual access on the north side, a footway on that side of the road is not feasible as it does not fit within the available space and will create visibility conflicts with those driveways. He added that instead of providing or attempting to provide a footway on the north side which would be sub-standard the applicant is proposing a crossing point from the access to a widen and extended footway on the south side of the road, which in the context of the NPPF and highway safety a footway on the south side of the road including a crossing point is acceptable and safe in highways terms.

- Councillor Mrs Davis stated that her concerns were the same as Councillor Mrs Mayor as lorries access this road to go to IPL and when a crossing point is mentioned is this going to be a dedicated crossing point? Mr Luck responded that it would be a dedicated uncontrolled crossing point so a dropped kerb as based on the nature of the road and volume of usage a controlled crossing would be deemed to be more unsafe due to the infrequency with which it would be used so drivers who drive regularly along the road become used to it not being used as a crossing point and on the occasion it is used it takes them by surprise. He added that controlled crossings need to have a certain volume of usage for it to be considered safe.
- Councillor Mrs Mayor asked if this meant a tactile lower kerb feature? Mr Luck responded that it would be a dropped kerb with tactile paving.

Members received a presentation, in accordance with the public participation procedure, from Marc Hourigan, the agent. Mr Hourigan stated that this is a site that has long been identified for residential development and has the benefit of an outline permission until as recently as 1 May 2021 and it is also a site that is proposed to be allocated for new homes in the Council's emerging Local Plan, although he acknowledges this is at an early stage of its preparation. He made the point that, as the officers note, the principal of residential development here is considered acceptable in planning terms and a scheme has not come forward previously under the provisions of the former permissions for housing and the new school car park due to the site being a little too big for local developers and on the small side for national house builders and in relation to the school car park, the Diocese was consulted at the pre-application stage and the outcome of that consultation was that there was no commitment forthcoming for the car park and it obviously never came forward.

Mr Hourigan stated that his client's proposed development is in partnership with the Longhurst Group, a well-known and respected Housing Association, to deliver a 100% affordable housing scheme, which is the key difference between this scheme and the previous one which was an open market scheme. He stated that he has been reliably informed by officers that 100% affordable schemes are quite rare in Fenland because of viability issues associated with delivering development here and the evidence that they have presented in the application shows there is an acute need for affordable homes in Fenland and this scheme will go some significant way to help address that need.

Mr Hourigan expressed the view that if members support the scheme they can be assured it will be delivered promptly. He made the point that the scheme also contains some specialist housing, with plots 60-63 being four large homes in the north-west corner of the site specially designed for people with disabilities for which there is an acute need for in Fenland.

Mr Hourigan stated that within the scheme there is a broad range of house types and sizes from 1-4 beds catering for a broad cross-section of needs and the scheme also includes bungalows some of which are adaptable for disabled access. He referred to energy and as members will be aware the cost of living crisis, the climate crisis and the need to reduce energy consumption is affecting people all across the land and this scheme will need to adhere to the most stringent building

regulations that came into force last year, which compared to the previous regulations require 30% improvement in terms of energy efficiency.

Mr Hourigan referred to some of the issues that have been raised by objectors and in terms of drainage they have worked really hard with the County Council, Middle Level Commissioners and Anglian Water to devise an appropriate surface water scheme for this site, consequently there are no objections from these agencies, and it is also intended that all surface water infrastructure will be adopted and it is expected that all roads will be adopted too. He stated that members have heard from the County's Highway Officer regarding the delivery of a new footpath connection to the village as well as a highway gateway feature on Gosmoor Lane to help reduce vehicle speeds, with the County satisfied with the proposals from a capacity and safety perspective raising no objections to the scheme, with the highway scheme being very similar to what the Council has previously approved on the outline permission.

Mr Hourigan expressed the opinion that it is a well-designed scheme that will fit comfortably with its surroundings but it is right and fair to acknowledge that the outlook for some of the existing residents will change but that is not a reason to resist the scheme, with there being no amenity issues for neighbouring residents as the homes have been sited an appropriate distance away from existing properties. He stated that the scheme does include open space along the northern boundary with the countryside beyond, which will be a usable open space and will only ever be used to store surface water in the most extreme of events, acknowledging that the open space and the site lie within Flood Zone 1, which means it has less than 0.1 chance of flooding each year.

Mr Hourigan made the point that Elm park is within 300 metres of the site and the footpath improvement that would be delivered would facilitate safe access to this children's play area. He stated that the position of the Council is not to require contributions for 100% affordable schemes, which is, in his opinion, an entirely reasonable position for the Council to take on planning balance but the consultation responses he has seen simply do not adequately evidence need with regards to social infrastructure.

Mr Hourigan reiterated that this is a much-needed affordable housing scheme, it will deliver a high quality development, all technical issues have been addressed and he asked members to grant full planning permission in line with the officer's recommendation.

Members asked questions of Mr Hourigan as follows:

- Councillor Meekins acknowledged the need for more housing, with the previous application being for 50 and this one for 63, but queried the non-provision of any play area within the estate, with him knowing Elm well the only playground is opposite the school so the children would need to go up this road and cross the road to access this play area and a play area, in his view, would have enhanced the site to potential purchasers. Mr Hourigan responded that the outline permission was for 50 and when this project was started he contacted the previous architect involved with the scheme and asked if there was a reason why 50 was the figure given in the application and the answer he was given was that there was no technical reason why it was 50 that was just the number they came up with. He made the point that this application site is slightly larger than the previous application site as when you consider the proposals previously as a Council there was the housing, an area in the north west corner which was going to be a school car park which clearly is not needed so this area is now being proposed to be developed for housing. Mr Hourigan stated that the scheme does include open space along the northern part of the site and the principles that were established in the outline illustrative scheme have been followed, which will also be a dual purpose storage facility for surface water in the most extreme of events, with the site lying in Flood Zone 1, with there being 0.01% risk of flooding so for almost all of the time it will be used as open space although he acknowledges that there is not children's play equipment within it but Elm park is only 300 metres away and members have heard from the Highway Authority that the access to site and the continuous footway from the site to the

park is satisfactory in highway terms.

- Councillor Meekins stated that he would not be happy for children to travel 300 metres up a busy road to reach a play area and asked about the area where it says SUDs attenuation pond. Mr Hourigan responded that it would be grassed over to provide dual usage.
- Councillor Cornwell expressed his concern regarding the play aspect, he recognises that there is the SUDs and it serves two purposes but he is also aware that there will a lot of young families on this development and it appears to him that some type of small play facility for small children somewhere around that SUDs would be far safer and far more accessible to the families that are going to live in this development, it is an enclosed area and if there was something there he feels it would be far more suitable for the younger families especially rather than go down and across the road to get to the main play area in the village. Mr Hourigan expressed the opinion that he has already answered this question, with officers and the Highway Authority saying it is acceptable and it is no different from all the other residents who live on the estate opposite if their children want to go to the park they go down the road, past the shop and across the road opposite the school. He made the point that it is not like there is not any open space as there is 1,355 square metres of open land for people to use. Councillor Cornwell expressed the view that Mr Hourigan was being a little disingenuous and he realises why as there is a cost involved but it seems to him that in a development such as this the more one can provide for the families in a safer aspect is better and this proposal is in effect requiring the youngsters to go out into the big world from the end of the estate, with these being smaller children which is where the main facility in Elm comes in as it is a good play area and whether the officers feel one way or another he feels is irrelevant. Mr Hourigan responded that talking about young children, chances are they will be accompanied anyway by parents so if it is a safety concern then those young children would ordinarily be accompanied by a parent or grandparent to the existing equipped play area in Elm which is only 300 metres away and within acceptable walking distance, although he recognises the point that Councillor Cornwell is making but open space is being provided on site and to provide what is being suggested the amount of affordable housing would have to be reduced.
- Councillor Purser stated that when the children come out of the school they have got to cross the busy road and go around the houses to get back to the housing estate and previously there was an application for 55 and now this proposal is 63 with some houses pushed into the corner and asked if there was no provision to put some sort of gate so children can go through from the development into and out of the school, which would be safer for those children living on this development. Mr Hourigan responded that this part of the site is where the specialist housing is located and if there was a gate there he is not sure how it would be planned but they would also need the agreement of the school and he believes on the other side of the fence it is undeveloped land, part of the playing field so it would need a path and there is not that agreement with the school. Councillor Purser made the point that surely the school would use its common sense for the safety of its children to agree to this request. Mr Hourigan responded that the car park that was agreed previously had that link in and when they engaged with the Diocese and the school there was not any appetite for providing that car park and he can only assume that the school did want any people coming through that part of the school, but engagement did take place with the school and Diocese and nothing was forthcoming from them. He reiterated that it is only 300 metres to walk to the school along a wide footpath. Councillor Purser expressed his surprise that the school did not engage with the agents.
- Councillor Connor stated that he is not happy with the answers provided to Councillors Meekins and Cornwell regarding the play area, with most of it taken up with the attenuation pond and it will probably have some sort of water in it or not but has that purpose. He made the point that Elm School does not have any vacancies at the moment so what is going to happen when children have to be bussed of to school so he can see problems in the future. Councillor Connor referred to the Management Plan which shows wheel cleaning facilities, which he applauds, but he would like, which he feels Councillor Mrs French will agree with, a road sweeper available at all times which will hopefully alleviate most of the problems on

Gosmoor Lane with mud and debris and whilst this cannot be enforced he would like a cast iron guarantee that there is a pre-commencement condition for a sweeper to be provided as in inclement conditions there will be mud on the road. Mr Hourigan responded that he has taken instructions and Councillor Connor can have that cast iron guarantee. He referred to the public open space and having water in it and expressed the opinion that it would only be in the most extreme flood events and that would be after the pumps had failed as there is a pump system, with a back up pump and the pump system has an alarm so all of this would have to fail before there would be water in this dual purpose facility. Mr Hourigan acknowledged the school places as an issue but the resolved position of the Council is not to request contributions towards education for 100% affordable schemes and he also acknowledges that there is parental choice not all the people who live on this development will want to send their children to that school. He has seen the responses on education and they do not go into much detail on what would be required to justify contributions under the CIL regulations but that is not the position of the Council as he understands it, which is to take a balance with the affordable housing provision which are 100% affordable housing schemes and further contributions are not required.

