

PLANNING COMMITTEE



WEDNESDAY, 31 MAY 2023 - 1.00 PM

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

APOLOGIES: Councillor Mrs M Davis.

Officers in attendance: David Rowen (Development Manager), Danielle Brooke (Senior Development Officer), Graham Smith (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P1/23 **APPOINTMENT OF CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2023 - 2024**

It was proposed by Councillor Mrs French, seconded by Councillor Marks and resolved that Councillor Connor be elected as Chairman of the Planning Committee for the municipal year.

P2/23 **APPOINTMENT OF THE VICE CHAIRMAN OF THE PLANNING COMMITTEE FOR THE MUNICIPAL YEAR 2023 - 2034**

It was proposed by Councillor Connor, seconded by Councillor Benney and resolved that Councillor Marks be elected as Vice-Chairman of Planning Committee for the municipal year.

P3/23 **PREVIOUS MINUTES**

The minutes of the meeting of 5 April 2023 were confirmed and signed as an accurate record.

P4/23 **F/YR22/0062/O**
LAND SOUTH OF 73-81 UPWELL ROAD, MARCH
ERECT UP TO 110NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

Graham Smith presented the report to members and drew attention to the update 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 Victoria Batterham, an objector. Mrs Batterham stated that she does not have any particularly new points but wanted to reinforce the views of local residents, 500 people that have all raised very valid and similar concerns about this application. She referred to those concerns being in relation to the traffic in the area and the flooding and when they have looked at some of the reports the methodology, in residents opinion, does not seem to be factually or reliably evidence based on what residents see on a daily basis in terms of traffic, danger and accidents, with there being several accidents in Cavalry Drive with children at school particularly on the bend where people have been hit by on-going traffic.

Mrs Batterham referred to flooding in the area, she has provided numerous photographs where homes have flooded on more than one occasion and as local residents they have had a problem where nobody wants to take responsibility for this, highways and Anglian Water do not want to take responsibility. She read out the comments of Anglian Water at 5.15 of the report and made the point that the foul water network in the area was constructed many years ago when there was far less people living in the area and Anglian Water have also stated that the connection is acceptable but adding further developments to this system which is already overloaded is one of the main concerns of residents.

Mrs Batterham stated that members are receiving a summary report but are not reviewing all the information separately and when you are reviewing the information separately, particularly the developers reports which sometimes conflict against each other, it is very important rather than reading the summarised evidence.

Members asked questions of Mrs Batterham as follows:

- Councillor Mrs French asked if Mrs Batterham lived in Upwell Road or Cavalry Drive? Mrs Batterham responded that she lives in Cavalry Drive.
- Councillor Marks asked what Mrs Batterham believes is the accident rate in the vicinity? Mrs Batterham responded that cars are parked both sides of the road, visibility is very difficult and there are near misses all the time even trying to access her own property at certain times of the day. She is aware of 4 accidents in the area and this is in the last 3 years, 2 with children near the school and 2 with adults crossing on the bend.

Members received a presentation, in accordance with the public participation procedure, from Ian Reilly, on behalf of the applicant. Mr Reilly stated that he is Head of Planning for Allison Homes and the application under consideration is an outline one for 110 dwellings with all matters reserved apart from access. He expressed the view that the development will deliver market housing and 20% affordable housing provision, with the principle of development having been established through the windfall policy in the current Local Plan, however, it is also worth noting that this site has been identified as a draft housing allocation in the emerging Local Plan, which, in his view, underlines its suitability for development of this nature and scale.

Mr Reilly stated that Allison Homes and its consultant team have worked closely with planning officers and the issues identified by consultees have been resolved to their satisfaction, many of which have been raised by the public and other stakeholders and he believes this has been fully covered in the committee report and thanked officers for providing such a detailed and positive report which confirms that there are no outstanding technical matters to be resolved at this stage. He stated that they have reviewed the draft planning conditions and the new ones discussed today and can confirm that they are acceptable in principle to Allison Homes.

Mr Reilly expressed the view that whilst the proposal is in outline, its technical assessments confirm there would be a SUD pond provided for drainage purposes at the south-eastern corner of the site and a 3 metre drainage easement on the eastern boundary, with a buffer also provided for biodiversity benefit. He made the point that they have also agreed to provide enhancements to some of the school crossings, with these works consisting of tactile paving and dropped kerbs.

Mr Reilly stated that the application seeks to agree access at this point and to implement the access the speed bumps in Upwell Road need to be relocated and he confirmed that the formal application for relocation of these speed bumps has been approved by Highways already. He made the point that as the application is in outline, they have proposed parameter plans to set the principles for the development, which include confirmation that the houses will be outward facing to the public right of way, the provision of a policy compliant area of open space with a new play area which will be overlooked to provide surveillance and an upgrade to the existing right of way both on the southern and western boundaries, with these enhancements having been agreed with Fenland

District Council's Estates Team and a Section 106 Legal Agreement will be formulated to secure the affordable housing in perpetuity and also provide £76,000 of contributions to NHS, libraries and highway improvements.

Mr Reilly expressed the opinion that this would be a sustainable development, fully in accordance with the current Local Plan, the emerging Local Plan and the relevant parts of the NPPF, they have worked with officers and consultees so that all technical issues can be achieved at this stage of the planning process and through its parameter plans it has set out some important principles that will shape and guide the detailed design for this site. He stated that Allison Homes is committed to delivering this site and should approval be forthcoming it will bring forward a Reserved Matters application before the end of the year with the aim of being on site within 6 months of that approval and, in his view, the site will help maintain the Council's housing supply and bring forward much needed quality and affordable homes for the District.

Members asked questions of Mr Reilly as follows:

- Councillor Mrs French asked if he had been in contact with the Internal Drainage Board (IDB)? Mr Reilly responded that they undertake a lot of pre-application consultation and there are statutory consultees as part of the planning process so he would assume they have spoken to them but cannot guarantee it but if this has not taken place it will happen through the planning process. Councillor Mrs French expressed the view that the drainage boards have not been contacted and she has a letter from the Internal Drainage Board which says the remainder of the site is within the Board's rateable area and the Board, not the Lead Local Flood Authority, are the approving authority and its prior written consent is required for relevant items so, in her view, it is essential the applicant should be talking to the drainage board. Mr Reilly expressed the view that this is disappointing to hear that this has not happened.

Members asked questions of officers as follows:

- Councillor Marks asked, in relation to IDB with it being quite important for water to be pumped away and it starts with the IDB before it goes to Anglian Water, how much weight can members put on what has been said? Graham Smith responded that the drainage board works come under the powers of the Land Drainage Acts which he believes are stated in the comments and operate separately to planning acts and the applicant has to rightly communicate with the IDB to comply with the Drainage Act but that entire operation takes place outside of the planning process. He stated that if the applicant cannot accord with the Land Drainage Acts then the IDB has the power to control the fact that the site cannot be built out and the final comments from the IDB is about management and funding and including items within the deeds of the properties, none of which relates to planning considerations. Graham Smith made the point that this is an outline application where the details are not being approved or considered so it is just the principle and the Lead Flood Authority are the drainage authority responsible for planning matters, who have commented and have taken the lead on where the application goes and their point is that everything has to accord with their conditions. Councillor Marks made the point that the IDB are responsible for taking the water and they have not been consulted from day one and it concerns him as it is known there is flooding here and Anglian Water will take the foul but there is still water running off the land and the IDB has not been consulted. David Rowen responded that the IDB were consulted and committee members will be familiar with not receiving any comments from them, however, from a planning point of view the Local Lead Flood Authority at County Council are the statutory consultees on drainage matters. He stated that the IDB comments are important but it has a separate consenting regime.
- Councillor Connor questioned that he had heard right that Highways had commented that St Peters Road does not have too many traffic issues because, in his view, it does and he uses the road frequently and you always have to wait for other cars to come through. Graham Smith responded that he was reading the response from Highways to the additional objection comments and this is correct.

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

- Councillor Mrs French acknowledged that the IDBs are not statutory consultees but the question she asked the agent was had they contacted the IDB and they had not, which, in her view, it is fundamental that the IDB is consulted. She expressed the opinion that the application is not in the 2014 Local Plan, it is not in March Neighbourhood Plan which March Town Council took considerable time, effort and cost to produce and it clearly states that this application is in the emerging Local Plan but members have been told repeatedly that the emerging Local Plan is not further enough along for weight to be given to it. Councillor Mrs French expressed the view that this application is premature, there are various PCPs and larger allocations, reading out the comments from March Town Council. She stated that March Neighbourhood Plan supersedes everything and she cannot support this application.
- Councillor Marks stated he has a real concern about drainage but also highways and questioned whether it was another highways desktop survey as he feels they may not have visited the site.
- Councillor Mrs French stated that she sits on MATS and has done so since 2017 and she can assure members there are great problems here, a Zebra crossing was installed last year and the next plan is redesigning the top of St Peters Road, which is currently awful and is not going to support another 200 vehicles. She reiterated that it is not in the policies and is not an allocated site.
- Councillor Purser agreed with the comments of Councillors Mrs French and Marks.
- David Rowen acknowledged that the site is not allocated in either the 2014 Local Plan or the March Neighbourhood Plan, however, both these documents do have policies regarding windfall development on the edge of towns and the edge of March in particular in the Neighbourhood Plan, with windfall development defined in the Local Plan as being anything under 249 dwellings and the Neighbourhood Plan effectively supports the provisions so proposals for residential development will be supported where they meet the provision of the Fenland Local Plan so from a principle point of view the adopted Local Plan and March Neighbourhood Plan would not resist the development of this site. He referred to issues of drainage which have been covered already but the primary issue is that the statutory consultee does not raise any objection. David Rowen stated that in relation to Highways the Highway Authority are not raising any issues regarding highway safety implications of the development and there has been robust consideration of the highway information between the Highway Authority and the case officer to check and double check that the comments that they are making are correct. He expressed the opinion that if members are minded to go with refusal of the application there are very few grounds on which the application could be refused and successfully defended at appeal.

