

# PLANNING COMMITTEE



**WEDNESDAY, 20 SEPTEMBER 2023 -  
1.00 PM**

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

Officers in attendance: Nick Harding (Head of Planning), Danielle Brooke (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer).

## **P47/23      PREVIOUS MINUTES**

The minutes of the meeting of the 23 August 2023 were agreed and signed as an accurate record.

## **P48/23      F/YR22/1296/F 14 - 16 WENNY ROAD, CHATTERIS ERECT 9 X DWELLINGS (3 X 2-STOREY 4-BED AND 6 X 3-STOREY 3-BED) AND THE FORMATION OF A NEW ACCESSES, INVOLVING THE DEMOLITION OF EXISTING DWELLING**

Nick Harding presented the report to members.

Members asked officers the following questions:

- Councillor Benney asked whether Ellingham Gardens is due to be surfaced as it should have been several years ago? He added that he is aware that some investigation took place a few years ago by officers concerning the same issue and he was advised at that time that it was highly unlikely that the County Council would consider the adoption of the road. Councillor Benney stated that the residents of Ellingham Gardens have contacted all of their local members over a period of time and, in his opinion, this is now the only opportunity that the residents of Ellingham Gardens will be able to get their road surface finished. He stated that when he visited the site there are still raised ironworks and he made the point that if there are no guarantees that the road will be completed, he will not be supporting the application. Councillor Benney expressed the opinion that he is happy with the development, but he wants to see the road surface in Ellingham Gardens finished. Nick Harding explained that condition 13 of the report states that an improvement scheme is required to be submitted to officers for approval and any scheme that is approved will have to be implemented prior to the first occupation of plots 1 and 2 of the development.
- Councillor Mrs French made reference to the point Councillor Benney made with regards to the adoption of roads and she stated that the County Council will adopt roads, however, they do need to be up to an adoptable standard and any new roads which are adopted will now have a 20mph speed limit attached to them.
- Councillor Connor stated that he has spoken to a senior officer at the County Council Highways team, and has been advised that, in his opinion, Ellingham Gardens will never be adopted unless works are undertaken to the drains and the binder course is removed. He stated that the road is a mess, and he does have sympathies with the residents as he is also aware of other roads within the District which are also unadopted and in poor condition. Councillor Connor expressed the opinion that he is disappointed the Agent or Applicant are not in attendance at the meeting today in order to allow members of the committee to be able to ask questions.

- Councillor Marks stated that he also has concerns with regards to unadopted roads and whilst he appreciates the condition affixed to the application, he still has concerns whether it will be adhered to, and he would like to hear from the agent to ascertain what assurances they can provide prior to the application being determined.
- Councillor Benney stated that he had managed to ascertain that the actual site of Ellingham Gardens was constructed by a company called Proctors who had also applied for some additional building works to be undertaken but were refused by the Council and, therefore, the builders chose not to complete the works to the roadway of Ellingham Gardens. He added that the road is a mess and whilst the residents could all contribute together to pay for the completion of the road, there are also residents living there who do not own their property and, therefore, there cannot be the expectation for those residents to contribute if they are only renting their home. Councillor Benney stated that the road is sub standard and whilst there is a management company associated with that piece of land that covers Ellingham Gardens, they need to address, the kerbs, paths, and weeds. He added that if more development is going to be allowed in that area then the issues surrounding the road needs to be considered. Councillor Benney stated that the proposed new dwellings will look out over Ellingham Gardens, and he agreed that it is disappointing that the Agent is not at the meeting today to answer members questions.
- Nick Harding stated that applicant and agent cannot give any assurances to the committee that are enforceable in any way. Officers have proposed condition 13 and will also require a specification of the works that are going to be undertaken on site within a specified time frame.
- Councillor Gerstner asked what arrangements are in place for the refuse and recycling collections? Nick Harding advised that collections are already taking place by the Council and there is a turning circle which is sufficient for the waste collection vehicles to undertake such collections.
- Councillor Marks asked whether there was a possibility of a bond or agreement being put in place to ensure the improvement works are undertaken? Nick Harding stated that when considering the construction and subsequent adoption of roads, a series of technical drawings are submitted to the County Council for technical approval and then a legal agreement and bond is provided in order to cover the situation whereby part way through the works something untoward arises where the companies involved walk away and the County Council then have funds that they can draw on to undertake the works. Nick Harding stated that, in this case, it is an unadopted highway and planning officers are not highway engineers, however, an application which is submitted to the Council with a condition 13 is submitted to the County Council to ascertain whether those works are sufficient in order to improve the quality of the top surface of the road. He added that given that the works need to be undertaken prior to the occupation of plots 1 and 2, officers have time to undertake enforcement action if the works were not carried out. Nick Harding explained that the committee may choose to alter the wording of the condition from plots 1 and 2 so that it reads prior to the occupation of any two plots on site.
- Councillor Marks expressed the view that it does not appear to be clear what the actual specification of works are, and he feels that this should be made clear, and it should be to a standard whether that be adoptable or unadoptable. He added that the developer should be outlining what works they are going to undertake to ensure that it is an acceptable level. Nick Harding stated that is the purpose of the condition and they will advise officers of a technical specification of the works that they are going to undertake then officers will pass that to the Highways Engineers for review and their input. Councillor Marks asked whether that is also the case if it is not to an adoptable standard? Nick Harding explained that in terms of the adoptable highway standard requirements in general terms it will involve digging out base course levels and the specification of materials to be used.
- Councillor Mrs French stated that developers cannot be forced to sign a Section 278 agreement.
- Councillor Benney stated that there is already a management company set up for Ellingham Gardens, however, it appears to be impossible to contact them. He added that if the

application were approved would the developer take over the management of the existing management company to ensure that the streetlights and road are kept to an acceptable standard or will a separate management company be set up for the area of the new development. Councillor Benney expressed the opinion that the developer should be at the meeting to answer the questions for the committee as it is important to know who is going to take responsibility for the site as the company who has the responsibility are shirking their duties.