- Councillor Mrs French stated that she is glad that Councillor Connor mentioned the mud in the road as she is fed up with the Council having to constantly attend to clean out drains with the two big developments in March and she is glad the developer has agreed to the action proposed. She referred to education and made the point that the County Council does have a statutory duty to supply education but this Council does not have a statutory duty to enforce Section 106s.
- Councillor Sutton referred to Mr Hourigan mentioning in his original presentation that it is unusual for 100% affordable housing and he is right it is but asked if he is aware that it is not unusual in Elm itself as there has only just been 27 agreed at the end of Grove Gardens and that 27 in a Section 106 Agreement supplied around £43,000 to go towards either the proposed new village hall or more likely make major alterations to the church so that it becomes a community facility so if this £43,000 is pro-rata to this scheme it comes to about over £100,000 so could this be expected through a Section 106? Mr Hourigan responded that the position with this application is that there are not any contributions and they have not been asked to provide anything, with the resolved position in the SPD is that infrastructure contributions are not asked for on affordable schemes. Councillor Sutton expressed the view that the contributions were not asked for on the 27 scheme but the developers and the Housing Association wanted to give something back to the village and it does not have to be CIL compliant for it to be offered it be undertaken unilaterally.
- Councillor Mrs Mayor referred to the bungalows, with there only being four and two are disabled and the four properties at plots 60-63 she is concerned that they are right up in the back corner and if they are for disabled people she thinks they should be nearer to the entrance to the estate or even more bungalows, but she is delighted that four is being proposed, and asked where there is a possibility that those other properties that are for disabled people can be moved? Mr Hourigan responded that the issue with those types of units is that they are very land hungry as they are very large units so that is why they are in the north west corner of the site, with the land being flat so from an accessibility point of view that should not be a problem. Councillor Mrs Mayor stated that it just seems that they are in the furthest point from the main entrance to the estate. Mr Hourigan acknowledged this.
- Councillor Sutton stated that he is the Council's representative on the Hundreds of Wisbech Internal Drainage Board and also as part of this is on a sub-committee called The Works Committee, with The Works Committee having input into all sorts of things to planning applications to works that need undertaking and he usually does not attend The Works Committee if it is solely about a planning application but he is always copied in to any correspondence. He read out an e-mail he received a few days ago "the case officer confirmed that the officer recommendation for this development is to grant prior to section 106 but please note the issues concerning the piping and/or filling of the sites open water courses has not been resolved as discussed previously, the piping and/or filling of long

lengths of open watercourse is contrary to national, local and the Board's policy and the applicant has been advised that my recommendation for a Section 23 application based on the current proposals would be REFUSED. There are many issues involved with this which need to be resolved and whilst it is accepted that the development provides social housing the Board are reminded that the water level and flood risk management authority may be considered negligent if it approves the application". Councillor Connor interrupted to say he is not sure the agent can answer this and it is perhaps a question for officers. Councillor Sutton acknowledged the point but said he did not want to get in debate and then someone say why did you not ask the question. Mr Hourigan responded that he has not seen this e-mail and queried whether Councillor Sutton involvement with this IDB had implications for determining this application but made the point that there is condition proposed to obtain drainage consent for the scheme so the developer will have to go through this separate permitting process.

Nick Harding stated that the planning system cannot duplicate matters which are covered by other legislation and the IDB consenting is completely separate legal process but it is recognised there is an intermeshing of planning and drainage consent and if planning consent is given by committee that does not give the applicant automatic rights to obtain drainage consent. He referred to a equipped play area and made the point that adopted plan policy is that where there is a site of under 2 hectares, of which this is, there is no requirement for on-site equipped play to be provided and as heard from the case officer and the agent the SUDs feature is going to be dry 99% of the time so it is agreed that having the embankments down into the bowl means that it is not going to be accessible for all there will still be an area of open space. Nick Harding stated that the previous consented scheme did make a Section 106 contribution of £38,500 towards off-site play space improvement but officers are mindful of the fact that this is an affordable housing scheme which can be factored into the deliberations but if during the debate committee might want to make a request of the agent to come back and see if he would be willing to match what was previously agreed on the original proposal. He stated on the education side, the education authority does not object to the application, they have said it would be nice to have a contribution to provide additional spaces and they did comment that the school is currently full and does not have any spare places but they did not outright object to the scheme. Graham Smith added that they clarified that if the school was full that it is the County Council's responsibility to find places.

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

- Councillor Sutton referred to the previous application coming before members, which came as a dual application, one for the 50 houses and one for the car park, which was agreed that day and if he remembers rightly members were slightly concerned about there being 50 houses in a small village but the feeling was that the benefit to the school. He stated that the previous agent and former owner withdrew the first application because they could not gain support from the Parish Council or the local population and they came up with this scheme whereby they were going to provide a car park and he knows the headteacher has now changed so he does not know her views but he knows everybody involved was very pleased and the previous owner was pleased to help his village remediate some of the parking problems associated with schools. Councillor Sutton expressed the opinion that there are too many dwellings, they are squashed in and the reason for passing the 50 in the first place has been lost, it is only just a couple of months ago where in Doddington, a growth village, it was agreed that 47 was too many in terms of numbers for a growth village so to be consistent he queried how the committee can now say that 63 is acceptable for a limited growth village. He feels there are lots of elements that are beneficial but, in his view, this is outweighed by the disadvantages, ie schooling. Councillor Sutton stated that notwithstanding what the Highway Officer has said in his professional opinion members must not lose sight of the risk on that road, there has already been two fatalities at the top of this road so members need to be careful what they do here. He feels the other issue, which features in the case officer's report, is that it does not fit in with the surrounding area and only the balance because it is an affordable

housing scheme outweighs the character issues, with the other houses in the area have good size gardens and this scheme, in his view, does not fit in with the area at all. Councillor Sutton made the point, as he said to the agent, that Elm has had over the last few years 27 affordable houses and there were around 30 on The Dale site so, in his opinion, Elm village has contributed more in percentage terms in social housing than almost any other area of Fenland and whilst that is not a reason not to have some more he feels this is just not the right scheme and takes away everything that was previously agreed, with the play area in the village not been a big area and something this size should be provided on this development.

- Councillor Mrs French referred to education, reading from the report which states that the Council confirms that education contributions would not be required and expressed her disappointment with the County Council as if the school is full it is full and 63 dwellings is going to bring at least 100 children and asked where are these going to go to school. She stated that Elm is part of her County Division and she will be asking the Education Department what is going on as she does not think it is satisfactory.
- Councillor Meekins stated that all these new potential children coming into Elm are eventually going to go to secondary school and the Thomas Clarkson in Wisbech is full also. He made the point that the County have withdrawn the funding for a new secondary school in Wisbech so it is a problem that is getting worse and will be exacerbated by schemes such as this.
- Councillor Purser referred to the comments of Councillor Mrs French and Meekins regarding schools and thinks it is a problem that is occurring everywhere. He expressed concern about the overdevelopment of the site as he thinks there are far too many properties on the site but he is also concerned about the highways safety, with the school children's safety going around the village to get 50 yards and he thinks there will be some avoidable fatalities here and something could be and should be looked at before this even happens and taken into consideration.
- Councillor Cornwell stated that he feels the same way, the housing is needed but the infrastructure is also needed to go with it, which is a problem when you look at March with nearly 4,000 houses proposed, junior schools are not just needed but secondary schools as well and the County has got to wake up because with the extra money that it gets from the developments that are approved it gets Council Tax, which is extra Council Tax to them and they should be using that money to provide their elements of the infrastructure. He stated that as far as he is concerned the provision of the social housing and disabled units actually outweighs because members cannot do anything about the other issue so on balance he supports the proposal.
- Nick Harding reminded members that they had heard from the Highways Officer earlier and he has got no objection to the scheme from a highway safety perspective, he has explained why the footpath is taking the particular side of the road as there is not enough space on the other side to accommodate a footway, which would have been the case with the previous application. He stated that the school was written to asking for comments and none were received, with the agent saying they had also been in touch with the school so there has been no request for a direct access between this proposed development and the school, with members needing to remember that any access that is created above existing would have to be managed by that school and go through the usual risk assessments. Nick Harding expressed the opinion that a distance of 400 metres, which he does not think is an unreasonable distance, for people to walk to school and there may have been some road accidents in the past but there is nothing that has come from the highways officer to indicate that the route to and from the school is of such a risk to users that it warrants intervention because if that was the case it would have been identified those interventions. He has highlighted the Council's policy in terms of infrastructure with there being no requirement for on-site provision of an equipped play area and he has made a suggestion to members to ask the agent on whether or not a contribution could be made towards further upgrades to the existing play area but when it comes to the school places members need to remember that there is the strategic viability



assessment that was undertaken in respect of the emerging Local Plan and from that the Council has adopted a new approach in respect of Section 106 contributions in that north of the A47 the Council will not be asking for developer contributions on anything to avoid stymieing development.