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

The Legal Officer reminded members that if the application is refused the Planning Authority will be expected to substantiate the reasons for refusal and from what has been said by the planning officer he would struggle to know what planning reasons could be given for refusal that would stand on an appeal, for example the Highway Authority do not object and the committee does not have highways expertise.

Members do not support officer's recommendation of grant of planning permission as the site is not allocated for development in either the adopted 2014 Local Plan or the March Neighbourhood Plan and the emerging Local Plan is insufficiently advanced to carry significant weight in terms of decision making at this time and the site's current allocation within this is not, therefore, considered to outweigh the conflict with the adopted Development Plan in terms of the principle of the development being unacceptable by virtue of the site's undesignated nature.

(Councillor Hicks registered that he has close family friends that reside in a property that backs onto this site, and took no part in the discussion and voting thereon)

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he was a member of March Town Council when this application was considered by the Town Council but took no part in their planning)

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

(Councillors Benney, Mrs French, Marks and Purser declared, under Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P5/23

F/YR22/0914/FDL

NENE PARADE BEDFORD STREET, CHASE STREET, WISBECH

ERECT A CARE HOME FOR UP TO 70 APARTMENTS, COMMERCIAL FLOORSPACE (CLASS E) UP TO 900 SQUARE METRES AND UP TO 60 DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

Graham Smith 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 Simon Machen, the agent. Mr Machen updated on the outstanding technical matter which is archaeology and reassured members that is not something that is trying to be shirked but is something that is complicated and unexpected. He stated that he and planning officers prior to the application being submitted scoped the technical reports that would be required and archaeology was on neither of their lists on the basis that the site has been remediated to a depth of about 2 metres as it was part of the former gas works, timber yard and metal manufacturing complex that fronted the river.

Mr Machen made the point that The Boathouse adjacent had nothing more than a watching brief condition attached to it when that was built so it was unexpected the level of interest from the archaeologists but they have interrogated the remediation strategy which includes borehole samples and the archaeological reports from the consultants is expected by the end of next week as they have been waiting for the County Council's archaeologists to provide them with the heritage data information. He expressed concern that the County archaeologist is seeking an intrusive investigation prior to the grant of outline planning permission and the outline before committee does not commit to the siting of buildings or layout so it is not actually known where the built footprint will be and they would be reluctant to go on some kind of "fishing expedition" in terms of archaeological survey work which is likely to be a geo-environmental survey with boreholes down to 4 meters which is where any remains will be in the river silt.

Mr Machen expressed the opinion that there are two options, one is to go with the officer's recommendation which may require them to do archaeological works at this stage before consent is granted or the second is to do what is quite normal in the case of an outline planning application is to impose a detailed planning condition requiring a scheme of investigation at Reserved Matters stage as the fear is that it may hold up the outline consent depending upon the amount of work that needs to be undertaken to satisfy the County archaeologists but critically nothing can be undertaken in terms of building on the basis of an outline planning permission.

Members asked questions of Mr Machen as follows:

- Councillor Mrs French asked how confident he was that the archaeology can be sorted out? Mr Machen responded that he is confident that they can satisfy any concerns about archaeology, it is the time at which they need to satisfy is that prior to the grant of an outline consent with all matters reserved in terms of an intrusive on-site investigation or is it via a planning condition on the outline that requires a scheme of investigation, which would be the applicant's preference as alongside the detailed design work this can be programmed in.
- Councillor Mrs French referred to education requesting a Section 106, which she cannot understand as there is already a new school to be built in Wisbech so she does not think it needs any contributions but referred to NHS, and she understands is the gift of this committee to change a Section 106, and asked if the applicant would be prepared to contribute to the NHS? Mr Machen drew members attention to the committee report and to the Council's own Local Plan viability report which is clear that north of the A47 development is unviable if you ask for affordable housing contributions and contributions towards infrastructure. He made the point that a large part of the reason that this site has been undeveloped for 20 years after the supplementary planning document for the site is because it is extremely marginal in terms of development viability and it is not attractive to a conventional developer, which is why it has been taken and followed through by Fenland Future Limited. Mr Machen stated that there is a series of abnormalities around archaeology and the investigations that needs to be undertaken which will not be cheap, floor levels have to be raised due to flood risk and it is a relatively low value area so whilst there would always be a desire to contribute towards infrastructure costs where it can be but in this instance there is a viability report which has been accepted by the Section 106 Officer indicating that these costs cannot be sustained.

Members asked questions of officers as follows:

- Councillor Mrs French stated that the recommendation is to approve the application subject to the four month period, which she has never seen before and made the point that it is an outline planning application, which she would be happy to support but with removal of the four months and this becomes part of a Reserved Matters application. David Rowen responded that the Council has a responsibility set out in the NPPF to consider the impact on heritage and there are the comments from the Senior Archaeologist from the County Council requiring further information before they are comfortable with the principle of developing the site and consequently the recommendation has been reached recognising that it is an outline application with all details reserved for future consideration, which is trying to strike a balance. He stated that the information that is required by the County archaeologist has indicated that a watching brief condition would not be suitable and that they need more information and officers cannot say more on this as they are not specialists in this area and if members wish to go down the route of a condition that is within members' gift, however, whether that satisfies the requirement on the Council to adequately protect heritage assets as part of the NPPF considerations he is not entirely convinced.
- Councillor Connor asked what officers' preference would be regarding archaeology? David Rowen responded that their preference is for the course of action in the officer's recommendation.

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

- Councillor Mrs French stated that the site is well known, has been derelict for many years and it was recognised that the site was a tipping ground and County Council at the time put the infrastructure for the road in going back at least 10 years. She expressed the view that the site needs to be developed, it is a mess and she will fully support the application but would like the four months removed.
- Councillor Purser stated he has been past this site many times and had wondered why it had been left derelict, untouched and unloved and with lots of building work going on around the whole area and the population getting older needing care he thinks it is

something that is required. He is concerned about archaeology and what might be found on the site.

- Councillor Connor stated he knows the site, it was the old gas works and it has been remediated to 2 metres as the applicant stated, it does need to be developed and there is no viability north of the A47 and the area definitely needs a care home. He stated that he will be supporting the application and he, like Councillor Mrs French, is concerned about the archaeology and feels it should be a watching brief so the development can be commenced.
- Councillor Marks made the point that if it is drilled down to 4 metres that would have been under sea level a long time ago so he cannot see that there will be much on the site.
- Councillor Imafidon stated that as a resident of Wisbech he knows the site very well, it does need development, he fully supports the application and the care home facility is needed in the area, which will also bring jobs.
- Graham Smith reminded committee that the County archaeologist has pointed out the sensitivity of the site and its potential but if, however, members are minded to remove the four month period it is important that an appropriate planning condition is attached.
- Councillor Connor asked officers to reiterate what the applicant prefers regarding archaeology. Graham Smith responded that the applicant pointed out that in the applicants view the necessary archaeology work should take place as part of a condition that needs to be discharged rather than undertake works up front. Councillor Connor stated that he agrees with this approach and Councillor Mrs French stated that she also agrees.

Proposed by Councillor Mrs French, seconded by Councillor Imafidon and agreed that the application be GRANTED as per officer's recommendation with authority delegated to officers in conjunction with the Chairman to formulate conditions including an archaeological condition.

(Councillor Benney registered that he has been involved with this application by virtue of being a member of the Investment Board and took no part in the discussion and voting thereon)

(Councillor Mrs French registered that she is a member of Cabinet but has not been involved in this application and is not pre-determined and will approach the application with an open mind)

P6/23

F/YR23/0033/F

FARM PARK, SHORT NIGHTLAYERS DROVE, CHATTERIS

ERECT AN EXTENSION TO EXISTING BUILDING AND CHANGE OF USE OF LAND FOR LIGHT INDUSTRIAL USE

Danielle Brooke presented the report to members and drew 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 written statement from Councillor Alan Gowler on behalf of Chatteris Town Council read out by Member Services. Councillor Gowler stated that Chatteris Town Council consider this application as consultees and it was remarked on during the discussion about how local authorities should be supportive of local businesses, large or small, to support the local rural economy, with it being unanimously agreed that the Town Council should support taking into account the standard planning considerations and they are quite perplexed to be informed that officer recommendation was to refuse the application.

Councillor Gowler referred to the first reason being "a significant incursion into the countryside", but the Town Council feel the site lies literally yards away from the South Fens Business Centre and well away from residential developments and it is his personal opinion that it is an extension to an existing building so the effect on the countryside is all but negligible. He referred to the second

reason for refusal in that there has been no demonstration of alternative sites within the locality but expressed the opinion that there is virtually no availability of industrial land or buildings in the vicinity of Chatteris and common sense would lean strongly towards development of the existing site.

