

# PLANNING COMMITTEE



**WEDNESDAY, 10 JANUARY 2024 - 1.00 PM**

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

**APOLOGIES:** Councillor R Gerstner,

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

**P86/23**

**F/YR23/0201/F**

**LAND WEST OF 43-69 WIMBLINGTON ROAD, MARCH**

**ERECT 48 X DWELLINGS (2 X SINGLE-STOREY 2-BED, 16 X 2-STOREY 2-BED, 24 X 2-STOREY 3-BED AND 6 X 2-STOREY 4-BED) WITH ASSOCIATED PARKING, LANDSCAPING, AND THE FORMATION OF AN ATTENUATION BASIN AND A NEW ACCESS**

Nick Harding presented the report to members and drew members attention to the update that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Andy Brand and Azhar Ahmed, the applicants. Mr Brand stated that he is the Planning Director of Abbey Properties Cambridgeshire Ltd and he is accompanied by Azhar Ahmed who is the Assistant Development Director of their delivery partner Accent Group. He explained that Accent are currently delivering new affordable homes across Fenland, and he has been working with them with regards to the proposed site and this full planning application includes their proposed house types, making the point that the officer's report identifies a scale of affordable housing deficit within Fenland and there are over 800 households on the Council's waiting list for housing with a preference to live in March alone and the need across Fenland is for over 1,800 households.

Mr Brand explained that the proposal can provide an affordable home for forty-eight of those households and, should planning permission be granted, Accent would commence work on site within the first half of the year. He expressed the opinion that the officer's recommendation for refusal had come as surprise as he had been working for some time with officers to successfully address matters in respect of drainage and highway matters.

Mr Brand stated that there are some inconsistencies and inaccuracies within the report, and he clarified that, with regards to the Section 106 Agreement, there would be 100% affordable housing as part of the agreement. He made the point that at 10.3 of the report it suggests that the site is not within the settlement boundary of the emerging Local Plan, however, that is incorrect as the site is within the settlement boundary and the report also refers to the two trees which do not warrant refusal.

Mr Brand explained that, with regards to the loss of the trees, the report does not confirm that as part of the development there will seventy new trees planted which includes new trees facing Wimblington Road. He advised the committee that the Highway Authority have required the removal of the trees due to highway safety factors and whilst he would have preferred to maintain

the trees that is not possible.

Mr Brand stated that the trees will require removal to facilitate further development through the broad location for growth for southwest March and he made the point that the delivery of forty-eight new homes accompanied by the planting of seventy trees should be given considerable weight. He added that he agrees with the conclusion at 10.24 of the report which states that the gap arising from the loss of the two trees is not much different to other existing large gaps along Wimblington Road.

Mr Brand referred to the first reason for refusal which relates to the requirement for a Broad Concept Plan (BCP) which was set out in the 2014 Local Plan and prior to submitting the planning application he did write to 14 other land owners to invite them to consolidate to form a BCP, however, there was insufficient interest to do so which, in his view, reflects the fact that since 2004 no BCP has been forthcoming. He explained that one of the major landowners, the Fisher Parks and Trust, who own the land to the immediate west of the application site benefit from access from Knights End Road, and they are also able to facilitate access to the south west March BCP to the west of their own site.

Mr Brand made the point that there are no objections to the proposal in respect of the BCP matters from other landowners or from March Town Council and, therefore, he is looking to deliver forty-eight new affordable homes to address an urgent need which creates a technical conflict with Policy LP7 of the Fenland Local Plan. He explained that he been unable to progress a BCP due to lack of interest from any other landowner and, therefore, that conflict, in his opinion, needs to be rationalized against several factors, with there remaining the ability if required to take access to the west from the application site where the layout includes a road along that boundary and the layout does not preclude access being taken to the west and it also includes pedestrian access through the site.

Mr Brand explained that the BCP requirement has not been taken up by the landowners in the south west March location for growth despite it being in the policy for 10 years and the emerging Local Plan seeks to remove that requirement which appears to recognize that the policy has been ineffective. He made the point that the Council has approved other schemes in the south west March BCP area without a BCP being in place.

Mr Brand stated that as a compromise he would be willing to accept a planning condition requiring the access to the west to be reviewed as the development progresses as this is a full application. He explained that, at the current point in time, he does not wish to amend the plan formally as it would require the formation of the access road which could lead to nowhere and he explained that Accent are very willing to work with the adjoining landowners to the west to enable access between the land parcels but their clear aim is to deliver 48 new affordable homes in the short term and the likelihood is that development of the application site would actually stimulate the activity within the local area whilst also providing 48 families with a new affordable home.

Mr Brand expressed the opinion that members are entitled to apply determinative weights to delivery of affordable housing which he feels significantly outweighs any suggested harm and he asked the committee to approve the proposal in order to enable the development to progress later in the year.

Mr Ahmed explained that Accent are the second largest stockholder in Fenland and are V1 and G1 rated. He added that he has increased his development programme for 890 new homes and at the current time in Fenland he has 230 new affordable homes under construction and is investing £49.4m into Fenland and £13.6m of grant funding.