- Councillor Skoulding stated that he still a little concerned about the reservoir, although it has been said it is not in a flood plain, with young children in this area he is concerned about drowning.
- Councillor Purser asked if it could be, whichever authority is responsible, that a lollipop patrol is employed to make sure the children do cross the road safely. Councillor Mrs French responded that the days of the lollipop patrols are gone and attempts are being made to get rid of the ones that are already in place. Councillor Marks stated that Manea has just got one but had to fight for it and it is paying for it as well as a contribution.
- Councillor Marks referred to the £38,000 based on 50 houses and feels that committee should be asking for more money because there are now 63 houses. Nick Harding reiterated that this is a fully affordable housing scheme, which it was not previously. Councillor Marks made the point that more houses mean more profit for the developer from building and selling them so feels that a little more money could be obtained.
- Councillor Mrs Davis stated that it is all very well asking for a play area and a contribution towards it but who is going to maintain it moving forward? Nick Harding responded that if the applicant were to agree to contribute then that money would be held by the Council and distributed to whoever manages that existing play area to facilitate improvements to it and if there was no desire to do that the money would be eventually returned to the applicant in the normal way.
- Councillor Murphy made the point that the Council does not want any more play areas to look after as they cost a fortune to upkeep and if that play area goes on the development it should be looked after by a management company. Nick Harding reiterated that there would not be an equipped play area on this development site, it would be a sum of money that would be made available to the Parish Council that operates the play area at Abington Grove.
- Councillor Murphy expressed the view that committee is worrying about children running and falling into a pit but he has seen these areas, they are dry and it would take a deluge for it to fill up and children can play in these areas safely. He expressed the opinion that children are being 'molly coddled' too much and referred to having to travel 300 metres to a play area or the school making the point that where he lives in Chatteris they walk about a mile to the school from one end of the town to the other with no problems so these children need to be entrusted with common sense.
- Councillor Connor read out 10.12 of the officer's report in relation to landscaping and the attenuation area and asked where the money is going to come from if the occupiers do not upkeep these areas, is there going to be a management company as someone is going to have to look after the attenuation pond. Nick Harding responded that the public spaces will be maintained by the Longhurst Group.
- Councillor Marks made the point on Charlemont Drive there is a pumping station which is contributed to by all households so it has a management company but this has a pumping station as well so who will be looking after this? Nick Harding reiterated the Longhurst Group. Councillor Marks asked if Longhurst can look after any play area? Nick Harding responded that Council policy does not require an on-site play area to be provided.
- Councillor Sutton referred to Councillor Murphy's comments where Fenland do not want to take on any more open space, which is fine but this then comes into a two-tier system whereby one group pays their Council Tax and they get open space and another group pays their Council Tax and they do not get any or it looked after, which he does not agree with. He further referred to Councillor Murphy mention of a deluge and it will never happen but informed members that on three occasions 12 Birch Grove has been flooded, which is a bungalow only a stone's throw away from this site and there have been terrible issues with flooding on Birch Grove. Nick Harding responded that in terms of the surface water this development has a specifically designed system that directs the water in a certain

way into a contained and managed system, with the surface water pond area being used and designed in the event of an extreme flood event as well as the pumps failing so there is everything that is humanly possible to do to prevent the properties getting wet in an extreme flood event. Councillor Sutton queried whether he had got that right as, in his opinion, an attenuation pond only comes in in the event of pump failure. Nick Harding responded that the pond area is designed to store water and is of sufficient volume in the event of the pump failure.

- Councillor Mrs French stated that she is very interested in flooding and remembers the floods of 2014 and 2020 but since 2020 Cambridgeshire County Council as the Lead Local Flood Authority have worked very hard on this issue recognising a lot of errors in the past so she is pleased that they are happy with this as there is a lot of work going on behind the scenes regarding flooding and believes the flooding issue will be fine on this site.
- Councillor Cornwell stated that the area does get these peculiar downpours/deluges so this pond is needed and suggested to make the area safe that thorned plants be placed in it.
- Councillor Connor asked the agent if they were willing to provide the £38,000 contribution for play equipment. Mr Hourigan responded in the affirmative.

Proposed by Councillor Sutton, seconded by Councillor Meekins to REFUSE the application against the officer's recommendation as they feel that the development is too big and it does not comply with Policies LP3 and LP12 whereby small extensions to villages will be allowed as this development could not be described as small and it does not comply with Policy LP16 and will cause harm to the character of the area, which is acknowledged at 10.10 of the officer's report. This was not supported on a vote by the majority of members.

**Proposed by Councillor Mrs French, seconded by Councillor Murphy and agreed that the application be GRANTED as per the officer's recommendation with the request for the £38,000 contribution.**

*(All members present, registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

**P102/22      F/YR22/1239/O  
LAND WEST OF LOWLANDS, COLLETTS BRIDGE LANE, ELM  
ERECT 1 DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN  
RESPECT OF ACCESS)**

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 Peter Bryant, an objector. Mr Bryant stated that he was representing more than a third of the properties on this adopted highway who oppose the application and despite appearances this is not nimbyism but is a local community asking the Council to uphold the Local Plan, NPPF and previous application and appeal decisions. He made the point that in April 2022 the committee unanimously rejected the previous application on multiple grounds, with the applicant trying to make this application different by including a turning head but the Local Highway Authority (LHA) state "it does not benefit for LHA to adopt this turning head" so any supposed benefits fall away and the application becomes identical to that which was refused in April.

Mr Bryant referred to the decision notice for planning application F/YR21/1536/O making it clear that no modification to the application could overcome the fundamental planning based problems showing this informative on the presentation screen so with or without the turning head the

application, in his view, still fails to comply with the Local Plan and must be refused. He referred to the supporter comments which do not address the planning problems in the application but expressed the opinion that it is wrong for a site to gain a planning benefit because owners have let it become an eyesore and apparently used it to start dumping their building waste as given that this plot was previously a wildlife haven fronted by an ancient hedge, it would be particularly egregious for it to gain planning benefit having now been laid to waste by owners.

Mr Bryant made the point that half of the support live outside the hamlet and not one of the remaining supporters live on the adopted highway in the vicinity of the plot. He expressed the view that the emerging Local Plan is irrelevant but in any case this application lies outside the proposed settlement boundary and, therefore, would invite automatic refusal.

Mr Bryant stated that traffic safety perceptions differ and living in the area is very different from driving through referring to two recent incidents, with him having to thump a vehicle trailer twice and shout at the driver to prevent it reversing into him as he stood on his driveway and a resident who lives opposite the site had to take urgent avoiding action to prevent a collision whilst entering the lane as a car was travelling too fast around the corner and although the other car took avoiding action it then only narrowly avoided striking the property opposite. He expressed the view that these close shaves are not uncommon and a further property roughly opposite would increase this hazard level substantially.

Mr Bryant made the point that the Council's Refuse Team would not gain from the turning head and it could be detrimental to the immediate residents representing a loss of privacy, safety and security. He feels the Highways position is very clear, with the report noting their position was at variance with their 2015 appeal position, but, in his view, much has changed since then with the LHA installing signs at the entrance to Colletts Bridge Lane to minimise unintended entry, there being many small to large vans delivering along the lane and supermarkets are sending larger vans to make home deliveries so, in his view, the highways revised opinion is accurate as it reflects their experience of the lane providing quotes from members at the committee in April about the dangerous conditions, with there being no public space on the lane for cars/bikes/people to escape oncoming traffic and the only avoidance is onto private land.

Mr Bryant expressed the opinion that, as with all previous application, this proposal fails to meet many Local Plan policies, DM3 and NPPF, especially LP3 and he is pleased that Highways now object in line with residents lived experience. He stated that development has never been considered acceptable by the Council for this plot and both the committee and the appeal inspector have previously confirmed development is contrary to the Local Plan and was/should be rejected.