Councillor Gowler made the point that there are many other consultee comments on this application, none of whom raise any significant issues and the Council's Economic Growth response is very similar to what he has described. He stated that Chatteris Town Council maintain their support of this application and feel that this type of business should be encouraged by local authorities to expand.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that at present this site is used as a steel fabrication business for the applicant, the company initially rented these premises and has now purchased them to secure the business. He advised that the applicant, who was in attendance at the meeting, has been trading for approximately 8½ years and has been at these premises for approximately 6½ years.

Mr Hall stated that the company carry out a number of steel fabrication works for a number of local businesses within a 15-20 mile radius, which can include steel frame buildings, mezzanine floors, steel work in buildings, agricultural buildings and steel work for the recycling industry. He advised that the first shed as you come into the site is rented to SS Motor Fuels, another Chatteris business, and is on a long-term lease, with that building used for occasional servicing of vehicles.

Mr Hall expressed the view that Boss Fabrications are established at this site and wish to expand its existing premises, with the existing site having already been given permission for industrial usage in 2004 and in 2008, as the officer's report states, there was an approval for an industrial building on site which members would have seen has been built out and it is currently being used by Boss Fabrications. He made the point that this proposal is for a further extension to the shed to the rear which is extending the existing industrial curtilage for a shed, parking area and storage.

Mr Hall informed members that at present the business employs 10 staff and this proposal is to allow the existing business to expand at this site and employ a further 2 people this year, which may increase in the future. He advised that the applicant sends two members of staff to the Stainless Steel Apprentice Centre in Chatteris, with a further member being sent next year and of the 10 employees, 7 live in Chatteris which is another reason why he wants to stay at the site and expand.

Mr Hall referred to the site location plan shown on the presentation screen showing the site outlined in red and on Public Access it confirms that County Highways have no objection to this application, which was received late April, however, when this agenda was received it states under 5.6 that Highways remain concerned following discussions with them but he has never been advised of that or knew any further discussions took place. He expressed the view that members will be aware from their site visit that this road only serves this site and surrounding agricultural fields, there are no other buildings coming off this road, with at the junction of the A141 there being a separate access for the Anglian Water sewage facility to the West.

Mr Hall stated that he has been advised by the applicant that at present there are 2 heavy goods vehicle deliveries a week and 8 by general smaller delivery vans, which has been the case for a number of years and there is very limited traffic down this road. He stated that a Flood Risk Assessment has been submitted to which the Environment Agency have raised no objections and there are no objections either from Anglian Water, the Highways Authority, Chatteris Town Council, with one of the ward members thoroughly supporting the application as read out by Member Services, and there are no objections from any person in Chatteris.

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

- Councillor Benney stated that as a Chatteris councillor he knows the site very well and believes it was used by SS Motors for servicing and MOTs where there would have been fleet lorries coming in and out every day and this extension would be proposing a lot less transport movements than what it was used for in its previous life, with it also being a motorbike shop at one time which failed to succeed. He feels the fact this extension is a reflection on the business owner for doing his job right, he is employing local people, which is good, and very much like the previous application at the last committee for Rutterfords yard at Wimblington where else do you put these sites, you cannot put them in town but you cannot build them in the countryside either. Councillor Benney expressed the opinion that this is good use of the site, he acknowledged that some of the work has been started but feels there is nothing wrong with this, and this is a business that is on the up and he is sure that Stainless Metalcraft started up at some point in a shed and look at this today, how do members know this is not going to be the same. He expressed the view that losing agricultural land is not an issue when there are hundreds and thousands of acres taken out of food production every year with country stewardship and other schemes and he sees the loss of this little piece of land in comparison to the rest of the agricultural land around it is going to have no detriment to the area. Councillor Benney feels the application is a solid one, he is pleased to see it come forward as a local councillor and he believes that the majority of the public would think what is the committee doing if it is not passed, he sees where it goes against policy but equally as a ward member the committee is here to represent the people that elected them and he fails to see where there is anything bad with this application. He feels it is the ideal place for the business to expand and will be supporting this application.
- Councillor Purser agreed with the comments of Councillor Benney but the only thing he missed is that it will be creating additional employment as well which can only be beneficial.

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

Members do not support the officer's recommendation of refusal as planning permission as they feel the job creation benefits outweigh the loss of agricultural land and encroachment into a small part of the open countryside, the benefits of the proposal outweigh the requirement for a sequential test and flood risk and this is a good scheme for an established business that Fenland does not want to lose or have to incur additional costs by relocating which outweighs the impact on facilitating a sustainable transport network.

(Councillor Marks registered that the applicant is known to him through business and took no part in the discussion or voting thereon)

(Councillor Benney declared that he knows the agent for this application and he has undertaken work for him but he is not pre-determined and will approach the application with an open mind)

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

P7/23

F/YR22/1272/F

**LAND SOUTH OF SWAN LODGE, HASSOCK HILL DROVE, GOREFIELD
ERECT A 2-STOREY 1-BED ANNEXE, CHANGE OF USE OF LAND TO
DOMESTIC AND RETENTION OF A PORTACABIN TO BE USED AS HOBBY
ROOM FOR EXISTING DWELLING, INCLUDING REMOVAL OF AN EXISTING
ACCESS (PART RETROSPECTIVE)**

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.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey expressed the view that members will have noticed on their site visit that this site is a bit of a mismatch and his client does want to rectify it hence this application to try and resolve all outstanding planning issues and he has also stopped work as the officer reported so he has listened. He stated that the annexe is for Mrs Pope's, who lives in the bungalow, carer who is also her granddaughter and this would make life so much easier for them and if members consider the annexe is too tall the roof is not complete, as seen from the photographs, and the pitch could be lowered to make it more compatible and in keeping with the existing bungalow.

Mr Humphrey made the point that there have been numerous extensions to the original bungalow and the effect of this has unfortunately eroded the original garden space, which has caused them to take the garden which was paddock between the portacabin and the annexe to give the bungalow a new garden in effect and somewhere the grandchildren can play. He advised that the existing portacabin has been on site for a number of years, previously used as a hairdresser salon and beauticians, which has now changed to a hobby/playroom and a space for Mrs Pope's grandchildren.

Mr Humphrey stated that the applicant is happy having this as a temporary approval and it could be removed in 3 or 5 years if a temporary consent is granted for that. He advised that it should be noted that this has been in position since 2011, however, additional landscaping could be undertaken to mitigate the effects this would have when looking at it from the road.

Members asked questions of Mr Humphrey as follows:

- Councillor Connor asked where does Mrs Pope senior reside at present? Mr Humphrey responded that Mrs Pope senior lives in the bungalow with her husband Ivan and her granddaughter is to move into the annexe, who is her carer.
- Councillor Imafidon asked how many other residents are in the property? Mr Humphrey responded that he does not know the answer, he knows Ivan and Thelma Pope live in the bungalow and knows they do like to keep their children around them. He stated that there are people coming and going all time. Councillor Imafidon stated that the only reason he asked because as seen by the photographs it is quite an extensive property so if it was just to provide accommodation for Mrs Pope's granddaughter and if she does not already live on site he would assume there would be enough room for her to live on site without the additional one-bed annexe. Mr Humphrey responded that one of the rear extensions is a swimming pool so that takes up a big space but the granddaughter wanted her own accommodation as opposed to living in the main dwelling.

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

- Councillor Marks stated that he did visit the site and it is a mishmash of properties and he cannot see how it is going to be able to be pulled altogether.
- Councillor Benney asked that if there is a medical need for the granddaughter to live on the premises would there be a different route for this with medical reports to support this? He stated the reason he is asking is he has undertaken a lot of caring for his parents and he sees the benefits of having somebody close by. David Rowen responded that there is no information submitted with the application to indicate that there is any particular health needs that would justify departure from usual planning policy or any exceptions to be made. He advised that if such information was to be forwarded it is not known what the position would be without receiving this information.
- Councillor Mrs French agreed that it is a bit of a mishmash of properties and she feels the same way as Councillor Benney and would like to see the application deferred to seek

further information from the agent and to see how the mishmash could be rectified. David Rowen responded that the reason for refusal is not on the basis of a lack of connection between the annexe and the property, it is on the visual impact of it so he is not sure that a deferral would help with this and there is an application in front of committee today, which is for determination and his advice would be to determine the application one way or the other

- Councillor Mrs French stated that she understands what David has said and asked if this application was refused today and the agent was to resubmit an application with something to bring it into line would he get a free go. David Rowen responded that this is not a matter for or should play a part in the committee's consideration today and he is not in a position to comment on this anyway given that there is not a future application and he is not aware of what the site history is.
- Councillor Connor made the point that the committee needs to look at the application it has in front of it today and judge it on its merits, with the agent having listened to the comments from members so he could resubmit with more relevant information if required.

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

P8/23

F/YR22/1170/F

SCOUT AND GUIDE HUT, WALES BANK, ELM, WISBECH

ERECT A DWELLING (2-STOREY 3-BED), DETACHED GARAGE AND POLYTUNNEL INVOLVING THE DEMOLITION OF EXISTING SCOUT HUT AND RELOCATION OF EXISTING ACCESS

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.