- Nick Harding stated that whilst he appreciates members comments, he made the point that there is an existing development which is occupied and if the management company is in place to serve the existing residents it is their responsibility to make the management company carry out their job. He added that there is now an additional development taking place but if the road is under the control of the existing management company there cannot be a replication with a new management company. Nick Harding added that the Council should not be getting involved with such matters which are beyond the control of the committee. He stated that any solicitors of those residents who are going to be using Ellingham Gardens should be advising them that it is a private road and any associated consequences with regards to the future maintenance of the road and costs and responsibilities.
- Councillor Benney made the point that whilst he appreciates the comments made by Nick Harding, elected members are in place to deal with issues such as these which are important to the electorate. He stated that he has unanswered questions, and he would like to know which management company is responsible for the development as the one currently in place is not fit for purpose. Councillor Benney expressed the view that he cannot support the application.
- Councillor Connor stated that it is a good development and an excellent officer report but he can see the dilemma, which has been discussed but he would not like to see the application refused as it is 9 much needed homes. He stated that once the issues are resolved he can see the development being a very nice cul de sac. Councillor Connor expressed the opinion that he would rather the committee consider deferring the proposal rather than refusing it. He added that he is very disappointed that the agent and applicant have not come before the committee.
- Nick Harding reiterated to members that there is an existing development at Ellingham Gardens with a management company in place already which although is not working as well as it should be should not be to the detriment of the application being determined. He stated that if members were to consider refusing the proposal then serious consideration needs to be given on the refusal reasons.
- Councillor Connor reiterated that he would prefer to see the application deferred rather than refused.

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

- Councillor Hicks asked Councillor Benney whether he would consider the road to be adequate and useable in its current state? Councillor Benney explained that you can drive down the road, but consideration does need to be given to the raised ironworks and whilst the bin lorry can access the road, it is a mess as there are many weeds. He made the point that he does not wish to see the development refused but it does need to bring some benefit with it and that, in his opinion, means ensuring that the area is tidied up. Councillor Benney stated that if the area is left for the management company to sort out then it will just be a situation which continues. He made the point that if there can be some discussion with the Agent to obtain assurances from them then he would feel in a better position to consider the application.
- Councillor Gerstner referred to 5.6 of the officer's report where the Highways Officer states that officers may wish to consider including a condition that the applicant remedy the existing defects along Ellingham Gardens in response to the proposed intensification.
- Councillor Marks stated that the proposal will add more residents to an existing problem and, in his view, that is no clear direction on what the remedy will be with regards to the top

surfacing of the road. He expressed the view that the members do need to be able to raise their issues and concerns with the Agent in order to ascertain a guarantee albeit a verbal one.

- Councillor Hicks stated that if the application is deferred in order to give the committee the opportunity to address the Agent and the Agent states that they will undertake the necessary works, is there any legal agreement which can be put in place to ensure the works take place. Councillor Connor stated that that if the Agent comes before the committee and gives assurances then members are then in a position where they have done all they can do and advise the residents of Chatteris that they did their best.
- Councillor Connor stated that it appears that the committee are looking to defer the application and there does not appear to be any reasons for refusal.
- Councillor Benney stated that he is aware that the management company that runs Ellingham Gardens are based at Station Road in St Ives.
- Nick Harding stated that the specification of a highway is never requested as part of a planning application, and that there is no justification to request that level of detail for this particular application. He added that there is a condition in place which asks for the details of what improvements are going to be implemented to Ellingham Gardens. Nick Harding added that an adjustment to condition 13 could be made to ask for the details concerning how the road is going to be improved but also the details of its ongoing maintenance. He added that if the application is deferred for the agent to come to address the committee and they give assurances that as and when the houses get build they will be signed up to a management company that will not be included within the planning permission and, therefore, the adjustment to the condition should give the committee assurance on the issue of not only what works are going to be undertaken on the road improvements but also the details of how the road is going to be maintained in the future.
- Councillor Gerstner made reference to the highways section within the officer report which considers including a condition that the applicant remedy the existing defects along Ellingham Gardens in response to the proposed intensification. Nick Harding explained that aspect is already covered in condition 13.
- Councillor Marks stated that there are still concerns with regards to what is required going forward and maybe the committee should focus on road adoptions more going forwards. He added that it will cause the Council issues going forwards as, in his opinion, there are going to be obstacles with the road in the future.
- Councillor Connor stated that the County Council have many issues of unadopted roads that they are dealing with.
- Nick Harding stated that, when planning permission is granted for a brand-new development site, officers cannot require the roads to be built to an adoptable standard and the decision on whether the road is going to be private or whether or not they are going to be adopted is totally in the developers remit. He explained that members need to be aware that it is not within the gift of the committee to be able to get a road adopted. Nick Harding stated that when planning permission is granted for new developments now, a condition is added which requires the details of ongoing maintenance and management of those roads and that is so that Council can tolerate the situation that the County Council have found themselves in previously, where developments have been built and the roads have remained private. Nick Harding explained that a change to the condition which adds in the requirement for the maintenance arrangements to be submitted and approved by officers is no different to the condition that is in place for brand new developments. He stated that the option he has proposed to the committee is just as good as what is placed on brand new developments and if the application is deferred for the applicant and agent to come before the committee, they can give members assurances, however, what actually matters is the detail that is submitted and what details are approved by the authority in relation to how the road is going to improved and the ongoing maintenance arrangements for the road. Nick Harding stated that if the agent states that a management company is going to be set up and associated with all the properties that will be using Ellingham Gardens, in theory there is nothing to stop that management company going bankrupt and the same situation will arise, and the

Council can never resolve that situation.

Proposed by Councillor Gerstner, seconded by Councillor Hicks that the application be approved as per officer's recommendation, which did not receive support from the majority of members.

**Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the application be DEFERED in order to invite the agent and developer to address the committee and answer their concerns with regards to the management company.**

Members do not support the officer's recommendation of approval as they feel that they do not have adequate information from the Agent and Developer to be able to determine the application.

Nick Harding stated that as the committee have voted in favour of a deferment in terms of any other element of the application the assumption is that they are happy with all other parts of the scheme and the only the issue is with the ongoing maintenance of the highway that is of concern to members. He added that when the application is brought back to the committee that will be the only aspect of the scheme that will be discussed.