Mr Bryant stated that the committee voted unanimously to refuse last time and, in his view, nothing has changed so urged members to do the same today adding highway safety as an additional reason for refusal.

Members asked questions of Mr Bryant as follows:

- Councillor Mrs French asked if she had heard Mr Bryant say that the owners of the land had started dumping rubbish on it? Mr Bryant responded that there has been one instance of some rubble and broken paving slabs placed behind the fences that are along the site. Councillor Mrs French stated that she is sure officers under Section 215 can deal with this.

Members received a presentation, in accordance with the public participation procedure, from James Burton, the agent. Mr Burton stated that this is an outline application with all matters reserved offering the opportunity to deliver high quality housing within the district, with the application being before members today due to the amount of local representation received both supporting and objecting, with nine letters of objection from eight households being received and the prominent point in residents' objections is the road and in particular the lack of turning with vehicles using private drives to turn and pass which they have sought to address through the

introduction of a turning head. He made the point that eight letters of support have been received with a number from the immediate vicinity around Colletts Bridge confirming the lane is safe, there is no issues with access, the turning head would improve this, there is street lighting with one outside the plot and accidents recorded are around the A1101.

Mr Burton stated, as noted in the officer's report, there have been a number of refusals on this site and during the previous debate members made comment that there was no turning along the road, with the applicant reflecting on this issue and the key difference in this application is the inclusion of the turning head to provide the option for turning three quarters of the way along Colletts Bridge as well as providing a safe passing place without using the verges or residents driveways. He made the point that the intention is to provide a betterment for residents and improve safety and agrees with officers that a highway reason for refusal would not be appropriate as highways have previously offered no objections to development of this site including their response only last year and the inspector also considered the access was acceptable.

Mr Burton stated that local residents have informed them that oil tankers and sewage lorries attempt to turn when using the lane and use the land adjacent Hazels, however, there is a no turning sign on this access. He is also led to believe that a turning head has been requested in the area, with the turning head proposed being of sufficient dimensions to allow a car to pull over and act as a passing place as well as a turning head for large vehicles it also widens the road at this point to over 5.5 metres for a distance of 13 metres, which is wide enough for a lorry and car to pass and is the width of new housing estate roads so they consider this provides a benefit to the wider community and other services including refuse, oil deliveries, sewage and fire appliances.

Mr Burton stated that they were happy to accept a condition that says the turning head must be of a design sufficient to act as a passing place as well as a turning head. He made the point that there are two reasons for refusal proposed which can be summarised as the development is not infill and the enclosure and encroachment onto the open countryside setting a precedent for future development on this side of Colletts Bridge.

Mr Burton expressed the view that with regard to reason 1, as noted in the officer's report, the site is located between two dwellings which are both two-storey and he considers this application to be an infill which is the same situation as the application shown on screen south of Colletts Bridge with the green line, this is an elsewhere location not part of Colletts Bridge and was approved by this committee within the last 12 months and requires removal of some large hedging to the front. He made the point that during the debate for this application it was noted that the site is infill as it has a house either side, no footpath and street lighting, it is a plot that will enable quality housing to support and grow the economy which should be supported and noted that the area is rural and people will use a car for travel as a fact of life in rural locations and, in his opinion, these points are also relevant and supportive of this application.

Mr Burton expressed the opinion that in relation to reason 2 the application would not enclose this side of Colletts Bridge and will maintain separation between properties and views through to the open countryside, which can be secured at Reserved Matters stage. He does consider approval of this application would set a precedent for development along this side of the road as there are no other sites that could reasonably be considered as infill and the emerging Local Plan has allocated a site on this side of the road for 10 dwellings as could be seen on the slide on the presentation screen, whilst agreeing the emerging Local Plan carries limited weight at this stage it is considered that it demonstrates the direction of travel and notes that at present Fenland have indicated a parcel of land to the west the same side as this application opposite the majority of development for up to 10 houses, with the majority of hedgerow in this area being removed, and he believes this demonstrates that the Council consider this to be a suitable location for development and that it is acceptable in sustainability and highway terms.

Mr Burton expressed the view that the scheme approved in the vicinity in April was located

between two dwellings and considered as infill the same as this proposal and as such he believes this scheme is consistent with recent approvals within the village and also consistent with a number of recent approvals within Fenland to deliver quality development. He feels the proposal is infill and not open countryside providing a planning gain with the introduction of a turning head, complies with policy and results in a high-quality development without causing harm to the form and character of the area or residential amenity and as such he requested that members support the proposal with conditions deemed appropriate.

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

- Councillor Benney stated that he remembers this site being considered by committee last year and he cannot see what has changed as he does not feel the turning head makes any difference. He made the point that there is a site history of refusals on this site and feels that officers have got the decision correct.
- Councillor Mrs French agreed with the comments of Councillor Benney.
- Councillor Sutton agreed with Councillors Benney and Mrs French it has come back to committee and in all fairness to the agent and applicant they thought they had added some value to their application but, in his view, it has not added any value because delivery lorries and refuse lorry do a loop and there is no need for that turning head and the County Council will not adopt it so if it is not adopted it could be gated off at any time and the applicant would be perfectly within his right. He stated that what he does have a problem with is that there is now a highways objection and he cannot understand why this is not included in the reasons for refusal, members have been told before that they cannot use highways as a refusal if committee has not got highways permission but this does have an highway objection so if it goes to appeal the Council could give this highways reason for refusal and expect highways to come and defend this and believes this should be added as a third reason for refusal.
- Councillor Purser stated that he was not on the committee when previous applications have been considered so the proposal is completely new to him and when the site inspection bus went down this road, although he understands that the road goes down in a loop, he would not take his car down there as the road is far too bad and far too narrow and his big concern was about ambulances, fire engines, etc accessing this road which could put lives at risk as it is far too narrow and dangerous.
- David Rowen stated that the issue with the proposed highway safety reason for refusal is clearly in members gift to add to the decision if they choose but the difficulty would be that less than a year ago the Council refused planning permission without a highway safety reason for refusal and consequently a further application has come forward on the site and should a refusal now be appealed then the applicant as he is now appellant as he would be would potentially have grounds to make a cost claim against the Council on the grounds of unreasonable behaviour for introducing a new reason for refusal, which if had been incorporated on the first application may have dissuaded them from making a second application.
- Nick Harding added that he has been on the end of such a judgement from an inspector where a refusal reason for highways was added in following a long history of refusals where highways was not a reason for refusal and at the appeal the inspector said yes there is a highways issue but it has been introduced too late and costs were awarded.
- Councillor Sutton stated it does not alleviate his concerns as members are only going on what they are advised by highways and if this is used as a third reason for refusal and that is challenged then it is highways that should be paying those costs not this Council as committee is only following what is advised though he takes on board what officers are saying. Nick Harding made the point that this Council is the Planning Authority and the inspector in dealing with an appeal will look at the representations made by the objectors as well as the reasons for refusal and the inspector can take it upon themselves to observe what the Highway Authority said as well as representations from members of the public and reach a conclusion on whether or not the application is acceptable in highway terms.
- Councillor Benney made the point that whether a highway refusal reason is added or not,

LP3 has been through the appeal's process and that is a reason that cannot be changed as it is building in the open countryside, which is reason enough in itself.

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

**P103/22      F/YR22/0784/RM  
LAND SOUTH OF BRIDGE LANE, WIMBLINGTON  
RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF  
APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE  
PERMISSION F/YR20/1235/O TO ERECT 88 X 2-STOREY DWELLINGS (10 X 2-  
BED, 42 X 3-BED AND 36 X 4-BED) WITH ASSOCIATED GARAGES AND  
PARKING AND OPEN SPACE, INVOLVING THE FORMATION OF A NEW  
ACCESS AND AN ATTENUATION POND, RAISED GROUND LEVELS.**

Graham Smith presented the report to members and drew their attention to the update report that 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 Adam Conchie, on behalf of the applicant. Mr Conchie stated that Bellway Homes are a five-star house builder who prides itself on delivering high quality contemporary development that its customers are proud to live in and understands that every site is unique and design the scheme accordingly, with the site in Wimblington being no different. He expressed the view that the development has been designed to draw on its traditional Fenland vernacular using a simple palette of high-quality materials that includes a variation of facing bricks, roof tiles, weather boarding and render with detailed fenestration and roofscapes.

Mr Conchie expressed the opinion that the design seeks to define the distinct character that responds sensitively to its location and connects the lower and high-density areas along March Road. He feels the exceptional landscaping plays an integral role in defining the appearance of the scheme, the tree-lined streets marking the main routes connecting to the new trees and the fantastic area of public open space to the north of the site, which includes an equipped play space, with the hard and soft landscaping creating a setting for the buildings and featuring a number of trees, shrubs and planting species and the existing arable field margins are retained to ensure the development delivers a biodiversity net gain.