Members received a presentation, in accordance with the public participation procedure, from Mr Cooper, the applicant. Mr Cooper stated that all he wants to do is take an old derelict building and build a family home for him and his family. He stated that he has lived in Elm all his life and comes from Newbridge Lane Caravan site moving up to Belt Drove with his family and his Dad and has worked on every farm in the area.

Mr Cooper expressed the view that the way house prices have gone up how can you afford them, he has lived in Elm all his life, he is not doing anything different just taking an old derelict building, recycling it to make a family home.

Members asked questions of Mr Cooper as follows:

- Councillor Mrs French asked how long it has been derelict? Mr Cooper responded that he brought the property in 2018 and it was derelict before this.

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

- Councillor Purser expressed the opinion that this is a site of an old hut which has been left unattended and in relation to traffic, in the days of the Scouts there would be cars in and out all of the time and this is just a family home so there would not be cars in and out all the time. He feels it is recycling of an old site which he thinks is a good thing to make it into a nice family home. Councillor Purser referred to the comment that it is functionally isolated so it is miles from anywhere and he has friends who live 1½ miles from the main road being functionally isolated and they are perfectly happy there so why can't this applicant not be the same.
- Councillor Imafidon stated that when members visited the site one of the observations that the officers made was that the access was on a sharp bend and a blind spot and he wanted to know if the applicant has plans to make the access safer and as it was a scout site before

it would have been very well used by people coming in and out and being developed as a family home he feels the issue with traffic would be minimised.

- Councillor Connor made the point that Highways have said it is not a significant harm, although they are not totally happy with it, and it depends upon how much weight members give to highway comments.
- Councillor Hicks stated that he has looked at the site and he does not deem it to be an exceptionally sharp corner.
- Councillor Mrs French stated that Highways are not objecting to the proposal and at the moment the site is an eyesore so this application would get rid of the eyesore and produce a home for somebody.
- Councillor Benney expressed the opinion that it is on a bend but it is not a 90 degree elbow bend and there are plenty of houses built throughout the whole country that are on slight curves rather than bends. He made the point that this is a derelict piece of land and this looks a nice house, with homes needing to be provided for people and he can support this application.
- David Rowen stated that the Highway Authority have not objected and the issue of the bend is not a recommended reason for refusal. He made the point that the Council has a clear settlement hierarchy and as part of that developments in locations which are elsewhere, ie outside established settlements, should be refused and the fact that there has been an existing use on the site and there are derelict buildings which may be an eyesore, is not a justification for overriding the settlement hierarchy. David Rowen stated that the site is also in Flood Zone 2, it is sequentially unacceptable and there are two strong policy reasons to refuse the application. He notes the comments with regard to the need to deliver housing and fully appreciates that each application site is dealt with on its own merits but there was an opportunity earlier at this meeting to deliver 110 houses on the edge of a sustainable settlement which the committee refused so there does need to be an element of consistency with members decision making.
- Councillor Marks made the point that the committee are told here and at planning training last week that each application is taken on its own merits and feels it is wrong to bring back an application that has previously been refused, which was refused for various reasons and as a committee members are being told consistency, which he agrees with, but this application is being taken at face value on what this proposal is and not what happened on previous applications. David Rowen stated that he feels it is important when the committee is making decisions relative to the interpretation of the settlement hierarchy that there is an element of consistency and he wanted to flag this to members but it is members gift to completely ignore his comments.
- Councillor Benney made the point that if you look at the 2014 Local Plan all the growth was in the BCPs, which have not been delivered and if it was not for committee passing small little houses like this there would not be homes for people to live in and as much as there are policies this is what decision are based upon, with decisions being interpreted differently at times but this policy has failed and it has failed to deliver the numbers. David Rowen responded that he does not want to debate the merits or otherwise of the 2014 Local Plan but the point he was making that there needs to be an element of consistency through decision making in terms of the interpretation of and application of the settlement hierarchy.

It was proposed by Councillor Hicks to go with officer's recommendation, which did not receive a seconder.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that whilst the proposal would be in the open countryside the whole of Fenland lies in the open countryside and it felt that this proposal would not harm the character of the area but create its own

character which may be to the benefit of the area and that the delivery of housing outweighs the low flood risk issue and the need for a sequential test.

P9/23

F/YR23/0070/O

**LAND EAST OF THE HOLLIES, HOSPITAL ROAD, DODDINGTON
ERECT UP TO 5 X DWELLINGS INCLUDING HIGHWAY WORKS (OUTLINE
APPLICATION WITH ALL MATTERS RESERVED) INCLUDING DEMOLITION OF
STABLES AND HAYSTORE**

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 John Cutteridge, the applicant. Mr Cutteridge referred to the Council saying this is not a sustainable site, but expressed the view that the site is 0.3 miles from the centre of the village and the village stretches out over 1.6 miles in most directions, with 11 houses approved in Turf Fen Lane with no pedestrian footpath on a blind bend and this is 0.6 miles from the centre of the village so he considers this to be a walkable distance. He stated that many people walk Hospital Road on a daily basis, walking their dogs, with no incidents or accidents whatsoever and the Council has approved a café and shop for Mega Plants further down this road where Highways had no objection.

Mr Cutteridge expressed the opinion that 8 weeks ago Highways did not see any problem with the road improvement and then 4 weeks ago it stated it was unsure whether the improvements to the roadway could be achieved so he is obtaining an engineer's report to show it can be achieved with the work having commenced and he is prepared to go wider. He stated that he does own the land beside quite a lot of Hospital Road and is prepared to give up some of this land to widen the road and move the ditches if required and so is his neighbour that owns a small portion.

Mr Cutteridge made the point that he only knew this application was coming to committee 7 days ago and thought they had time to have the engineer's report submitted and thought the Council was allowing them to submit this report. He stated that he is happy to have a four-month delay on approval to allow the engineer's report to be submitted to say that road can be widened to the degree that Highways require it and put a pedestrian footpath in, which will not just improve the road for their dwellings but also to access Mega Plants and the dog walkers that use it daily.

Mr Cutteridge referred to open countryside but made the point that the dwellings at the front have already been approved so it will not make any difference from the highway and to the opposite side is the Hospital property that cannot be seen due to a large hedgerow and also to the other side he has planted 18 acres of woodland which is 10,000 trees so it will not be seen from that direction either. He expressed the view that in relation to surface water there is plenty of space to run off into the woodland and the properties are having their own individual treatment plants so this will not affect the Doddington sewers.

Mr Cutteridge made the point that the site is within Flood Zone 1 so there is no risk of flooding and, in his opinion, there is a demand for housing, with this becoming just a piece of wasteland if not approved and it would finish their development nicely, with the 4 at the front already approved. He stated that Highways have advised what access requirements are needed to the properties and he will be undertaking everything that is suggested, which he feels this will be an improvement to the highway and area.

Mr Cutteridge stated that whilst this is not a reason for planning he will be using the funds from

these 5 properties to put back into Mega Plants to develop it further for further employment, it has had 5 new employees in the last 2 weeks and they wish to build a brand new state of the art multi-span tunnel where there will be a facility for adults with learning difficulties to come and work for them. He stated that he likes the area and is truly passionate about the garden centre, with his life being the garden centre and that is where he spends 18 hours a day and the income from this proposal will put it on the map and he would like to keep moving it forward.

Members asked questions of Mr Cutteridge as follows:

- Councillor Mrs French referred to the road being widened and asked if he was also going to put passing places in? Mr Cutteridge responded that yes there is a part passing place that is being enlarged, widened and improved to a higher standard and the neighbours have had their access point approved which they are now building and includes a significant passing place.
- Councillor Marks asked for confirmation that he is actually funding the road repairs or upgrades? Mr Cutteridge confirmed this to be the case, with them already receiving a quote of £250,000 for these improvements.

Members asked questions of officers as follows:

- Councillor Benney asked if it could be conditioned that the road improvements have to be undertaken before any building takes place? David Rowen responded that this is probably jumping a couple of stages ahead but it would be very difficult to justify insisting that 200 metres of roadway has to be undertaken before development commences given that the roadway is then going to be used for construction traffic, etc and the purpose of the road improvements would be to mitigate the impact of the actual development itself so until there are people living in the properties using the road you do not have the impact.
- Councillor Connor questioned whether the committee made a similar decision at Mill Hill Lane where the application was approved subject to the road being built to a certain specification before the actual development commenced. David Rowen responded that he cannot recall the exact wording or the trigger point, however, the issue at this location was more to do with an adopted right of way and the impact on this right of way and its on-going maintenance whereas with this application the issue is can the roadway physically fit within the corridor to the development.
- Councillor Hicks stated that having viewed the site the only concern he has got is that there would be mud on the roads during construction with it being such a narrow and unevenly surfaced road and asked if it is possible this could be looked into and if it was to be approved that a management plan be entered into? David Rowen responded that for the scale of development that would be unreasonable and usually a construction management plan for a road cleaning or wheel wash facility is on a scale of development far higher than this as well as the fact that at the moment there are 4 dwellings which can be built at the site where he believes there are no such controls in place.