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

**P49/23      F/YR23/0155/F  
LAND SOUTH OF CARAVAN SITE, FENLAND WAY, CHATTERIS  
ERECT 31 X DWELLINGS (6 X 2-STOREY 2-BED, 6 X 2-STOREY 3-BED, 5 X 2-STOREY 4-BED, 4 X 2-STOREY 5-BED, 8 X 3-STOREY 3-BED, 2 X 3-STOREY 4-BED)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Anne Dew, Head of Planning at Persimmon Homes. Ms Dew stated that the Planning Officers report is very comprehensive, and made the point that the application already has outline and reserved matters consent for 248 dwellings and the developer is currently building those homes. She explained that there is a greater demand for smaller dwellings and a lesser demand for the larger type properties and, therefore, due to that fact the application before the committee proposes a replan of the site which provides a more varied mix and a greater proportion of smaller family houses.

Ms Dew added that the current application proposes 31 dwellings, 27 of these had previously received consent and, therefore, it is only the additional four dwellings that seek determination and there are no changes proposed for the affordable dwellings. She explained that the Section 106 associated with the original consent of 248 dwellings required £2,000 per dwelling which is due to be spent on education and libraries and she confirmed that the contribution has already been paid.

Ms Dew stated that the replanned application shows the increase of 4 dwellings and in line with the Council's Local Plan viability assessment, there will be a further £8,000 infrastructure contribution required and will be secured by the Section 106. She explained that the layout and the design principles approved as part of this application have been followed as part of the replan and through the consultation process all technical consultees have confirmed their support for the proposal and she made reference to the officer's report which states that there is no valid reason to refuse the application given that the site benefits from consent and is currently being built out for residential purposes and, therefore, the comments from the Minerals and Waste Planning Authority do not apply, although there was a policy the site was never going to be a minerals and waste site for that reason.

Ms Dew concluded by stating that the replan application will increase the dwellings on site by 4 and will provide for a better mix of dwellings which accords with the housing demand in Chatteris and is in line with national and local policy and is acceptable in planning terms.

Members asked officers the following questions:

- Councillor Benney asked for clarification that the additional Section 106 monies would be passed to the George Clare Surgery in Chatteris? Nick Harding confirmed this was correct. Councillor Benney stated that he is very pleased to hear the money will go to the surgery as it is needed, and the money will be spent quickly and will go towards assisting the residents of Chatteris.
- Councillor Marks asked how quickly it will take to draw down those monies as it is obvious the money is needed? Nick Harding stated that the conversation with Persimmon Homes is still to take place with regards to the payment of the £8,000. He added that it would normally be quite a quick process in relation to this particular phase but there is the requirement for a project proposal required from the doctors surgery in order to transfer the funding over.
- Councillor Mrs French referred to 5.20 of the officer's report where it refers to the County Council waste and minerals and she asked for an explanation. Nick Harding stated that since planning permission was granted at outline stage for Womb Farm, the site has been identified as minerals waste site, but as there is already an existing extant planning permission for housing the issue is not considered.
- Councillor Hicks referred to the Section 106 agreement and he asked what the normal position is for the Council with regards to contributions being paid and does it vary from application to application? Nick Harding stated that it varies and is dependent on the type of development and scale and other circumstances which are taken into consideration. He provided an example and stated that if there is a development for 1,000 dwellings, there would not be the expectation for the Section 106 contributions to be paid for those 1,000 homes until development commenced due to infrastructure costs which need to be paid in order to start above ground works.
- Councillor Benney stated that the footpath that leads to Tesco roundabout was part of the original application, however, that has yet to be started and he asked whether there were any details of commencement of those works would be? Councillor Connor asked Ms Dew if she could answer the question and she explained that there is a requirement on the outline planning permission for the footway to be provided and currently the Section 278 process is lodged with the County Council and that was submitted in March 2022, however, it will be implemented once approval given by the County Council.

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

- Councillor Benney expressed the opinion that it is another 4 dwellings and an additional £8,000 for the Doctors Surgery. He added that the site is progressing well and if it makes better use of the land, it is a logical and sensible proposal.

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

*(Councillor Benney 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)*

**P50/23**

**F/YR23/0362/O**

**LAND WEST OF 491 MARCH ROAD, TURVES**

**ERECT UP TO 3 X DWELLINGS WITH ASSOCIATED ACCESSES AND INFRASTRUCTURE (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Danielle Brooke presented the report to members.

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

- Councillor Gerstner stated that this proposal was debated by Whittlesey Town Council, but he was not present at that meeting when it was discussed. He stated that he visited the site and, in his opinion, the officer's recommendation is correct, however, Turves is a very small community and has little or no infrastructure in place with a small struggling Public House, no shop and no bus service. He added that when you approach the site from March there is a right-angled corner and there is limited space between the entrance to the proposed properties that could cause concern. Councillor Gerstner added that there could be additional development to the proposed three dwellings and the site is in Flood Zone 3 and he reiterated that the officer's recommendation is correct.
- Councillor Marks stated that most Fenland villages on the outskirts of towns are a road in and a road out with houses built either side. He added that across the road from the proposed site there are modern houses and he added that he is sure that the same objections would have been given previously when those dwellings were developed. Councillor Marks made the point that Turves is a very small village and whilst it has no bus route, most people will have cars and whilst it is on a blind corner it is a Fenland village, and he knows that you have to take the bend at a slow speed.
- Councillor Benney stated that he agrees with Councillor Marks and added that the houses opposite are at the same distance from the junction as the proposal and they were approved. He added that he recalls how there have been more dwellings built in Turves over recent years and whilst it is in Flood Zone 3, so is the whole of Turves and if no development takes place, then there will be no services introduced into the village to benefit the community. Councillor Benney stated that the railway line runs behind it and provides a natural boundary and, in his opinion, it is not open countryside.
- Councillor Hicks stated that he does not know what else the plot of land could be used for as it is too small to farm. He added that he can see how the proposal would benefit that particular area and added that the committee had also approved another dwelling which is similar as it is also at the end.
- Councillor Gerstner referred to the recommendation of Whittlesey Town Council with regards to the application and also the officers' reasons for their recommendation of refusal. He expressed the view that it is an open field and whilst it may not be farmed at present it is classed as open land. He added that whilst a precedent has been set, development should be avoided on agricultural land if at all possible and he will be supporting the officer's recommendation for refusal.
- Councillor Connor stated that the proposal is all in Flood Zone 3 and if the proposal is refused where can development take place and will Turves become isolated. He added that if there are no further residents in Turves, they will never get a shop and the Public House will struggle even more, if the population does not grow. Councillor Connor expressed the view that he could support the application and whilst he appreciates that it is close to the corner it can be resolved later and if the proposal does not meet the highway regulations, then the application will not get built out. He added that, in his opinion, the application could be approved with a caveat of receiving highway approval and he does not want to see the village die as not everybody wishes to live in a town and people should have a choice where they live.
- Councillor Marks referred to LP12 of the Local Plan where it states that 'would not have any adverse impact of the character and appearance of the surrounding countryside and farmland' and he expressed the opinion that he does not think that it would. He added that there is a house that it is adjoining onto and there are houses across the road. Councillor Marks expressed the view that he thinks that the proposal is within the scale and in keeping with the settlement and whilst he agrees that it is likely that there will be additional dwellings moving forward he does see anything wrong with that.
- Councillor Connor stated that the railway line does form a natural barrier and had the plot of land been on the other side of the railway line then his view maybe somewhat different as there is sporadic development on the other side. He added that he does not see what harm the three proposed dwellings will cause.