Mr Conchie stated that the scheme has been designed to be sustainable and energy efficient and electric car charging points will be installed to every property. He expressed the view that throughout the determination of the application they have worked collaboratively with planning officers to make amendments to the scheme to improve its design as well as responding to comments from local residents, with changes to the scheme including significantly setting back the homes that front onto March Road that enable additional tree and shrub planting to be incorporated, windows have been inserted into the side elevation of these plots to address the public highway and provide a well-designed scheme that reflects the existing character along March Road.

Mr Conchie referred to the layout of the scheme and number 40 March Road, with the site containing a number of constraints which the scheme has been designed around such as a 6 metre wide surface water sewage easement that runs from the northwest corner of the site to the eastern boundary and a 9 metre wide maintenance access strip running along the eastern boundary, which has enabled them to deliver a generous amount of open space to the north which incorporates the sewage easement providing a green buffer to existing homes on the northern side

of Bridge Lane expanding the front to front relationship between properties as well as maintaining a separable step into the existing street. He stated that the open space is visible from Bridge Lane and March Road encouraging existing local residents to use it and in addition to the SUDs basin, which is located in the lowest part of the site in the south-eastern corner, the rest of the site is developed to deliver the 88 new homes, 22 of which are affordable.

Mr Conchie stated that thought has been given to the location of these new homes which have been offset from the southern boundary by a significant distance as well as being staggered from No.40 and the newly constructed Matthew Homes development all of which are side on to this southern boundary. He expressed the opinion that the proposed layout plus additional tree planting to the southern boundary at the request of officers provides some additional green space and protects the residential amenity of existing occupants of No.40 and the other families residing in the Matthew Homes development.

Mr Conchie stated that Bellway Homes are well aware of the previous discussion of the committee at the outline stage in relation to flood risk and drainage matters and wants to ensure that this development does not have or does not suffer from any flooding or drainage issues whatsoever and a detailed drainage strategy report has been prepared to accompany this application and demonstrates that infiltration is not possible due to the clay rich soil, therefore, an appropriately sized attenuation basin has been provided to the southeast corner of the site in addition to the provision of underground storage crates to deal with any worst case storm event, with the controlled release of the stored surface water then being discharged into the existing ditch in the southeast corner. He made the point that the foul and surface water drainage strategy has been reviewed and approved by Cambridgeshire County Council and Anglian Water and in addition Condition 11 to the outline planning permission requires an independent survey of the surface water drainage to be undertaken once it has been constructed to ensure that it has been built in accordance with the approved drainage scheme before it is adopted.

Mr Conchie expressed the view that enhancements to the bus stop were agreed as part of the outline application and Conditions 18 and 19 to the outline consent require these details to be submitted and approved separately. He stated that Bellway Homes are really excited to provide a beautiful development for families to enjoy and thrive and hopes members would support the officer's recommendation.

Members asked questions of Mr Conchie as follows:

- Councillor Cornwell asked if there is dyke along the main road. Mr Conchie responded that there is a ditch along March Road. Councillor Cornwell asked whose responsibility is it? Mr Conchie responded that this falls within public highway land. Councillor Cornwell asked about the southern boundary as there is a dyke along here. Mr Conchie responded that there is drainage ditch along the southern boundary and that is the responsibility of Bellway Homes. Councillor Cornwell asked if each of those properties whose gardens are along this boundary will be made aware of their riparian responsibilities? Mr Conchie responded that it would be covered by the management company and there is a 3-metre easement along that southern boundary to provide access. Councillor Cornwell stated that what the management company does with each householder is up to them as long as somebody takes responsibility for it and the one on the western side he knows is a drainage board ditch and he sees there is the usual access strip so his concern was the southern dyke as there have been previous difficult experiences.
- Councillor Connor referred to the Parish Council being rightly concerned about the positioning of the bus stop because the driver refuses to stop there as he considers it too dangerous but he does stop further up the road and asked if Bellway Homes would liaise with the Parish Council about finding an alternative location for the bus stop. Mr Conchie responded in the affirmative making the point that within the Section 106 on the outline permission there is a financial contribution of £30,000 and conditions 18 and 19 requires them to agree and discharge details of the north bound bus stop as well as the south bound

bus stop so they are happy for it to be located wherever it is wanted.

- Councillor Connor requested a wheel wash and a sweeper at all times during construction and reconstruction to prevent mud on the road and asked for assurances that this will happen as there are nasty bends in the vicinity and the last thing that is wanted is skidding and vehicles coming off the road. Mr Conchie responded that Bellway Homes is a considerate contractor and it does have a construction environment management plan so it is more than happy to ensure that vehicles are wheel washed and the roads are maintained in a safe manner including the provision of a sweeper.

Members asked questions of officers as follows:

- Councillor Mrs French stated that she is a member of six drainage boards and she does know there was problems with drainage on another development but there is no mention of drainage boards within the application and assumes that they have not responded. Graham Smith responded that this was correct.

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

- Councillor Purser stated that he has a few concerns about this application, with the first concern being that he feels it is massively overdeveloped with there already being oversubscribed doctors, schools and dentists and one of the big things when he was a lad was that Wimblington bends were very dangerous, it was a race track in this area and with the entrance where it is he is concerned that having 66 more dwellings coming out onto that quite a blind dangerous bend it could be a nasty accident waiting to happen.
- Councillor Mrs French made the point that this is a Reserved Matters application and members cannot consider issues that have already been considered.

**Proposed by Councillor Mrs French, seconded by Councillor Mrs Mayor and agreed that the application be GRANTED as per the officer's recommendation to include the requests for a wheel wash and sweeper.**

*(Councillor Mrs Davis declared that she was pre-determined in relation to this application and took no part in the discussion and voting thereon)*

*(Councillor Sutton declared an interest, by virtue that his nephew works for Bellway Homes, and on advice from the Legal Officer took no part in the discussion and voting thereon)*

*(All members present declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

**P104/22      F/YR22/1148/F  
LAND EAST OF 36 HIGH STREET, MARCH, CAMBRIDGESHIRE  
ERECT 7 X DWELLINGS (2-STOREY 2-BED) WITH BIN AND CYCLE STORES**

Danielle Brooke 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.

Peter Humphrey, the agent, had registered to speak under the public participation procedures but indicated that he supported the officer's recommendation and would answer any questions members had.

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

- Councillor Mrs French stated that she knows the site well, and whilst she knows there is nothing that can be done about it the proposal has no parking on the site and it will be interesting to see what happens when civil parking is eventually brought in.



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

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

*(Councillor Meekins had left the meeting prior to determination of this application and the remaining agenda items)*

**P105/22      F/YR22/1198/VOC  
LAND EAST OF 36 HIGH STREET, MARCH, CAMBRIDGESHIRE  
VARIATION OF CONDITIONS 4 (BRICK AND ROOF TILES), 5 (EXTERNAL  
DETAILS), CONDITION 7 (TREE PROTECTION METHOD STATEMENT),  
CONDITION 8 (SURFACE WATER DRAINAGE), CONDITION 10 (CONSTRUCTION  
METHOD STATEMENT), CONDITION 11 (FLOOR SLAB LEVELS) AND 12 (LIST  
OF APPROVED DRAWINGS) OF PLANNING PERMISSION F/YR15/0176/O  
(ERECTION OF 7 X 2-STOREY 2-BED DWELLINGS WITH BIN AND CYCLE  
STORES (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT  
OF ACCESS, APPEARANCE, LAYOUT AND SCALE)) AMENDMENTS TO  
MATERIALS, AND REWORDING OF CONDITIONS TO INCLUDE IN  
ACCORDANCE WITH SUBMITTED DETAILS**

Danielle Brooke 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.

Peter Humphrey, the Agent, had registered to speak under the public participation procedures but indicated that he did not wish to exercise this right and would answer any questions members had.

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

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

**P106/22      F/YR22/0935/O  
LAND EAST OF SHALLON, CATS LANE, TYDD ST GILES, CAMBRIDGESHIRE  
ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS  
COMMITTED IN RESPECT OF ACCESS)**

Danielle Brooke presented the report to members and drew their attention to the update report that 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 Peter Humphrey, the agent, and Mr Grainger, the applicant. Mr Humphrey referred to the current Local Plan where it was alluded that there would be freedom, a bit more tolerance, a bit more allowance of discretion for members and agents and no village boundaries but unfortunately, in his opinion, officers are more stringent, which then leads this site to being the perfect site as the Local

Plan was written for in 2014. He feels it is a perfect edge of village development site, it has a main County drain opposite which, in his opinion, is clearly not only the County boundary but the boundary for the village, with there being houses beyond this site.

Mr Humphrey stated the sequential test carried out was village wide only, unfortunately there is no specific guidance on the sequential test so it is up to the discretion of the planning officers on whether it should be a district-wide or a village-wide test. He stated that the application site is within Flood Zones 1, 2 and 3, which for a very flat site he feels is ironic but that is the way that the Environment Agency have allocated it.

Mr Humphrey notes from Parish Council correspondence that they are looking for up to 7 more houses within the village and this proposal could offer two or three. He stated that all highway issues have been agreed with highways and, in his view, the site is adjacent to the built form of the village and when you look at the site plan that the officer displayed members will see it is adjacent to an existing bungalow.