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

- Councillor Marks stated that he has seen this type of application about 4 times on this road in the last 4 years and the same issues are discussed each time and it does seem to change regarding highways and what Highways are looking for. He made the point that the road is not great but with these improvements he believes it will help and also help the business, which the Council has supported via the café. Councillor Marks expressed some concern about saying before you can build these houses you have got to undertake the road improvements as money will be tight but perhaps it could be on a pro-rata basis as the money comes in but apart from this he cannot see a problem with this proposal.
- Councillor Purser referred to a previous committee meeting whereby members refused an application on the other side of this road for reasons he cannot recollect and queried whether it was similar to this application at all.
- Councillor Connor made the point that if members were minded to approve this application a condition could be placed on it to state that after the first, second, third or fourth house

occupation that something has to be undertaken with roadway.

- Councillor Mrs French made the point would this be reasonable after one house is built bearing in mind there would be construction traffic which may churn it up. Councillor Connor stated that it was just a point he made and it is up to the committee to decide.
- Councillor Benney stated that he wants to see the road improvements come out of this application and if the applicant owns the land either side then he is sure that it can be achieved if agreed by Highways. He stated that he can see the benefits of having a footpath in this area for the residents of Doddington and beyond, with there being public benefit to upgrade the road and he wants to make sure this is delivered and something more than an assurance. Councillor Benney expressed the view that he does not want to see this opportunity lost or the opportunity for further investment into Mega Plants as the committee should be helping this business.
- David Rowen referred to the impact of the development and the road on the business but made the point that the issue of the business is not relevant to the determination of this application, this is purely an application for 5 dwellings and a road improvement package that is required to mitigate the impact of those 5 dwellings. He stated that in relation to trigger points for the delivery of the road there is a more fundamental issue in terms of delivery referring members back to the comments of the Highway Officer who concludes that the construction is unfeasible so it is not a case of whether you are going to get a road and a footpath link after 1 or 2 houses but can that be delivered at all.
- Councillor Marks stated that on a private build you can put up a bond if people want to take it to the County to adopt and is this something that the Council can do to put a bond on this development until the road is undertaken? David Rowen responded that he does not think this would be an appropriate issue in this case, when you are talking about a bond there is a road that is shown on the plans that it is known can be delivered and then it is a question of who delivers it but on this proposal the Highway Authority is saying the width of the defined highway is not wide enough to accommodate the necessary highway work and therefore, those highway works cannot be delivered.
- Councillor Marks stated that he understands this but surely any work is better than no work if this application is approved regarding footpaths and the safety for people walking dogs and the committee would want a guarantee that the work would be undertaken so then would a bond be able to be undertaken. David Rowen responded that he does not think this is an issue of a bond and whether the works are going to be practically delivered, it is a fundamental issue of can the necessary highway improvement works actually be accommodated within the public highway and if members are minded of going down the route of saying it can be conditioned there are all sorts of questions about the Highway Authority having to potentially adopt land that is outside the public highway and a number of issues that led to the Highway Officer coming to their conclusion that the construction is unfeasible.
- Councillor Marks referred to the applicant stating that they are undertaking a survey at the present time with engineers so is it being said that if this came back and it could work the scheme would be acceptable at that point and would it be better to defer it to see what this survey says? David Rowen responded that he would advise against deferral as there is a scheme in front of committee that is deemed not acceptable by the Highway Authority, there may will be a report or a survey that has been produced, however, there is no guarantee that the Highway Authority will be satisfied with this. He made the point that the issues of adoption of land outside the highway boundary is a separate legal process as to whether the Highway Authority would even be willing to adopt further land outside the highway boundary as well as the implications on the need to move ditches, reprofile ditches and move hedgerows so if members have got a concern over this element the application should be refused and the applicant could come back several months down the line when that work has been undertaken and has a better idea on whether those works are deliverable.
- Councillor Benney asked that if this was proposed for approval and delivering the road was part of a condition if that could not be achieved the application could not go ahead anyway

so that would be approving it subject to a technical solution. David Rowen responded that there should always be an assumption when a Local Planning Authority is making an application that the works or the development it is granting permission for is deliverable and that should be demonstrated to the Council as part of the application process rather than post-application as if permission is granted and something is found to be undeliverable this does not revoke the grant of planning permission. Stephen Turnbull added that normally it would be a condition where further details are required on something that the Local Planning Authority considers is likely to be achieved and in this case the Highway Authority is saying the opposite saying construction is unfeasible so it would not be right or appropriate to put a condition on to say that it is subject to those details coming forward in the face of the clear advice received from the Highway Authority and the Council cannot overturn that expert advice as it does not have the expertise.

- Councillor Mrs French stated that as far as Highways are concerned there is no possibility of the County Council purchasing any land as they have not got the money and she feels if this application is refused it is a missed opportunity to get this public highway upgraded as the County do not look after the roads in Fenland and Mr Cutteridge is prepared to undertake the necessary work, which will also be for this proposal and to enhance his business which has planning permission for a café resulting in the road getting busier and this is the ideal time, if the applicant is prepared to improve the road, to do it.
- Councillor Benney made the point that Mr Cutteridge has been before the committee several times in the past year or two and everything he has promised he has delivered. He stated that he would like some assurance about the road improvements but if not this business has been supported and sometimes you have to have faith in people and accept that he has delivered before and he trusts him to do it again. Councillor Benney expressed the opinion that in relation to LP3 this is behind Doddington Hospital that was the centre of the community, with buildings further out on Benwick Road and in relation to LP12 having to bring good character to the area it just changes the character but does not mean it is right, it is open to perception and interpretation. He referred to the comments of David earlier where the delivery of houses does not supersede any policies in the Local Plan which he accepts but to refuse it on LP3 when it is adjacent to land that is part of Doddington he cannot see the justification but that is a difference of opinion and he feels the scheme has merit.
- Councillor Imafidon stated that it is not often that you see an applicant wanting to invest in a public highway and make improvements so on that basis he can support the proposal.
- David Rowen stated the highway improvement works have been discussed in great detail but made the point that if members are minded to approve the application with a condition saying that the highway works need to be carried out there are potential implications in terms of the red line boundary submitted with the application from a legal perspective because if the works required take up land outside the red line boundary and which are in the ownership of a third party then it does post question marks over the validity of the application.
- Councillor Benney stated that this red line in the wrong place has been mentioned right at the end of the debate and he was also under the assumption that ownership of land is not a planning consideration as you do not need to prove ownership to submit an application so he is not sure how this is relevant. David Rowen apologised for raising it at the last minute as it was only something that had come to mind and Councillor Benney is right that land ownership is not a material planning issue, however, as part of a planning application there is the requirement for accurate certificates of ownership to be submitted and it is also potentially permitting development which may stray outside the bounds of the red line boundary so there are legal issues that it would be remiss not to flag. Councillor Benney made the point that he submitted a planning application once which was approved and then it was found the red line was in the wrong place and he had to resubmit but it did not affect the outcome of the application so if this is the case is this an incomplete application and should not be before committee today. Stephen Turnbull responded that in a way the application is incomplete as the Highways Authority is informing the Council that they do

not think the construction of the highway is feasible without further information but Councillor Benney is right that if extra land is needed then the applicant could come back with a new application.

- Councillor Hicks asked in the interest of fair play should the applicant be allowed to come back as he has had such a short time to prepare and bring forward the road improvement report? David Rowen responded that as indicated earlier a deferral brings up a lot of questions which potentially need resolving outside of the planning application process and if members are concerned with regards to this issue he would advise that the application is refused on the basis of the highway recommendation and that issue is pursued separately outside of the application process by the applicant possibly directly with the Highway Authority.
- Councillor Mrs French made the point that there have been several applications down Hospital Road and she does not remember Highways objecting before and asked if they did and why has it objected on this one. David Rowen responded that in the past Highways have expressed concerns about the status of Hospital Road and indicated that they have felt the two extra houses may in themselves not have an adverse impact but now there are 2 houses plus 2 plus the 5 on this application and it has reached a point where the Highway Authority have effectively said this is where a line needs to be drawn and state the road in its current state is not suitable to accommodate further development, therefore, there needs to be some improvement. Councillor Mrs French made the point that Mega Plants is down this road and there could be a 100 cars a day so what is the difference between this and 5 houses?

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

Members do not support officer's recommendation of refusal of planning permission as they feel that it is not in an elsewhere location as it is surrounded by the Hospital and other properties, it would not be harmful or detrimental to the character of the area feeling it makes a positive contribution, the proposed improvements to road and addition of a footpath would bring community benefit, with Fenland being a rural area where there is the reliance on cars and it is not believed compliance with Policy 5 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 is relevant or necessary.

(Councillor Connor registered that he knows the applicant, agent and is a customer of Mega Plants but is not pre-determined and will approach the application with an open mind)

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he is a District Councillor for Doddington and attends Doddington Parish Council meetings but takes no part in planning)

(Councillors Mrs French and Marks registered that they use Mega Plants as customers but are not pre-determined and will approach the application with an open mind)

**P10/23 F/YR23/0106/O
LAND SOUTH EAST OF ABERFIELD, WELL END, FRIDAY BRIDGE
ERECT UP TO 6 X DWELLINGS AND THE FORMATION OF A NEW ACCESS
(OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

David Rowen presented the report to members.

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

Members received a presentation, in accordance with the Public Participation Procedure, from John Maxey, the agent. Mr Maxey stated that this application is in accordance with the existing Local Plan policy, it is a limited growth village where there is scope for a sensible amount of development that is in accordance with the village shape and existing built form. He expressed the opinion that it is surrounded, as can be seen by the plans, on three sides by existing development, it is in the heart of the village, within walking distance of the school and all other facilities and entirely in keeping with the form and character of existing development in that area, Well End being primarily linear.