- Councillor Imafidon stated that he understands that if there is not additional development taking place in small villages then they are likely to decline and added that he would like to know why the Town Council were against the development. Councillor Connor stated that the Town Council have recommended that they felt that they could not support the proposal. Nick Harding referred to 5.1 of the officer's report where it states that the Town Council recommend refusal as under the District Council's Local Plan this is not an integral part of the village and the Highway Authority have also requested amendments and there is no report from Middle Level.
- Councillor Connor stated that Middle Level are not statutory consultees and that the proposal is in the middle of the village as there are houses and bungalows which are surrounding the site. He made the point that the committee approved another three dwellings against the officer's recommendation which are further out of the village than the proposal before the committee today.
- Councillor Marks stated that there are properties built on the right-hand side near to the Public House and off towards the riverbank and, therefore, the site cannot be deemed as out of the village.
- Nick Harding stated that when the Fenland Local Plan was prepared, it has to establish a settlement hierarchy which is used to inform the planning policies for different parts of the district and in general terms the settlement hierarchy is based on an analysis of a variety of factors which include the availability of facilities in particular settlements and flood risk. He explained that the conclusion when looking at the village of Turves is that it has been identified as being a small village and growth in that area is normally to be of very limited nature and normally be limited in scale to residential infilling. Nick Harding added that outlines the policy for considering development in that area and when the Council looked at the settlement hierarchy it chose to identify a limited growth policy for the area, which would have considered the existing facilities in the settlement but because of the other issues it was felt that the restricted growth policy as the appropriate one. He explained that the proposal does not conform with policy as it is not infill and from the officer's presentation, the photographs show the view northwards from March Road and in the summer months it would be difficult to see the railway line as there is an expansive view to the north which is clearly rural in nature. Nick Harding expressed the opinion that the location cannot be concluded as falling within the built-up settlement area. He added that when considering flood risk, there has been no attempt by the agents to undertake the sequential test in relation to the proposal and, therefore, if the application was to be approved it could never be said that consideration has been given as to whether or not the development has passed the sequential test because one was never carried out. He explained that with regards to highways, officers conclude that the highways issue does have the potential to be resolved however the application is for all matters reserved including access, there are a series of individual dwellings with little access onto the road. Nick Harding added that the Highways Officer has stated that they are unsure whether all of the required access points can be accommodated due to the fact that no visibility splay information was submitted with the application.
- Danielle Brooke stated that when considering the sequential test, members may feel that the whole area is within Flood Zone 3, however, there is the potential for flood depth information to be submitted and even if another site within Turves was not necessarily in Flood Zone 3 but had lesser flood depths that would be sequentially preferable.
- Councillor Connor stated that if you were to travel from the application site to the public house in the village of Turves, there are no infill plots and then you travel to Burnthouse Road there are still no infill plots left until you travel 600 yards and then there is open countryside.
- Councillor Marks stated three dwellings were approved in recent years near the Public House and he added that with regards to Flood Zone 3 there can be mitigation measures put in place by raising properties and, in his view, it should be for the developer to decide whether they can take steps to mitigate against flooding rather than the committee. He added that whilst he appreciates that it is policy but there are times when the policy is not



adhered to when considering development in Wisbech. Councillor Marks made the point that planning permission was allowed by the committee for the properties over the road from the proposal site which will have been in Flood Zone 3.

- Councillor Connor stated that if permission is not granted for the dwellings on the north side of the road, Turves will not expand anymore and remain stagnant.
- Councillor Gerstner stated that it is an outline application and there are conditions which can be added at a later stage and mitigation measures put in place, however, he still wishes to support the views of Whittlesey Town Council.
- Nick Harding stated that the site is not an integral part of the built-up area of the village and is not an infill site. He made the point that there has been no attempt to undertake a sequential test and those are three key policy areas which the application does not adhere to.

Proposed by Councillor Gerstner, seconded by Councillor Hicks to refuse the application as per officer's recommendation, which did not receive support from the majority of members.

Nick Harding advised members that if they are going against officer's recommendation they need to address the issue of infill, biodiversity and with regards to flood risk members need to demonstrate why a sequential test does not need to be supplied in this instance. Councillor Marks stated that the whole of Turves is in Flood Zone 3 and there would be no more properties built in Turves. Nick Harding stated that the requirement is still for sequential test to be undertaken. Councillor Marks stated that even if a sequential test was undertaken it would still prove that properties are still needed in Turves and, in his opinion, it is not infill as it backs onto another property and is within Turves itself. He added that there are properties built on the left-hand side of the road and the proposal borders onto another property. Nick Harding stated that policy states that only infill will be allowed and, therefore, it needs to be demonstrated that it is infill or there is a reason why there is a diversion away from the Council's policy. He added that the proposal only has built development on one side and the definition of infilling in the Local Plan is that a gap between two buildings exists and, in this case, the next building is a long way away and, therefore, it needs to be identified why it is appropriate.

Councillor Connor expressed the opinion there are no more infill sites in Turves without building out into the open countryside and the fact that there are no more infill sites demonstrates that the application site needs to be built on. He stated that, with regards to biodiversity, the application could be approved with a suitable condition of a biodiversity report to include a 10% biodiversity plus incorporating nesting, bat boxes and three or four more trees.