Mr Humphrey expressed the view that there have been footpaths/walkways that his client owns linking these plots to the middle of the village which is within comfortable walking distance to the church, shop and more importantly the public house with also the golf course within walking distance in the other direction so this proposal is more accessible to most village amenities than most of the village. He added that the description for this application is for the erection of up to 3 houses so it could be 2 but it has been shown that the site will accommodate 3 and requested that members considered this application in accordance with spirit of the 2014 Local Plan when it was first written.

Mr Grainger stated that the view that members saw when you approach Cats Lane was not the view that used to be there it was just literally an overgrown mess and dumping site so the work that has been undertaken has been done by his family.

Members asked questions of Mr Humphrey and Mr Grainger as follows:

- Councillor Mrs French asked Mr Humphrey if he said the Parish Council supported the proposal? Mr Humphrey responded no, it has listed that it wants 7 new dwellings for the village.
- Councillor Sutton referred to Mr Humphrey saying that there was not any guidance in terms of the sequential test but feels he either did not get it or something went wrong as he is sure the sequential test guidance went out and elsewhere locations which this is according to officers would have to be subject to a District-wide test but if it is a village location it would be village-wide. Mr Humphrey responded that he understands this but he believes these 2-3 plots are within the village form so it is a matter of discretion and interpretation.

Members asked officers questions as follows:

- Councillor Mrs Davis asked for clarification regarding the situation around the sequential test. David Rowen responded that the view of officers is that this is not a site within the built form of the village and therefore it does not comply with the settlement hierarchy of a small village where infill within the existing built form would be acceptable rather than an extension consequently the sequential test as set out in the adopted guidance that Councillor Sutton was alluding to would require the test to be District-wide rather than village based.

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

- Councillor Sutton expressed the view that it is a question of whether the committee feels this site is in an elsewhere location, there have been several other places where members have disagreed with officer's opinion but he feels that this decision is right and he does not think it can be regarded as being within the village boundary.
- Councillor Mrs Davis expressed the opinion that members should take into account what the

Parish Council is saying, whilst it is saying they want 7 houses they are saying not here as it is not sustainable and that should be taken into account.

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

*(All members present declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)*

**P107/22      TPO/04/2022**

Danielle Brooke presented the report to members in respect of confirmation of a Tree Preservation Order (TPO) and drew members attention to the update report that 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 asked questions of officers as follows:

- Councillor Marks referred to there being two trees of different varieties, with one not being native to the UK and asked if the TPO could be split so one could be confirmed and not two? David Rowen responded that it is unusual but if members wanted to make different decisions on different trees they could do this. Councillor Marks stated that he can understand protecting an Oak, but he does not see why a Norway Maple needs to be protected as it is not a native species. Nick Harding responded that the TPO legislation does not make any distinction between native and non-native species, it is all about what the condition and life expectancy is of a tree and whether or not that tree is beneficial to public amenity.
- Councillor Skoulding referred to the tree that is closest to the house and asked if there is any problems with the roots and the foundations of the house? David Rowen responded that the request for the TPO has come from the owners of the property and when assessing the potential for a TPO the Arboricultural Officer will look at issues such as potential future implications of the roots on foundations and the recommendation of the Arboricultural Officer is that the tree should be protected.

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

- Councillor Connor made the point that officers think these trees are worthy of a TPO and he thinks it would be silly if this advice was not taken.

**Proposed by Councillor Connor, seconded by Councillor Skoulding and agreed that TPO 04/2022 be CONFIRMED in respect of 1 No. Norway Maple and 1 No. Oak.**

*(All members present declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this item)*

**P108/22      F/YR22/0768/F AND F/YR22/0769/LB  
1 - 3 BRIDGE STREET, WISBECH, CAMBRIDGESHIRE  
F/YR22/0768/F - CHANGE OF USE FROM RETAIL AND OFFICES TO 2  
COMMERCIAL UNITS (USE CLASS E) AND 33 FLATS (1-BEDROOM) WITH  
ASSOCIATED ALTERATIONS AND REMOVAL OF GLASS ROOF AND  
F/YR22/0769/LB - INTERNAL AND EXTERNAL ALTERATIONS TO A LISTED  
BUILDING TO ENABLE CHANGE OF USE FROM RETAIL AND OFFICES TO 2  
COMMERCIAL UNITS (USE CLASS E) AND 33 FLATS (1-BEDROOM) WITH  
ASSOCIATED ALTERATIONS AND REMOVAL OF GLASS ROOF**

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 Garnett, the agent. Mr Garnett thanked the planning and conservation officers for working proactively with them to achieve a scheme that is recommended for approval and where they have been able to address in full all technical planning matters that have been raised by consultees. He stated that this site is a prominent location in the heart of the town centre and Wisbech Conservation Area, with the former post office being Grade II Listed and the former telephone exchange having been vacant for some years, some parts since 2009, and, in his opinion, this proposal represents an opportunity to bring the buildings back into beneficial use.

Mr Garnett expressed the view that there is an increasing number of vacant buildings in central Wisbech reflecting low property values and the economic impacts since the Covid-19 pandemic. He stated that his client specialises in the refurbishment and conversion of historic buildings and this project represents a substantial investment in the town, contributing to the vitality and viability of the town centre through the retained commercial element and increasing the number of people living in the town centre and relying on the local services.

Mr Garnett expressed the opinion that the key planning issues are clearly set out in the officer's report, namely the principle of development, the impacts on a heritage asset, residential amenity, parking, highways and flood risk. He made the point that this is a brownfield site in one of Fenland's main towns where the Local Plan seeks to focus housing development and to achieve the efficient use of land.

Mr Garnett stated that officers conclude that the change of use is acceptable as a matter of principle, there will be no harm to the Listed Building or Conservation Area as evidenced by the comprehensive comments made by the Conservation specialist who notes the public benefits of the scheme. He stated that a number of detailed points have been addressed raised by the Wisbech Society about the historic fabric of the building and officers conclude that the level of residential amenity will be acceptable for future residents.

Mr Garnett noted some consultee comments about the preference for two and three bedroom apartments but the economic reality is that such a scheme would not be financially viable when resultant values are compared to the cost of conversion and made the point that the Council does not have any minimum space standards in either its existing or emerging Local Plan and in Paragraph 13.37 of the draft Local Plan it states there is strong evidence to indicate that the viability of development would be compromised if such standards were imposed on development. He expressed the view that the scheme will provide good quality accommodation delivered through a high quality three million pound conversion scheme and his client has asked him to stress that the development will be well managed through a resident on-site manager to relay any fears in this regard, which will assist the maintenance of the building as well as helping residents with any issues.

Mr Garnett referred to parking provision where officers conclude that given the very sustainable town centre location this is not required and there are no objections on flood risk grounds. He concluded that this is a scheme that is fully policy compliant and recommended for approval by officers, bringing a vacant and neglected building back into use helping the much needed regeneration of Wisbech town centre and asked committee to approve the scheme.

Members asked questions of Mr Garnett as follows:

- Councillor Mrs French referred to the proposal being to turn part into two commercial units in Use Class E and asked if he had any idea what these might be? Mr Garnett responded

that it is very flexible now since the use classes have changed but there is no one in line to occupy these units at present.

Members asked officers questions as follows:

- Councillor Mrs Mayor referred to the mention that some of the units are below minimum size requirements and asked how many units this was? David Rowen responded that it is set out at Page 159 of the agenda, Paragraph 3.4, with the standard space requirement being 37 square metres and 10 would be under this.

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

- Councillor Mrs French stated that she feels like Councillor Mrs Mayor the space is a bit tight but this is a Grade II Listed Building, which has been empty for many years and she feels it is good that someone wants to invest in Wisbech so she will be supporting it.
- Councillor Murphy agreed with Councillor Mrs French and he would personally like to congratulate the applicant for keeping the building as it is, it is a wonderful building and it also has a very large bin store which is normally put in a small tight space and also a cycle store to get cycles off the street. He feels it is a terrific application and he will support it.
- Councillor Cornwell agreed, it has been an empty property for too long, this proposal brings it back into use and hopefully it serves a purpose, with it not being an HMO. He stated that although some of the flats are slightly small, he feels the applicant should be congratulated on the proposals for the building.
- Councillor Sutton agreed with what members were saying, it is nice to see that somebody is coming along to make good this building rather than wait for them to fall down. He referred to parking and expressed surprise that this has not risen its head, he used to go in the building when he was a member of a group called Fenland Links several years ago and he would guess those two buildings would have quite considerably more than 33 people working in them so in terms of parking it is probably less than it would be if they were commercial buildings.