Mr Maxey asked members to make their decision on the current Local Plan, however, as officers have said it is also proposed in the emerging Local Plan for allocation and this means that there has been further additional scrutiny recently that has effectively confirmed that the site is still suitable for development. He made the point that there are no technical objections to it, it is in Flood Zone 1, there have been discussions with Highways through the course of the application and plans have been produced that show that, notwithstanding all matters are reserved, it is possible to achieve a safe and proper access with plenty of parking the dwellings and whilst there are one or two comments about the form of development on whether it should be houses or bungalows this is an outline application for 6 dwellings with all matters reserved and that aspect can be considered and an appropriate design formulated at the Reserved Matters stage.

Members asked questions of Mr Maxey as follows:

- Councillor Mrs French referred to the comments of the Parish Council who object to the proposal and asked if he is aware whether there are school places available? Mr Maxey responded that he believes the school is probably tight but this site is not of a size where there would normally be Section 106 contributions requested and they are effectively objecting to any new development in Friday Bridge not just this site.

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

**P11/23 F/YR23/0160/PIP
LAND SOUTH EAST OF 45 CATTLE DYKE, GOREFIELD
PERMISSION IN PRINCIPLE FOR UP TO 4 X DWELLINGS**

David Rowen presented the report to members and drew 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 George Le Cornu, an objector to the proposal. Mr Le Cornu advised members that he lives at 55 Cattle Dyke and has lived in the Fens for over 14 years, buying this property as his forever home on the understanding that the current Fenland plan and the future emerging Local Plan would prevent any development to the rear of his house. He is requesting that the committee agree with the Planning Officer's recommendation to refuse this application.

Mr Le Cornu expressed the opinion that the proposal is contrary to multiple planning policies by being backland with no road frontage on previously undeveloped land in Flood Zone 3 and he feels the proposal has no merit and should be refused. He expressed the view that development on this site would result in an irreversible loss of habitat with the site being in the Great Crested Newt amber zone and in addition the strip of woodland on the south of the site is home to bats and other protected species and this should not be disturbed.

Mr Le Cornu expressed the opinion that on preparation for this development a water body has been filled in to prevent any requirement for an ecological survey and as a small village only residential infill or use of previously developed land would be suitable for development, with this site meeting none of the criteria for a brownfield site as it has had no previous development. He expressed the view that the agent, Mr Humphrey, has attempted to support the infill criteria by producing a misleading map as part of the application attempting to show a domestic property shown as No.59 but in reality this is an open sided pole barn used for agricultural purposes and No.59 has been invented for this application.

Mr Le Cornu stated that as there is no road frontage this proposal cannot be considered, in his view, as infill, the site has had no previous development and because of this Gorefield Parish Council have also objected, with the site gaining very little support with only one comment of support at the expiry of the consultation period and Mr Humphrey's office was well aware of this as well as the lack of merits of the site and was granted an extension to source and submit a further five letters of support in order to force this application to committee as they were fully aware the Planning Officer would recommend the proposal for refusal. He showed on the presentation screen four of the canvassed responses, all looking the same, not submitted by Gorefield residents but, in his view, by Mr Humphrey's office.

Mr Le Cornu displayed a letter submitted by Mr Humphrey's office under Mrs Parson's name following the same formatting and when Mrs Parson's objected to a previous planning application she was very capable of presenting a well-formulated argument unlike the single sentence as shown on the screen and the single point is that the proposed site would be within easy walking distance of the village facilities despite it being further away than the site Mrs Parson objected to. He expressed the view the site will not be within easy walking distance as there has been no provision for a pavement meaning this development will be separated from the village as the highways agency requires a minimum of 5 metres for vehicle access and if a further 2 metres is provided for a pavement this would result in a ridiculous situation where the majority of No.45's property frontage would be taken up by access down a long narrow lane to the rear of their neighbours properties and the refuse collection to the front of the roadside.

Mr Le Cornu stated that the site is in Flood Zone 3 meaning that a sequential test must be conducted to prove that there are no other sites available for development and the Council has identified 3 sites for development providing the village with a potential 73 new houses all of which are outside Flood Zone 3. He expressed the opinion that Mr Humphrey has himself conducted a sequential test and unilaterally decided that this application passes the test and incorrectly Mr Humphrey's agent concludes that there are no available sites within a lower flood risk zone, showing a screen shot submitted by Mr Humphrey as evidence of this and feels he has somewhat misled the committee as when he states that there no other suitable locations he has limited his search to a quarter of the mile of the village centre and the website even suggests on the lower half that by increasing the search radius to half a mile that it would return with 2 plots for sale.

Mr Le Cornu referred to a report on the presentation screen that was only made available Friday afternoon so he has had limited time to digest it but following a very brief search he has found a further 3 plots of land for sale in the local area all of which are available for development and lie wholly within Flood Zone 1, the lowest risk category. He expressed the opinion that with 73 houses on the horizon there is no demand for more developments in Gorefield and No.43 built less than 15 years ago, a 4-bedroomed 2-storey house, has been on the market for over a year with no offers.

Mr Le Cornu summarised that the land is not residential infill, there is no road frontage available, it would be disconnected from the village, the land is agricultural backland with high levels of biodiversity, the site lies in Flood Zone 3 with other sites available in 1 and 2, there is minimal local support with Gorefield Parish Council objecting, vehicle and pedestrian access is inadequate, there are 73 houses being built in the village and there is currently low demand for this type of housing.

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey stated that some people do not have access to computers so yes he does letters but his company does not sign them but it is asked that they are collated at the office so they know how many letters are submitted to the Planning department. He referred to the Council's Ordnance Survey map which shows No.59 and he has not fictitiously added it so he takes offence on these comments.

Mr Humphrey referred to the comments regarding the access stating that you can have 4 properties off a private drive and they do not need to have a footpath. He referred to the reasons for the refusal, one of which is the land is outside the developed footprint but expressed the view that the Council does not have a footprint of Gorefield so therefore the proposal abuts existing dwellings, the site is in a small village for new development which has recently allowed 38 dwellings off Back Road supported by officers and there is also no mention in the officer's report of the appeal decision for No.43A reading point 8 "I accept the Council's contention that the locality mainly features frontage development but that does not necessarily mean that non-frontage development is harmful. In this instance where the development would have no material effect on the street scene and only very limited effect on other views the local distinctiveness of the area would not be eroded by the development", this is for an appeal adjacent to this site.

Mr Humphrey stated that a Flood Risk Assessment has now been submitted and he would contest that there are no sites for 4 plots available within the settlement of Gorefield, those that were shown on the screen were for Parson Drove and villages surrounding. He expressed the opinion, as could be seen on the location plan, there is clearly other backland development and he, therefore, requested that members support the application.

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

- Councillor Marks stated that he has visited the site and is not convinced it stands particularly well where the land is, whether it is infill or whatever, it is behind the properties and does not sit where he would expect it to be sitting.
- Councillor Mrs French referred to the sequential test with it being pointed out by the objector that there is various land available elsewhere but Mr Humphrey says there is not in Gorefield and asked for clarification on this. David Rowen responded that as Mr Humphrey indicated some of the examples that were given by the neighbour relate to other settlements, one in Leverington and another in Parson Drove, so for the purposes of the sequential test these would not normally be taken into account if you are looking at a purely settlement base so from that point of view Mr Humphrey's sequential test is possibly accurate but the issue that officers have with the sequential test is that as this is looking at a level of development over and above that which is set out in the settlement hierarchy officer's view is that the sequential test should be on a wider basis because if you are proposing a scale of development over and above that set out in the settlement hierarchy it is always going to be sequentially acceptable as there are not enough permissions elsewhere in the settlement to outweigh the proposal site.

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

P12/23

F/YR23/0185/PIP

**LAND SOUTH EAST OF CHERRYHOLT FARM, BURROWMOOR ROAD, MARCH
RESIDENTIAL DEVELOPMENT OF UP TO 3 DWELLINGS (APPLICATION FOR
PERMISSION IN PRINCIPLE)**

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.

Members received a presentation, in accordance with the public participation procedure, from David Mead, the agent. Mr Mead made the point that this is an application for a Permission in Principle, which is to demonstrate the principle of a certain form of residential development is acceptable in a certain location up to a certain size and this case is slightly unusual as this is an allocated site within the built up area within the Broad Concept Plan (BCP) for development to the west of March. He stated that the proposal being suggested is for up to 3 dwellings but this could be 1, 2 or 3 but that is the whole point of Permission in Principle it is just to establish the principle and the only information that needs to be submitted is a red line plan.

Mr Mead stated that the site is half an acre for up to 3 dwellings even allowing for part of the site, but not a significant part, to provide a spine road which is unlikely to be much more than 10 metres wide the frontage of the site itself outlined in red is 50 metres and the depth of the site is another 50 metres and if you take the frontage from the western front corner of the site to the eastern far boundary which is the land up against the bungalow at 181 Burrowmoor Road it is 80 metres to allow for an access road and 3 dwellings. In his view, there is enough information to demonstrate that it can fit and the slide that showed the position of the spine road, accepting it is only indicative on the BCP, also demonstrates that there is room for both.