Councillor Marks stated that, with regards to biodiversity, the whole area is surrounded with fresh air and fields.

Nick Harding expressed the opinion that there are a number of weaknesses with the reasons cited to go against the officer's recommendation and he added that not undertaking a sequential test is a fundamental flaw in approving the development should there be a challenge to the decision.

Councillor Connor noted the comments made by Nick Harding but made the point that Turves will suffer and there are mitigating arguments that could be made.

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

Members did not support officer's recommendation of refusal of planning permission as they feel that the proposal does not adversely impact the character and appearance of the area, they do not feel that it is outside the settlement of Turves or an infill property, that flood mitigation measures can be taken to address the lack of a sequential test, and a condition can be added by Highways

to deal with the visibility splay concerns.

**P51/23**

**F/YR23/0450/F**

**LAND NORTH OF 44 ROBINGOODFELLOWS LANE, MARCH**

**ERECT 1 X DWELLING (2-STOREY, 2-BED) INCLUDING PART DEMOLITION OF EXISTING SINGLE STOREY ELEMENT AT 44 ROBINGOODFELLOWS LANE**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that the officer's report appears to sum up the proposal very well and it appears to be a fair report. He added that there are no objections from the County Council, Highways or Environmental Health and the site is in Flood Zone 1 in the middle of March.

Mr Hall stated that at 10.5 of the officer's report it states that the overall width of the proposal is of a similar proportion to other properties in the road which maintains the uniformity that currently exists, and it is considered to be of a good quality design and utilises appropriate material ensuring it is sympathetic to the host dwelling. Mr Hall added that the officer's report also states that there is no impact on the host property or recently constructed property, which was approved by the Planning Committee, to the rear by way of loss of light or privacy, with the report also stating that there is sufficient private amenity space for both dwellings and the Highways Authority have no objections. He added that at the end of the officer's report it states that the officer recommendation for the proposal is one of refusal.

Mr Hall stated that what has not come out in the report is that the Planning Officer has been proactive and worked with them on this application and after the application had been in a few weeks he e-mailed the planning officer and on 22 June he responded by e-mail to say that he had reviewed the application and he supports the scheme, there were 10 objections so the application would have to go to Planning Committee for a decision, with the earliest committee date being August and he would send the conditions for agreement and an extension of time closer to date, which they agreed to. He advised that he did e-mail back the Planning Officer on 23 June and received in writing that the officer would be recommending approval, which he conveyed to the applicant, who is a local carpenter/builder, and he was very happy to receive this information and nothing further was heard for 6-7 weeks. He stated that he had these e-mails if committee wished to view them.

Mr Hall stated that on 12 September they received the committee notification with the recommendation of refusal and they had received no correspondence or warning that the recommendation had changed, with the applicant rightly contacting him asking what was going on and he did not know as there had been no warning at all, with the officer's report being very fair and quite complementary. He questioned why it had changed as he does not know and reiterated that it has the support from March Town Council, Highways, Environmental Health and is located in Flood Zone 1 in the middle of March.

Members asked questions of Mr Hall as follows:

- Councillor Benney asked for confirmation that all the way through the application was going to be approved and at the last moment it had changed to refusal? Mr Hall responded that this was correct, the officer kept them well informed and he has two e-mails from the officer, if members want to view them, in June saying he is going to recommend approval of the scheme, he agreed an extension of time based on this and then last Tuesday the committee notification was for refusal. He believes the Planning Officer was on holiday when this came out but something has changed but the application has not changed from their perspective so he cannot understand why it was now recommended for refusal.
- Councillor Hicks asked if it was acceptable to look at these e-mails? The Chairman stated that it is acceptable, but all members need the opportunity to see them. Mr Hall provided the

e-mails, which were circulated around members. Councillor Connor stated that whether these e-mails are of interest to members this does not affect the planning merits of this application.

Members asked questions of officers as follows:

- Councillor Hicks asked why the Planning Officer had a change of heart, going from approval to a refusal? Nick Harding responded that he has not been privy to the e-mails so it appears, but he cannot confirm it, that the case officer has looked at the application and reported back to the agent that he is comfortable with the proposal but maybe he did not check his thoughts with his line manager before making his thoughts known to the agent, which is the approach that all officers are encouraged to take to avoid this situation whereby a case officer has a particular opinion on an application and they have missed an important factor in consideration of the case which the line manager has picked up on. He stated that with this type of development proposal there is an element of subjectivity to it, and you can understand why different people have different views on it but the line manager is clear that given the open nature of that junction area the application would compromise this. Nick Harding acknowledged that it was an unfortunate situation and apologised to both the agent and the applicant.
- Councillor Connor questioned whether this would undermine the case officer's opinion as the manager has overturned their decision? Nick Harding responded that it all depends where it is on the spectrum, if it was identified to the case officer that they had missed an important aspect of consideration of the proposal and the case officer reflects on this, it is entirely appropriate for the case officer to continue to write up the committee report. He added that if there is a fundamental difference of opinion between the case officer and the line manager on a key issue and a continuing difference of opinion then in those circumstances the case officer would be removed from dealing with the application as you cannot ask someone to write a report that they do not agree with. Nick Harding stated that in this case, as far as he knows, the case officer continued on so clearly the line manager pointed out the missed important component in consideration of the application.
- Councillor Benney made the point that at the last committee meeting Gareth Edwards told the committee exactly the same thing that he had an application that was led all the way for approval and had e-mails to show this and then it was recommended for refusal. He made the point that the case officer for this application is a Senior Planning Officer, so it does not sit well with him for a senior officer to get something wrong and he feels there is one very subjective reason for refusal.
- Councillor Gerstner stated it is concerning and asked for legal advice before the application is taken any further as there are clearly things in writing that state the application was going to be approved and does this carry any weight. Councillor Connor responded that the Legal Officer would have nothing to add, and the e-mails carry no weight on how the application is looked at, with the committee needing to take the merits of what is in front of them. Councillor Gerstner responded that there is evidence from the applicant, which is making him feel uncomfortable. Stephen Turnbull advised that members need to distinguish between the process that has occurred and the decision that needs to be taken today, which is on its planning merits should it be approved or refused so how it has been processed and advised to the applicant is of no relevance to the planning merits you have got to have an open mind today on what are the planning merits or dismerits in the light of the planning officer's report.
- Councillor Mrs French suggested to avoid this happening again that Nick has a word with the line manager and planning officers as it does not reflect very well on this Council. Councillor Connor stated that he is sure that Nick will be doing this and concurs with the comments of Councillor Gerstner that it does not sit comfortably.
- Councillor Marks questioned that it seems the officer who has been dealing with it all the way along has missed something being the fundamental flaw, is this the flaw or would there be other things behind this decision to try to refuse? Nick Harding responded that he is not sure if it has been misunderstood what he said, he was asked the question about whether