**F/YR22/0768/F**

**Proposed by Councillor Murphy, seconded by Councillor Skoulding and agreed that the application be GRANTED as per the officer's recommendation.**

**F/YR22/0769/LB**

**Proposed by Councillor Murphy, seconded by Councillor Skoulding and agreed that the application be GRANTED as per the officer's recommendation.**

**P109/22**

**F/YR22/0705/F**

**LAND SOUTH OF 85 - 89 UPWELL ROAD, MARCH, CAMBRIDGESHIRE**

**ERECT 6 X DWELLINGS (2NO 2-STOREY, 5-BED AND 4NO 2-STOREY, 4-BED)**

**WITH GARAGES WITH ASSOCIATED ACCESS AND SURFACE WATER**

**ATTENUATION POND**

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 David Harrison, an objector. Mr Harrison stated that he lives at 89 Upwell Road so this application concerns him more than most people and from Cavalry Drive roundabout to this site the majority of properties on Upwell Road are bungalows, on the south side there are 20 and on the north side there are 16 and there is Upwell Park which are bungalows at the back of some other bungalows

so he queried how the applicant can think there can be houses behind bungalows. He expressed the view that it is going to affect his wife and himself for the rest of their lives if these properties are allowed to be built as if they look out of their back windows or are in their garden all they are going to see is a 25 foot brick wall, which can oversee the neighbours gardens as well as his and also the property opposite, Plot 1, will be able to look into his garden so he will have no privacy at all.

Mr Harrison expressed the opinion that with all the surrounding bungalows it would be a better option for this proposal to be bungalows, which would enable him to keep his privacy.

Members asked questions to Mr Harrison as follows:

- Councillor Marks asked Mr Harrison to confirm what number property he lived at. Mr Harrison responded 89 and when he put plans in for his property, which is an H shape bungalow, the middle of the trusses on the roof were supposed to have been higher but the Council told him that he had got to have this the same as the outside of the roof so his had to be lower which this proposal for houses now contradicts what he had to do.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey made the point that the site has an existing outline planning permission granted in July 2021 for 6 dwellings, a Reserved Matters application was put in and changed during the course of the application due to the attenuation pond being outside the boundary although it was included in the outline planning permission and from discussions with the officer it was felt the best way forward was to amend the application from a Reserved Matters to a Full application. He reiterated that the site has valid outline permission and lies in Flood Zone 1 in a town centre location, with March Town Council recommending approval and Highways, Environmental Services, Environmental Health, Natural England and the Wildlife Officer having no objection.

Mr Humphrey referred to a late letter from the Lead Local Flood Authority (LLFA) on 19 January which has been sent to their consultants and feels they have come back sending a letter to officers today with some response on the concerns from the LLFA, which he feels can be agreed by condition. He stated that this proposal has been discussed with officers and they were led to believe it was going in the right direction only for the last minute check with the Development Manager who all of sudden said it was not being supported so he feels a bit aggrieved that they had been negotiating and then told that it was going to committee with a recommendation for refusal so there has been no chance to discuss or negotiate this.

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

- Councillor Mrs French stated that she knows this site exceptionally well, with Upwell Road on 23 December 2020 being flooded, along with the majority of March, and further down Upwell Road there are 9 properties where a riparian dyke has been filled in with garages and sheds and enforcement has been out from Cambridgeshire County Council, as this is her County Council division, and unfortunately the people who have put these structures on and covered up the dyke are going to be requested to remove them and dig it out. She made the point that if you read the report from LLFA it has to be taken seriously as she has been working on the flood group since December 2020 with March being the only place in the whole of County that has now had everything mapped so she cannot support this application as it would possibly cause a problem, with the biggest problem being the owners of the dykes who are at fault.
- Councillor Purser agreed with the comments of Councillor Mrs French and stated that he cannot support this application, he thinks the officers are right to refuse as it is a bad flood plain basin.
- Councillor Sutton stated that he takes on board what Councillor Mrs French says about the ditch and quite rightly that needs to be addressed one way or another, but to suggest that this proposal is going to make that particular problem worse when there is a proposal for a flood scheme is unproven. He stated that he does take on board Mr Harrison's point about

having two-storey dwellings against single-storey so if the proposal had been for single-storey and recommended for refusal he would probably had a different opinion but feels this application has several factors going against it.

- Councillor Mrs Mayor stated that irrespective of the flooding issues, which she sympathises with anyone who has this issue especially when there is a riparian drain involved, 11.3 of the officer's report does mention about the size of the dwellings and she acknowledges that there is outline planning permission but she also has an issue in her ward in Whittlesey where houses have been built and are overlooking into bungalow gardens and the residents cannot actually be in their property because the houses can see in their windows. She expressed the view that had proposal been for 6 bungalows she may have looked at the application slightly different and she appreciates that bungalows take a bigger footprint than a house so if there are only 4 bungalows so what as, in her opinion, the properties should be bungalows backing onto the existing bungalows.
- Councillor Cornwell agreed that single-storey properties on this site, subject to a suitable drainage condition, would be far more acceptable. He queried whether it is the idea of the pond draining into a dyke is into the same dyke that that has been filled in and if so the water will not get away anyway. Councillor Mrs French indicated this to be the case. Councillor Cornwell stated that this put a different emphasis on it which is why the LLFA have made their comments but if the dyke is not a dyke or a complete dyke then how is the water going to drain away but even if there was a solution to this he feels that single-storey dwellings in this location to match the other single-storey dwellings is preferable.
- Councillor Mrs French clarified that this Council has a cemetery in the vicinity and last year the Council had to clean part of its dyke as it was flooding and all the water goes into the same dyke that does not drain away properly and members will be aware that when cemeteries flood graves lift.
- Councillor Murphy agreed with the comments of Mr Harrison, making the point that he lives in a bungalow which has a house behind with a very large extension and he has to shut his curtains early in the evening as they can look straight into his property so he does know what it feels like and would not wish it on anyone else.
- Councillor Sutton made the point that there was some surface water flooding on the site when it was visited so there clearly is a drainage issue on this site.

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

*(Councillor Skoulding declared an interest, by virtue of owning land beside this application site, and took no part in the discussion and voting thereon)*

*(Councillors Connor, Mrs French and Purser registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were members of March Town Council but take no part in planning)*

*(Councillor Benney left the meeting after this item and was not present for the remaining agenda items)*

**P110/22      F/YR22/0843/F  
LAND SOUTH OF 66 WIMBLINGTON ROAD, MARCH  
ERECT A DWELLING (2-STOREY 3-BED) AND DETACHED STORE BUILDING  
INCLUDING THE FORMATION OF A NEW VEHICULAR ACCESS TO 66  
WIMBLINGTON ROAD AND THE WIDENING OF EXISTING VEHICULAR ACCESS**

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 Ian Gowler, the agent. Mr Gowler referred to the slide on the presentation screen which shows on the top picture an image of the proposed street scene and the bottom picture is taken directly opposite the entrance to the proposed site. He expressed the view that the artist impression matches the street scene provided within the application, with the image at the bottom taken opposite showing that the proposal is not at odds with the street scene which is the first reason for refusal.

Mr Gowler referred to the second slide which shows the same dwellings opposite and their relationship in an aerial view, with the bungalow on the left with three cars parking at an angle has what appears to be a very large single-storey extension to the rear very close to boundary and it extends some distance past the wall of the bungalow and although this has a flat roof the wall height would be the same as this proposal using the chalet bungalow style they have. He made the point that there are two chalet bungalows in the picture with very large side dormer windows overlooking and, in his opinion, this proposed chalet has been carefully designed so that these are not required.

Mr Gowler referred to this third slide which indicates houses opposite slightly further along the road approximately 50 metres along Wimblington Road, which shows how extremely close and large some properties are along this stretch of road and whilst it is appreciated that there are no windows affected this does show, in his view, the street scene along this part of the road. He expressed the view that on the final slide the side plan on the left is shown at roof level and the right-hand side is shown at ground floor, which he feels show the better separation between the two proposed dwellings.

Mr Gowler stated that the officer's report refers to 1.7 metres separation, however, in his view, the dimensions shown on the right-hand side show there is actually much more when you do not take into account the roof overhangs. He expressed the opinion that the dwelling has been purposely designed to be a chalet bungalow style to avoid any large expanse of brickwork next to both neighbours, the left-hand side being owned by the applicant and the bungalow to the south has no windows in the elevation facing the proposed site and there will be no loss of light to the garden due to the orientation of north-south.

Mr Gowler stated that although the proposed dwelling extends beyond the existing bungalow on the right it is on the northern side and, in his opinion, the sun will not shade this property. He stated that the existing applicant's chalet bungalow on the left hand side does have windows in this elevation, however the proposal has been stepped to allow more light into the rear window and this bungalow has a very large rear window and front windows to the room that are affected and as the applicant currently lives in this bungalow these windows could if needed or wanted to be blocked up without any permission, however, it is felt that the separation of the galley design of the roof will not affect these windows.

Mr Gowler concluded that the site is at low risk of flooding, has sufficient parking and turning so cars can exit in forward gear, it has a very large garden store at the back, there are no objections to the application and he feels the proposed design does satisfy the policies noted for refusal. He hoped the committee would look favourably on the application.