Mr Mead expressed the opinion that what happens next, if this is approved, is they go to the technical detail stage, which provides all of the details required to demonstrate clearly how the development can take place showing the exact position and layout of any element of the spine road and the position, design, elevations, floor plans and drainage that you would expect in a full application. He reiterated that this application is only asking for the principle and it is nothing else apart from this.

Members asked questions of Mr Mead as follows:

- Councillor Mrs French asked how far away this site is from Cherryholt Farm? Mr Mead responded that the western boundary of the site is approximately 45 metres from the farmhouse.

Members asked questions of officers as follows:

- Councillor Mrs French questioned that as this land has been in the BCP for several years so with the recommendation being for refusal are officers saying, she does not know what is happening with the rest of land with her understanding there are about 25 landowners here and she assumes this landowner wants to go on their own, would it have a detrimental effect on any other land? David Rowen responded that the reason for the recommendation of refusal is that officers have concerns that by granting Permission in Principle to locate houses on this piece of land potentially the northern link to the BCP between Burrowmoor Road and Gaul Road would be prejudiced and this could have an implication on bringing forward development on the wider northern portion of the strategic allocation. Councillor Mrs French made the point that the committee is looking at what is front of them today not what might happen in the future so surely it is up to the other landowners even if it is in the BCP so it could be argued that the other land prejudices this application. David Rowen agreed that you could make the argument that the BCP is impacting on this piece of land and it has done with a couple of previous applications, however, the policies of the Local Plan are clear that when dealing with applications for small parcels of land within the BCP consideration has to be given to the consequences of that and whether by granting those applications there would be a prejudicial effect on delivery of the wider BCP and this could potentially lead to the loss of the access area. Councillor Mrs French expressed the view that this application is only a Permission in Principle so she cannot see, if this was approved, that it would have a detrimental effect and it might make the other landowners come forward as this land has been allocated for many years, she believes over 20 years, and Cherryholt Farm is a Listed Building but is a wreck and for a Listed Building the Council should have taken action years ago as it is only fit now to be demolished.

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

- Councillor Benney made the point that from what the agent said this is a 50 metre square piece of land, there is land around this and as much as this may block a road going through it the landowner could equally say I am not part of it and not sell it, which would equally block it and then they would find a way to go around it. He stated at his first planning committee meeting there was an application for 27 houses in Stow Lane, Wisbech that was in the corner of a BCP and members were told that this would have a detrimental impact on the BCP which members were told was coming forward and committee turned this down, which he voted against and the BCP has never come about and 27 houses have been lost in Wisbech, which would have provided homes for people. Councillor Benney stated that he agrees with Councillor Mrs French, bringing this land forward may result in the other landowners getting their act together and start bringing this forward as every landowner thinks his land is worth a fortune so they hang onto it and that is why the BCPs have not progressed. He does not think the road would stop the BCP coming forward and thinks there is good merit in allowing this application and if nothing else it sends a message to the other landowners.
- Councillor Purser notes what Councillor Benney has said and the fact that it is regarded as being allocated land, but he was led to believe many years ago this piece of land or that area had a very bad history of flooding, which concerns him and he visited the site and the bend where this site is on is deadly as people speed up and down here and you would take your life in your hands coming out of this junction.
- David Rowen stated that he accepts some of the arguments that have been made in terms of the potential delivery of housing on the site and it is within members gift to go against officer's recommendation and grant Permission in Principle but the one issue he would flag for consideration is the delivery of 3 houses versus prejudicing the delivery of a couple of hundred houses.

Proposed by Councillor Purser to support officer's recommendation to refuse planning permission, which did not receive a seconder.

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

Members did not support officer's recommendation of refusal of planning permission as they feel the proposal makes efficient use of land, it is allocated within the BCP and will not be detrimental to the rest of the allocation and it may possibly make the other landowners within the BCP area come forward.

(Councillor Connor declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that he was a member of March Town Council when this application was considered by the Town Council but took no part in their planning)

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

P13/23

F/YR22/0901/O

LAND SOUTH EAST OF THE CHIMNEYS, GULL ROAD, GUYHIRN

**ERECT 1 X DWELLING INVOLVING THE DEMOLITION OF EXISTING BUILDING
(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 Shanna Jackson, the agent. Mrs Jackson stated that the proposal is for a new dwelling for Mr Thomas who is well known within the local area as being a major employer with at one stage 230 employees with that business having now been sold and Mr Thomas' current enterprise employs approximately 70 people. She expressed the view that over the years Mr Thomas has put a lot into the local community and continues to do so as his health allows but unfortunately in more recent years Mr Thomas has suffered considerably poor health with one of the resulting main issues being reduced mobility and he is struggling to gain proper access in and around his existing dwelling at The Chimneys, with an opportunity presenting itself with the site next door as the Bowls Club is now closed there is a redundant brownfield site next door to his existing dwelling and the redevelopment of a brownfield site as proposed would provide an opportunity for Mr Thomas to design a purpose built dwelling to meet his specific needs, it will allow him to stay within the area that he loves, close to his existing home, family and business.

Mrs Jackson noted the officer's comments with regards to the location but feels there are benefits to be had by redeveloping this parcel of previously developed land, which is something supported by the NPPF and it would also remove a non-conforming leisure use which could attract unlimited numbers of traffic and noise away from a residential dwelling and business. She expressed the opinion that it is argued that the reuse of this previously developed land would result in a site which is sequentially preferable in terms of flood risk, it is important to note that although the site lies within Flood Zone 3 of the Environment Agency's flood maps for planning these maps do not acknowledge local flood defences and taking into account these defences within the area in reality there is actually a low probability of flooding on this site and this position has been set out in the Flood Risk Assessment which has been acknowledged and supported by the Environment Agency and accordingly there are no sustainable objections in terms of flood risk.

Mrs Jackson stated that the application has received 7 letters of support from the local community and no objections from local councillors or statutory consultees and it is considered that there are valid planning reasons to support this application in terms of the benefits of removing a non-conforming use, the reuse of brownfield land and the acceptability on flood risk grounds.

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

- Councillor Mrs French made the point that it is a brownfield site, it is for one single dwelling and is outline, assuming it would be for a bungalow if the applicant has poor health and the only concern she has is regarding flooding but questioned whether the site has ever flooded before.
- Councillor Benney made the point as the agent said all flood risk has been complied with and Fenland is the best drained piece of land in the country with the best drainage system and the water is managed and whether the site itself floods there will not be a problem with it being built and raising the level of the development which is the mitigation measures to resolve building in Flood Zone 3, it would not run off and run into somebody else's garden and it is not proposed to build 20 houses that is going to allow surface water to run off into another housing estate somewhere else and cause problems there which does happen. He stated that planning is about putting all these ideas in a pot and working out which ones are given merit and what the planning committee feel comfortable with, the fact that it is in Flood Zone 3 there are mitigation measures to build which will stop that building from flooding and if the house next door had flooded he is sure there would be problems with the insurance and in which case he would not want to be building a house next door. Councillor Benney stated that it is a brownfield site and brownfield sites should be developed before green sites and agricultural land so, in his view, it is making good use of land.
- Councillor Marks made the point in relation to flooding that the IDB have got no problems with it, he has driven this road on a number of occasions and he has never seen any

flooding, the issue is more with the road being bumpy than flooding and the water is going to sit on the roadside more than it is the land. He feels it surely makes better use, with the Bowls Club gone, to use this land here than try and find a green field site somewhere else and he has no problem supporting this application.

- David Rowen referred to Mrs Jackson's comments about the site being previously developed but looking at the definition of previously developed land within the NPPF it is not quite so certain that it is within that definition and it is quite explicit that this excludes land in built up areas such as residential gardens, parks, recreation grounds and allotments and he feels that a bowling green would come within the definition of a recreation ground. He referred to the issue of flood risk and the comments of Mrs Jackson regarding the existence of flood defences, making the point that the adopted Supplementary Planning Document on Flooding, which is the Cambridgeshire wide document, is quite clear that in applying the sequential test the existence of flood defences should be effectively ignored when undertaking that sequential test so the fact that flood defences exist does not make the site sequentially acceptable.
- Councillor Marks referred to the mention of recreational grounds and asked if this is in public ownership as opposed to private ownership as he would have thought there should be a difference between the two. David Rowen responded that land ownership does not come into it when looking at this definition but the actual land use relative to that definition.

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

Members do not support officer's recommendation of refusal of planning permission as under Policy LP3 developments in small village settlements will be considered on their merit and would normally be limited in nature and scale to residential infill or small opportunities which it is felt that this proposal is, under Policy LP12 this is the reuse of a rural bowling green and it is felt the benefits of the proposal outweigh the requirement for a sequential test.

David Rowen pointed out that the applicant, his background and his contribution to the community are not material planning considerations, the development site is outside the settlement boundary and conflicts with that settlement hierarchy and the delivery of housing does not override this or flood risk so whilst there is a balance a greater weight needs to be given to certain issues than other issues.