or not it was appropriate for the case officer to have written this report given the feedback they had given the agent and what he explained was if it was pointed out to the officer that they had missed something in the consideration of the application and they said yes, reflected on it and agreed that it was no longer appropriate to recommend approval then it is entirely appropriate for that case officer to remain the case officer and is what appears to him to be the situation here.

- Councillor Benney stated that if he was a planning officer and went to a line manager and they said they did not agree with his recommendation and was going to be taken off the case, if this happened regularly he would not feel comfortable and would not be happy working like this because this is undermining, especially if you are taken off a case that you have put a lot of work into.
- Councillor Hicks stated that surely there must be a process of checking somebody's work before any correspondence is sent out in future so this does not happen again. Nick Harding made the point that this is not the appropriate forum to discuss workflows and processes and officers should not be proffering an opinion on the acceptability or otherwise of a development proposal to an agent unless they have the clearance of the line manager who will be signing of the decision.

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

- Councillor Benney stated that he recalls a similar application in the same location which was on the same side of the road and was approved.
- Councillor Connor stated that he recalls the application where the officer recommendation was to refuse the proposal. He added that the application was for a dwelling to be built in the garden of a house and former Councillor Cornwell spoke in favour of the application it was in the garden of a house and the application was approved against the officer's recommendation.
- Councillor Benney stated that he recalls approving a similar application and he referred to LP16d which is subjective and to decide whether it is a good application. He added that he recalls the previous application where he voted in favour as he thought it made a positive contribution.
- Councillor Gerstner stated that the officer's report states that the previous application was in the same property, and it was approved in 2020. He added that March Town Council also recommend the application to be approved.
- Councillor Mrs French stated that looking at the recommendation for refusal under LP16d in her opinion she does not believe that that the proposal does not accord with LP16d. She feels that the report is very good, and she was surprised to see the officer's recommendation for refusal. Councillor Mrs French made the point that she interprets the policy differently to that of officers.
- Councillor Connor stated that he went to the application site, and he was very pleased to see the dwelling which was approved previously by the committee. He added that it looked very nice, it was white, clean and tidy and a credit to the developer. He added that he looked at the other side of the road at the sister corner plot and that is very overgrown. Councillor Connor stated that on planning balance he will be able to support the proposal before the committee as he does not think that it will affect the street scene at all and if it does it will be for the better.
- Councillor Hicks stated that he concurs with the views of Councillor Connor.

**Proposed by Councillor Hicks, seconded by Councillor Mrs French and agreed that the application be APPROVED against officer's recommendation with conditions to be applied to the application in consultation with the Chairman of Planning Committee along with Councillor Hicks and Councillor Mrs French .**

Members did not support officer's recommendation of refusal of planning permission as they feel that the proposal does make a positive contribution to the local distinctiveness and character of the area and does not have an adverse impact on the amenity of neighbouring properties.

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

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

**P52/23**      **F/YR23/0491/O**  
**LAND EAST OF 137 UPWELL ROAD, MARCH**  
**ERECT UP TO 6NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure from Shanna Jackson, the Agent. Mrs Jackson explained that the proposal is for up to 6 dwellings and is submitted in outline with all matters reserved. She stated that members may recall a previous application which was for up to 9 dwellings and at that time members had raised concerns with regards to flooding and ecology and as a result of that concern, the Middle Level Commissioners have been contacted and have confirmed that they are not aware of any flooding on the site, and this has been the case for over 20 years.

Mrs Jackson explained that an ecology report was also commissioned, given the drains at the front of the site and the Ecology Officer has raised no objection to the proposal, with ecological mitigation measures suggesting a condition which has been accepted by the applicant. She stated that she understands that there were previous concerns with regards to highways safety and, therefore, the site access has been revised to a single point which the Highway Authority is happy with, and this is also an approach which was supported by officers.

Mrs Jackson explained that the current proposal is for 6 new dwellings in March and Policy LP3 states that March is a primary market town and should, therefore, be a focus for new development. She added that the proposal will provide additional housing which is supported by Policy LP3.

Mrs Jackson stated that the very nature of growth, it is inevitable that development will extend the town into the open land beyond the existing footprint. She made the point that on the land there can be 6 large detached high quality designed dwellings which set the scene on the approach into March and the first reason for refusal can be overcome.

Mrs Jackson referred to the second reason for refusal and stated that the proposed single access was included as a result of the feedback provided from the previous application submission, however, access is not committed, and should members require multiple single points of access this can be worked through with officers and highways at the reserved matters stage until an agreeable outcome is reached. She stated that the officer's report states that there are no technical objections to the application and the objection from the Town Council is overcome by the comments received by the Middle Level Commissioners and the County Council Highways.

Mrs Jackson stated that the application is in outline form and is for up to 6 units and the number of dwellings along with the layout and scale can be discussed at a later stage if there are any concerns of over development. She stated that the proposal represents a technical acceptable form of development which will provide housing and, therefore, supports growth in a primary market town, and she asked the committee to consider approval of the proposal.

Members asked Mrs Jackson the following questions:

- Councillor Gerstner asked whether the site is currently an agricultural field and being farmed? Mrs Jackson responded that it is currently in active agricultural use. Councillor

Gerstner asked how much of the agricultural land will be lost if the application is approved? Mrs Jackson explained that the land in question is small, however, the applicants land ownership is much larger. Councillor Gerstner referred to the presentation screen and pointed out that he can see the field and Mrs Jackson explained the extra land that is currently being farmed to produce hay. Councillor Connor explained that it is Grade 3 agricultural land.