Members asked questions of Mr Gowler as follows:

- Councillor Sutton referred to Mr Gowler helpfully showing some images of the surrounding area and whilst he would have thought that everybody would agree they are not ideal he would suggest that two wrongs do not make a right and this is a reason to support this application and asked Mr Gowler if he agreed. Mr Gowler responded that it may be so and the example given was to show that the first reason for refusal is that the proposal does not fit in with the street scene but, in his view, it does even though that might not be ideal the opposite side of the road is a mirror image.



- Councillor Cornwell asked Mr Gowler if he would accept that where you tend to get older properties that they were traditionally built much closer together but this does not mean that it has to be replicated under modern conditions. He stated that he asks because he lives in a house that is 33 centimetres from his neighbour, a position which was made worse by a planning decision last year. Mr Gowler responded that this is a leading question, obviously as an agent he watches these applications goes through not just the committee but what gets approved online, agents look at the characteristics of an area when giving advice to clients and the example of the first slide is that it does match the opposite side of the road but whether that is two wrongs does not make a right that is not his decision and in his view it does fit in with the street scene.

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

- Councillor Sutton stated that he alluded to the problems with this proposal in his question, two wrongs do not make a right, and he could go around the whole District questioning how developments happened. He does not feel that the proposal fits in with that side of the road where it is a nice spacious plot and removes a garage so he will be supporting officer's recommendation.
- Councillor Cornwell expressed the opinion that the proposal is too crammed in and is trying to get a "quart into a pint pot". He feels it is a thin plot that is going to back up onto a large development of 1200 houses and, in his view, does not fit in.
- Councillor Murphy agreed with the comments of Councillor Sutton.
- Councillor Mrs French agreed with the comments of the other councillors, she made the point that this is the 21<sup>st</sup> Century and people need some space.

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

*(Councillor Benney had left the meeting prior to determination of this application and the remaining agenda items)*

**P111/22      F/YR22/0746/O  
LAND EAST OF ALLENBY FARM, BROAD DROVE WEST, TYDD ST GILES  
ERECT UP TO 2 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent. Mr Edwards stated that this is an outline application with all matters reserved following an earlier committee decision to approve the application which comes back to committee following points made by Councillor Sutton. He expressed the opinion that the application being to replace two holiday lets that have an extant permission with no restrictions so could be occupied all year, which were to be single-storey structure of a temporary nature in Flood Zone 3 and formed part of the previous owner's farm diversification.

Mr Edwards advised that the proposal is for two-storey dwellings, which will have sleeping accommodation on the first floor along with safe refuge which is not the case with the holiday accommodation so, in his view, provides a betterment. He stated that the applicant purchased the farm with the extant permission along with the agricultural land, farmhouse and buildings to expand the farming enterprise for both themselves and family and are continually looking at various forms of additional businesses and opportunities to diversify and expand.

Mr Edwards stated that as the report states the applicant has two daughters that are solely employed in the applicant's family businesses along with himself and his wife, with one daughter along with her husband and child living at Allenby Farm with the applicant and the other daughter

lives within Fenland but travels to the farm daily. He stated that the applicant's proposal is that each daughter is to be gifted a plot to self-build their own family home so they have independent living that is close to the family farm and farming enterprise as they look again to expand this part of the business along with further diversification and as everyone will be aware that if you stand still in the business world you are going backwards.

Mr Edwards reiterated that it is the intention for the daughters to self-build their dwelling as their principal residence as is the case for many individual plots in the area due to the rise in land, labour and material costs this has proven to be a popular choice, although from previous experience not necessarily the quickest option. He referred to a number of points being made since committee's earlier approval of the application that the report outlines, with various toing and froing of communications and it is not known who has made these points but in essence these are dwellings to be occupied by the applicant's daughters who are an intrinsic part of the running of the applicant's businesses for now and very much for the future.

Mr Edwards stated they are not solely employed in agriculture but are in the family businesses that operate largely from Allenby Farm but have other locations in Fenland. He made the point that the applicant is with him today should members have any points they wish to clarify on the family businesses and proposals in front of them but to successfully run a number of businesses, in his view, requires shared responsibilities and who better than your own family to share both the highs and lows.

Mr Edwards concluded that these houses are to be the principal residences of the applicant's daughters to self-build their homes for them and their families, it provides betterment in terms of flood risk as sleeping accommodation is to be on the first-floor and it is a permanent dwelling not temporary, it will allow the daughters to be closer to the family farm and enterprise as it expands along with the other family businesses, the applicant has answered the various points raised since the last application and they ask that the committee approves this application for two dwellings which should you want to condition that they are to be self-build the applicant is happy for this as this is the intention and financially the only real option.

Members asked questions of Mr Edwards and Mr Hopkin as follows:

- Councillor Marks referred to Mr Edwards making great play on family businesses and asked what percentage these two children are employed in agriculture compared to other business and what are the other businesses? Mr Hopkin responded that the other businesses are utilities and construction type of businesses and they undertake a lot of soil and concrete crushing so his daughters are involved on a day-to-day basis with this. Councillor Marks questioned whether there was a need for them to live on the farm? Mr Hopkin responded that they work on the farm as well. Councillor Marks reiterated what percentage? Mr Hopkin responded that this varies due to the time of the year, through the Summer it is probably 80-90 percent but this time of the year very little going into a busier period during the Spring. Councillor Marks asked if there was livestock or was it just arable? Mr Hopkin stated that the plan is to bring livestock into the business.

Members asked questions of officers as follows:

- Councillor Cornwell stated that he was not present in August when this application was first heard and asked if it is being said the whole thing is hinging on whether there is an agricultural case for these two properties or not? Nick Harding responded that yes this is fundamental to the determination of the application. Councillor Cornwell asked has the applicant actually given enough information to prove that they meet that requirement? Nick Harding responded that they have not.

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

- Councillor Mrs French made the point that committee spent a lot of time on this application when it was heard previously when members overturned the recommendation of officers to

refuse the application and it is disappointing that it is back before committee without the information required.

- Councillor Marks agreed with Councillor Mrs French, members did consider this application for a long time previously and members have seen other applications such as one in Coates where it was approved because information was provided, and the information is not available on this application which is required and he feels officers have got the decision correct.
- Councillor Mrs Mayor stated that the committee did consider this application for a long time previously and members were trying to determine what sort of and what percentage of agriculture was involved, whether livestock or arable, and she does not feel that satisfactory answers were forthcoming then. She feels the officer's recommendation is correct.
- Councillor Mrs Davis stated that she was at committee for consideration of the previous application and if other members that were there recall the two daughters living in the properties was dropped in at the actual meeting and was not part of the original information that members had for the application that is why it ensued into such a long debate and members are back considering an application again with the same debate. She feels officers have got the recommendation right and they need more information if they want to come back.
- Councillor Sutton stated that he received some confidential information on this proposal and it is his duty to take on the concerns of residents and pass onto officers whilst maintaining this confidentiality.

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

*(Councillor Sutton declared that it might be perceived that he is pre-determined on this application so took no part in the voting on this application)*

## **P112/22      ADOPTION OF PLANNING VALIDATION REQUIREMENTS**

David Rowen presented the updated Council's Local Validation List.

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

- Councillor Cornwell stated that this has been raised before but asked at 2.1 where it refers to identifying features on location plans to include a road name could it also include a postcode. He made the point that whilst the last item was being debated he looked at Google Maps to find Broad Drove West to get a better idea of where it is but was unable to find it so it would help and he believes members have asked previously for postcodes on the Site Inspection visits.
- Councillor Connor endorsed these comments as it would be better to include a postcode, it is used for other things so why can it not be used on planning applications.
- Councillor Marks made the point about Three Words, which is used on the Council's website when flytipping etc is reported, so why cannot this be used as it puts the location to within 3 metres whereas a postcode covers quite a big area.
- Councillor Mrs Davis agreed with Councillor Marks as many times she has driven somewhere with her Sat Nav just using a postcode and it says you have reached your destination and you can be about 5 miles away so postcodes can be very vast but Three Words marks the location. She stated that if you have ever gone out on your own to do a site visit and you are driving up and down the road because you cannot find the actual plot you wish someone would tell you exactly where it is.
- David Rowen stated that it is fully accepted that a postcode or What Three Words would make identifying sites a lot easier, however, that is not something that can be asked for on a submitted location plan as part of a planning application. He explained that the plan has to be ordnance survey based, with the purpose being the red line boundary identifying the land in question and the point of having a road name on the plan is to provide a little bit further

clarity from the OS base so issues around postcodes or What Three Words cannot really be incorporated onto a site location plan.

- Councillor Sutton reminded members that Councillor Mrs Bligh did ask the Portfolio Holder at Full Council if What Three Words could be looked into and she did say she would look into it but nothing has been heard since.
- Councillor Mrs Davis stated that listening to what David Rowen has just said she understands that it cannot be part of the validation requirements so she wonders whether when officers draw up their reports What Three Words could be used in this, which would assist members greatly.

**Proposed by Councillor Mrs Davis, seconded by Councillor Mrs French and agreed that the new Local Validation List be adopted with effect from 1 April 2023.**

7.50 pm

Chairman