(Councillor Marks declared that the applicant is known to him through a previous business but he has not been in contact with him for a long time and therefore he is not pre-determined and would approach the application with an open mind)

P14/23

F/YR22/1215/O

**LAND WEST OF 2 WOODHOUSE FARM CLOSE, FRIDAY BRIDGE
ERECT UP TO 2NO DWELLINGS INVOLVING DEMOLITION OF EXISTING
BUILDING (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 Matthew Hall, the agent. Mr Hall made the point that the existing site is adjacent residential buildings both to the North and East and there is already a brick building on this site which is to be demolished and immediately adjacent this site there are 6 residential dwellings as was shown on

the presentation screen. He expressed the opinion that this site was part of a larger site that was a commercial farm park for over 6 years that had over 40,000 visitors a year and there are a number of buildings over that site at the time which have since been converted with approval.

Mr Hall stated that in February 2013 in an officer's report to this Planning Committee it confirmed that this site as part of the overall site is on the edge of a sustainable location, Friday Bridge, which would be under Policy LP3. He stated that the site is in Flood Zone 2 and checking throughout this application and even this morning there are no other sites on the market with planning permission in Friday Bridge that are for sale in a lesser flood zone than this site and there is no objection from the Environment Agency to this proposal on a site that already is surrounded by residential properties to the East and North that were granted approval in 2013 when under the previous Local Plan.

Mr Hall stated that the applicant, who is present today, is a member of the local drainage board and has lived at this site for nearly 60 years and there has been no history of flooding in five generations. He advised that the applicant submitted pre-application advice in 2019, which is referred to in the officer's report, and that advice was given under this Local Plan and confirms that this area of the site is suitable for limited residential development and the advice was to reduce the proposal from 2 dwellings to 1 because that would be preferred but in that pre-application advice there is no mention of the sequential test or flood risk.

Mr Hall stated that there are no technical objections to this application from Highways, Environmental Health and the Environment Agency as well as no local objections. He made the point that an application was approved today that was not supported by the Parish Council and had 22 letters of objection but this application does have the support of the Parish Council and also has 18 letters of support from persons in Friday Bridge clearly showing local support for this proposal.

Mr Hall referred to the indicative site plan on the presentation screen, which he feels shows that two plots would round off this development and to the West is open land which is not proposed to be developed and the dwellings could be moved further back if requested. He stated that pre-application in 2019 under this Local Plan confirms that limited residential development on this site would be acceptable, the proposal is for 2 reasonably sized dwellings and would create a third garden area and ample parking using an existing access on a site with no objections from any members of the public or any consultees.

Members asked questions to Mr Hall as follows:

- Councillor Benney questioned the pre-application advice that it would round off the development. Mr Hall responded that it was in 2019 under a different agent and read out the wording "taking all the above factors into consideration I am of the opinion that a scheme for some limited additional development on this site could be supported" making the point that the previous proposal was for 3 plots, one of which was detached from the site, and this proposal is for 2 plots. Councillor Benney made the point that to seek pre-application advice, act on what has been said and then to refuse it does seem to be unfair.
- Councillor Benney asked what in terms of millimetres is the difference between Flood Zone 1 and Flood Zone 2 because if you look at the flood maps there is hardly any Flood Zone 2 in Fenland? Mr Hall responded that he would not know what the difference in levels is off the top of his head.

Members asked questions to officers as follows:

- Councillor Benney asked what is the difference between Flood Zone 1 and 2? David Rowen referred him to the answer provided by Mr Hall.

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

- Councillor Benney made the point that having a pre-application for 2 houses is cost that somebody has incurred and to get an answer back that advises to submit for less so less is submitted and it still being recommended for refusal, whilst he recognises it is not binding, he feels is unfair. He referred to Flood Zone 2 and members went to a site in Friday Bridge several years ago with that the site being in Flood Zone 2 and next door was in Flood Zone 1, which was lower and if you look at the flood maps there is very little Flood Zone 2 in the whole of Fenland and the mitigation is to raise the floor level and for limited development which the pre-application recommended would be approved he feels there is good merit for approving this application.
- Councillor Connor agreed with Councillor Benney and remembers the site he is referring to in Friday Bridge, which did bring a lot of debate and was against officer's recommendation that it was approved.
- David Rowen made the point that in relation to the pre-application advice, it was one from 2019 and all pre-application advise is caveated that it is relevant for one year only because interpretation of policy can move on with appeal decisions, etc so any advice given in 2019 would not be binding upon a decision made in 2023 and unless he is mistaken the advice given was to reduce the level of development in this part of the site down to one dwelling whereas there is now two so effectively the application submitted has ignored the pre-application advice. He stated that in relation to flood risk and the difference in levels between Flood Zones 1, 2 and 3 , it does not really matter it is classified as being in Flood Zone 2 and the Planning Policy requirements in terms of how such a site is considered in respect of that is quite clear which is if there are sequentially preferable sites available then the application should be refused and when applying the sequential test the issue of mitigation and site specific mitigation does not outweigh the sequential issue, the committee need to be satisfied sequentially that the site is acceptable and the issue of mitigation comes along after the sequential test has been passed.

Proposed by Councillor Marks to refuse the application as per officer's recommendation, but no seconder was forthcoming.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the applicant sought pre-application advice, and whilst this was four years ago and is not binding, did state the principle of development and flood risk was acceptable and it is the same Local Plan in existence as four years ago and that the proposal would make a positive contribution to the local distinctiveness of the area.

**P15/23 F/YR22/1361/PIP
LAND EAST OF 156 HIGH ROAD, NEWTON-IN-THE-ISLE
RESIDENTIAL DEVELOPMENT OF UP TO 6 X DWELLINGS (APPLICATION FOR
PERMISSION IN PRINCIPLE)**

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 Humphrey, the agent. Mr Humphrey stated that he does not believe that he has seen such as strong letter of support from a Parish Council, which he read out and there has been one letter of objection, five of support and as the application is for 6 dwellings they would happily take a

planning condition that the dwellings will be either chalet or two-storey. He stated that a traffic survey has been instructed, with the results received this afternoon too late for today's meeting but in any event the Parish Council want to move the speed limit signs so that the whole of High Road is 30mph.

Mr Humphrey expressed the opinion that key to this is the new footpath and referred committee to Paragraph 160 of the NPPF which states that development on the exception test would provide wider sustainable benefits to the community that outweigh the flood risk, which was used by Fenland District Council in its own planning application in Parson Drove. He expressed the view that the development would be safe for its lifetime taking into account the vulnerability of its users without increasing the flood risk elsewhere and where possible will reduce flood risk overall, with this detail being supplied at a technical stage as this is a Permission in Principle (PIP) application.

Mr Humphrey stated that as highlighted by officers within the report Newton Parish Council feel this will allow an appropriate level of growth to ensure the long-term sustainability of the village. He summarised that it is supported strongly by the parish, the Environment Agency has no objection, the footpath will provide community benefit, 6 dwellings is 11 per hectare and officers say this is an acceptable density, the site is acknowledged as infill and the proposed Local plan has one allocation for 6 within the village of Newton so this shows clearly that this development of 6 will be of a similar standing and requested support for the application.

Members asked questions of Mr Humphrey as follows:

- Councillor Mrs French acknowledged that this is only a PIP application but asked if this was approved would the applicant be prepared to contribute towards a footpath and the reduction of the speed limit? Mr Humphrey responded that he has suggested to the client that they will have to do both of these in order to achieve planning permission so one plots value will be used up in putting the footpath along High Road and around the corner into Rectory Road. He stated that they have undertaken a speed survey, which will be passed to the Parish Council and see how they want to take this forward if this is approved.

David Rowen referred to the comments regarding the provision of a footway and also accepting conditions relating to safe refuge in the dwellings or the dwellings to be two-storey and reminded members that this is an application for Permission in Principle, with the Government advice being that you cannot grant a PIP subject to any conditions or any legal agreements it is purely looking at location, use and amount so issues on what can be achieved in terms of delivering footway improvements are not material to this application.

Members asked questions of officers as follows:

- Councillor Mrs French stated that she was not proposing to put on a condition.
- Councillor Benney asked that although committee cannot put a condition on this PIP application when this is submitted as a Full or Outline application a condition could be put on at this time? David Rowen responded that this would be dealing with a separate application at a later stage with a degree of detail to it but the point is at this moment in time those issues cannot be considered as part of the determination of the PIP application.

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

- Councillor Mrs French stated that she has been on committee a long time and she has never heard a Parish Council support something so much, normally Parish Councils do not want anything built and if this application is approved it ticks a lot of boxes for the parish.
- Councillor Benney agreed with the comments of Councillor Mrs French, he had a ride around Newton about a month ago and there are applications just up the road that have been granted, realising that every application is different and judged on its own merits, and there has been development over a long period of time and different types of development so who is to say this is wrong. He feels if he lived in Newton he would be welcoming this application because of the community benefit in completion of the footpath, which he knows

cannot be guaranteed but sometimes there has to be faith in people and he feels that the benefits that this scheme would bring to the wider community outweigh the reasons for refusal.

Proposed by Councillor Benney, seconded by Councillor Imafidon and agreed that the application be GRANTED against officer's recommendation.

Members do not support officer's recommendation of refusal as planning permission as they feel this is good use of land, the site does not lie outside the settlement of Newton-in-the-Isle and is within it, the proposal would not have an adverse impact on the character and appearance of the area and would enhance it and the community benefits of the proposal outweigh the reasons for refusal.

(All members declared that as this applicant is a relative of Councillor Sam Clark that they know Councillor Clark but would approach the application with an open mind)

6.05 pm

Chairman