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

- Councillor Mrs French stated that she is surprised to see the application back at committee and she added that there are 18 letters of support for the application, but she is amazed where the letters of support are coming from, with them being received from Coldham Bank, Russell Avenue and Robingoodfellows Lane. She added that the officers have made the correct recommendation and if the application is approved it will mean that there is sprawling development along Upwell Road.
- Councillor Gerstner stated that this is agricultural land, and he fully supports the officer's recommendation and the views of Councillor Mrs French.
- Councillor Marks stated that he concurs with the views of Councillors Gerstner and Mrs French, and he added that he is also concerned with regards to the speeding along Upwell Road. He made the point that there is already a speed hump in place and if there are accesses introduced it will only make matters worse. Councillor Marks expressed the opinion that March has expanded enough along Christchurch Road and Upwell Road does not need to expand any further out into the open countryside.

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

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

**P53/23**

**F/YR23/0556/F**

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

**ERECT 4 X DWELLINGS (SINGLE-STOREY, 4-BED) WITH ASSOCIATED ACCESS AND SURFACE WATER ATTENUATION POND**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the Agent. Mr Walford stated that the site has extant planning permission for up to 6 dwellings which was approved by the Planning Committee and the subsequent reserved matters application was originally for 6, 2 storey dwellings which was refused, with the application being converted to a full application because the pond to the rear of the site was outside of the red line and, therefore, that could not be controlled by a condition so it was converted to a full application in order that the red line could encompass the pond. He explained that the general view from members of the committee previously was that bungalows would be preferable on the site and would eliminate overlooking issues and be in more keeping with the local area and the character.

Mr Walford stated that the current application takes into consideration the comments of the committee and now proposes bungalows and is now reduced to 4 dwellings which is more in keeping with the bungalows at the front of the site. He stated that the application is a full application with the pond being situated outside of the outlined red line and that was due to the fact that it was depicted in the original outline ecology report, and it was approved in that report but due to a planning technicality it cannot be secured.

Mr Walford stated that with regards to the drainage and flooding concerns which were raised previously, the application has been accompanied by a specialist drainage report which proposes

a wildlife pond and all surface water from the development will discharge into the pond. He added that the pond is designed to allow adequate flow and holding for the 100 year plus 40% runoff and water held into the pond will slowly discharge to the existing boundary drain on the left and it's restricted flow to greenfield run off which essentially means it cannot leave the pond at any quicker rate than it would've done had the pond not been there.

Mr Walford stated that he has been advised by the drainage designer that because of the drain there is not the requirement to obtain consent according to the drain and, in his opinion, there is no doubt that there will not be any issue with the drainage or flooding. He referred to the Town Council objection to the proposal and stated that they had originally supported the outline application for 6 dwellings and also the reserved matters application for six 2 storey dwellings, however, they are refusing the proposal for 4 bungalows, with efforts being made to contact the Town Clerk to ascertain whether they had made an error, however, he is still waiting for a further response.

Members asked Mr Walford the following questions:

- Councillor Mrs French stated that the reason the committee at March Town Council recommended the proposal for refusal is due to the fact that they are a newly formed committee following the elections held in May.

Members asked officer's the following questions:

- Councillor Gerstner asked whether the refuse vehicles would be able to access the properties in order to collect their waste? Nick Harding stated that either a private collection will have to be organised by the residents or alternatively the bins will need to be placed at the top of the access road.

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

- Councillor Mrs French stated that there appears to be a large number of applications currently being submitted for Upwell Road. She added that she agrees with the officer's recommendation for refusal, and she will not support the proposal.

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

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

**P54/23**

**F/YR23/0593/O**

**LAND NORTH OF 15 BADGENEY END, MARCH**

**ERECT UP TO 2 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Mr Victor Aveling, a supporter of the application. Mr Aveling stated that he owns the two plots as well as 90 acres of land adjacent to the proposal site and has lived in Badgeney End since 1966 and his family have owned land there since well before the Second World War. He explained that Badgeney End was originally part of Silt Road until all of the residents were concerned that an unmanned railway crossing was being used by people visiting them and a request was submitted for that section of road to be renamed Badgeney End.

Mr Aveling stated that Railtrack regard the unmanned gates as an occupational crossing and there has been no objection from the County Council and, therefore, there is a proposal to close them for public use and Badgeney End will become a cul de sac at the end of Badgeney Road. He

explained that there are currently 6 dwellings with three of the dwellings being occupied by elderly residents and the addition of younger residents would be a welcome addition to the small community.

Mr Aveling stated that it appears that several people are worried that the proposal is the first step to the creation of a housing estate, and stated that nobody wants the area to become a housing estate. He explained that when he moved to area in 1966 it was all arable land with only 2 or 3 trees and since then he has tried to improve the natural environment by planting 700 trees and allowing the area around the pond and alongside the river to grow naturally, which is appreciated by many people who use the footpath along the River Nene and explained that this is mowed every week and he has never had to litter pick at all as the walkers take it upon themselves to do this.

Mr Aveling expressed the view that there appears to be a shortage of plots in March where people can build their own homes to their own design, and added that he was advised by the two gentlemen that they have been searching for some time for somewhere to build their own houses. He stated that he has read the comments with regards to the risk of flooding and to the best of his knowledge there has been no flooding at the site, and it was safe at the time of the Great Flood in 1947 and was not capable of being flooded after the steam driven Engine was installed in the mid-19<sup>th</sup> Century.

Mr Aveling expressed the view that he is also puzzled when hearing about flash flood risks and the Environment Agency class the whole of the Fens as a flood plain and measure the flood risk as though there are no drainage works. He expressed the opinion that the only danger to the drainage system is if developments cause so much run off that the drainage authorities cannot cope but in the case of the proposal all of the runoffs will be absorbed within the site.

Mr Aveling stated that the one of the first decisions made by Fenland District Council when it came into existence was that the Council would pay all of the drainage rates that were due on residential and commercial property, and they considered that the whole of Fenland benefited equally from the drainage works and not just those liable for drainage rates. He stated that his son also lives in Badgeney End and between them they believe that they have both created a pleasant natural environment there and they do not want to ruin that by creating a housing estate. He added that if he envisaged a housing estate then he would have registered his land with the Council, when they had put out a call for sites for the emerging Local Plan, and they do not feel that the two additional houses will be out of place.

Members asked questions of Mr Aveling as follows:

- Councillor Gerstner stated that it is very commendable that Mr Aveling has planted all the trees he referred to in his presentation and asked Mr Aveling whether he could confirm if the field is being actively farmed at present? Mr Aveling confirmed that it is being farmed at the present time.
- Councillor Marks asked Mr Aveling whether he expects looking forward as there may be further proposals brought forward for development of barn conversions and more houses at the side where the two proposed properties will be? Mr Aveling stated that is the last thing he wants to see, and he does not want there to be a housing estate as he has spent a great deal of time and energy creating a pleasant environment which he does not want to see ruined as he lives there. Councillor Marks stated that he understands that but questioned that if that is the case then why consideration should be given to the construction of two more dwellings. Mr Aveling stated that half of the houses are occupied by residents who are over 80 years old and there has always been a small community who help each other, and he does not see any harm with the introduction of another two dwellings. He added that two people that he knows are looking for houses and stated that he advised them that he would apply for planning permission to see if approval could be achieved as it would be beneficial to have people he knows living there.



- Councillor Imafidon asked whether the barns that are on site are being used currently, as the images that can be seen on Google maps depict them as being dilapidated and overgrown. Mr Aveling confirmed that all the barns are in use on his farm.
- Councillor Benney asked Mr Aveling whether the plots are in any way in connection with the working farm business? Mr Aveling confirmed that they are not, and added that none of the houses that are there are occupied by anyone in the agricultural business.

Members received a written representation read out by Member Services, in accordance with the public participation procedure, from Mr Douglas Sawyer, the applicant. Mr Sawyer advised that he has lived and worked in March his entire life along with most of his family and his wife has lived here for 20 years plus, with them having 2 children who attend either secondary school or college. He stated that through their work both himself and his wife support many local charities and regularly take part in fundraising, with them already being registered with a local doctor's surgery that they have used for 20 years, and they pay privately for both themselves and their children's dentists.

Mr Sawyer expressed the view that through extensive searching he has found no other executive style homes for sale in March that suit their needs, with this house not only providing a home but also allow them to build a workshop and store as their local business continues to expand. He stated that it is his intention to plant extra trees around our boundaries to offer new habitats for local wildlife and himself and his wife both work for themselves locally, himself as a builder and landscape gardener and his wife as a full-time baker and local market trader.

Mr Sawyer made the point that it is his wish for them and their children to stay within the March area as they have built a client base and friendships here. He believes that this plot will allow them to do this and, in the process, will free their 4-bedroom home in the middle of town to another young family. He thanked members for the opportunity to explain a little about why he would like to build this home.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the Agent. Mr Hall stated that there are no objections from Highways, the Environment Agency, Environmental Health or Archaeology. He added that the occupants plan to include the planting of trees, hedges and to add bat boxes and hedgehog homes and there will be no trees removed as part of the development.

Mr Hall stated that three of the applications on the agenda for this afternoon's meeting fall into Flood Zone 1 and 3 and all are various types of proposal, and all were recommended for refusal by March Town Council. He explained that in the officer's report under 9.5, it states that the site is not physically isolated due to the existence of the nearby dwellings and the officer does raise the concern of lack of nearby services, but, in his view, there a shop in Badgeney Road.

Mr Hall explained that he disagrees with the comment in the report regarding the lack of a bus stop as he recalls a bus stop being outside the shop in Badgeney Road and made the point that the bin lorry accesses Badgeney End. He stated that there have been other applications which have been approved by the committee which are in Flood Zone 3 against the officer's recommendation where the officer believes that the proposal would be away from the built-up form of March, which include an application on land west of 167 Gaul Road which is in Flood Zone 3 and away from the built-up form of March and was approved by the committee in April 2023 and land west of Broadlands, Whitemoor Road in March which was for three plots and was also approved by the committee in April 2023.

Mr Hall clarified that the barns next to the proposal site are not in the ownership Mr Aveling. He expressed the view that the current proposal will allow two executive dwellings adjacent to an existing dwelling and barns and Mr Aveling has already advised the committee with regards to no episodes in the 60 years he has resided there and added that there have been no objections from

highways or environmental health and mitigation measures have been included which have been approved by the Environment Agency, with there being a net gain in biodiversity.

Members asked Mr Hall the following questions:

- Councillor Marks stated that in the written representation from one of the applicants there was a reference made to a workshop and he asked for clarification as to whether the applicant intends to run his business from the site? Mr Hall stated that one of the applicants is a landscape gardener and, if approved, he would be looking to build a larger than normal garage where he would be able to store his tools and plant. Councillor Marks asked for clarity as to the owner of the barns and Mr Hall confirmed that the barns in the photo are in separate ownership.
- Councillor Gerstner asked whether there are any paths and streetlights along the road and Mr Hall confirmed that there are not.

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

- Nick Harding advised the committee that the application has not been made on the basis of an agricultural dwelling nor on the basis of custom or self-build properties notwithstanding what was said by the speakers and on the application form it has been applied for as market housing.
- Councillor Marks asked whether businesses or workshops were mentioned in the application and officers confirmed that is correct.
- Councillor Marks stated that he is concerned to hear the words workshop and plant mentioned by speakers as the road is not an ideal road to be used by lorries whilst he appreciates that agricultural traffic currently uses it. He added that if permission is granted, he has concerns that the barns will fall into being very marketable value for conversion.
- Councillor Gerstner stated that the agricultural land is being farmed and to place two dwellings on such a narrow road with no footpath and lighting is concerning. He added that there is the potential for a workshop which could lead to issues on the road, and he does not agree with the loss of agricultural land.
- Nick Harding stated that the loss of agricultural land is not a reason for refusal that officers have put forward. He added that the proposal is for two dwellings and nothing concerning the operation of a business from the properties is mentioned in the application and, therefore, that cannot be used as a consideration for determining the proposal. Nick Harding added that what may happen in the future with the barns is for a future possible application and planning legislation surrounding barn conversions is generous and if an application is submitted it will be dealt with appropriately.

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

*(Councillor Mrs French declared that she is a member of a committee that the applicant also sits on and took no part in the discussion and 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)*

4.18 pm

Chairman