Mr Ahmed explained that he has other pipeline schemes in Fenland which will bring a total of £94m and £30m of grant funding towards Fenland which will hopefully deliver 413 new homes.

Members asked Mr Brand and Mr Ahmed the following questions:

- Councillor Mrs French asked Mr Brand and Mr Ahmed whether the proposed homes will be for local people as it is local people who are on the housing register? Mr Ahmed explained that he will be signing a nomination agreement with the Council and the residents who occupy the new homes will be those that are on the Council's housing waiting list.
- Councillor Connor expressed the opinion it is not the Council's experience that housing associations do not wish to have 100% affordable schemes subject to Section 106 Agreements because it causes grants from being accessed and it is normally the case that Section 106 Agreements seek only to require the amount of affordable housing in line with policy no more and he asked whether that has changed. Mr Ahmed explained that Homes England are quite satisfied to provide grants on all homes on 100% affordable sites as long as there are no private sale units on the site to subsidize affordable housing. He added that has already been the case on two sites in Fenland and fifteen sites in Huntingdonshire and South Cambridgeshire where the Section 106 are 100% affordable.
- Councillor Mrs French stated that the NHS are seeking a £39,547 contribution and she notes that there is a contribution going towards education, however, should the application be approved, would they be content that the NHS can be included for a contribution within that amount. She clarified that she is not requesting an additional contribution but asking for some of the education contribution to be offered elsewhere. Mr Brand stated that the expectation was there would not be any financial contribution because the scheme is all affordable. Councillor Mrs French stated that she is not requesting an additional contribution. Mr Brand stated that he does not believe that there is any form of contribution in terms of any financial planning obligation and in the report it does state that the expectation is that for any affordable housing scheme there will not be any financial contribution in lieu of the benefit for delivering affordable housing itself. Councillor Mrs French expressed the opinion that she finds that disappointing as the proposal is for forty-eight homes which could equate to 150 or 200 additional residents and the doctors' surgeries are already at capacity and she asked Mr Brand how he expects those residents to be able to cope. Mr Brand explained that is a fair comment to make and should planning permission be granted subject to the Section 106 Agreement, if members insist that the contribution had to be included within that Section 106 Agreement then that would not be subject to any objection.
- Councillor Connor stated that he agrees with the comments made by Councillor Mrs French as trying to get any sort of doctors or dentist appointment is difficult and should the application be approved, he would definitely want to see a contribution made towards the NHS out of the Section 106 monies.

Members asked officers the following questions:

- Councillor Mrs French stated that Nick Harding has made the point that the application could stifle more affordable housing in that area, and she asked him to explain this in more detail. Nick Harding stated that there is a large area which is identified for development within the adopted Local Plan and that area has not been subject to any strategic analysis to identify where there are appropriate access points to serve all of that development area and there has been no analysis of any on site constraints such as archaeology or flooding. He explained that if the proposal is approved that may result in losing a key access point which could go on to serve the rest of the site and, therefore, that land cannot come forward for development and deliver any affordable housing. Councillor Mrs French stated that she is aware of the land in question and there has been a period of 25 years to develop it, but the twenty landowners will not join together. She expressed the view that because the proposal is for affordable housing, and it is something that is very much needed, it is down to the rest of the owners to join together to consider the BCP development.
- Councillor Hicks stated that there is another potential access point which is located just before you leave Mill Hill garage which can be considered for the future. Nick Harding added that is a correct, however, that is located at the bottom of the site and, therefore,

there is a piece of this wider development area who would all access Wimblington Road at the bottom whereas the ideal situation is to facilitate a more convenient route for traffic, pedestrians and cyclists so that they are using a more convenient route through the site and more directly towards the secondary school. He added that the loss of this as a potential access point would prevent that from being delivered. Councillor Hicks stated that he takes on board the explanation from Nick Harding, but he does not necessarily agree with it.

- Councillor Mrs French stated that there are new schools proposed through the County Council in March as there will be a shortage of school places and there is a planned school being considered in the March West Ward on land owned by the County Council and a Special Needs School planned for Burrowmoor Road in the next 18 months.
- Councillor Benney asked why the access road cannot be down the main road which could be extended into the site? Nick Harding stated that you could do that, however, it is not included within the proposal. Councillor Benney stated that what is proposed is not a BCP it is a standalone site and, therefore, there could potentially be an access through here into the BCP land. Nick Harding stated that is not the case due to the fact that it is not provided for in this planning proposal. Councillor Benney asked physically could it be built if negotiations took place with the landowners and Nick Harding expressed the opinion that the layout does not lend itself very well at all to that happening.
- Nick Harding stated that with regards to the questions made to the Mr Brand and Mr Ahmed in terms of wider contributions to health and education, the Council's adopted policy is that when a scheme is 100% affordable then those contributions are not asked for which is contained within the committee report.
- Councillor Connor expressed the view that the committee could make a strong recommendation which was agreed by the applicant that the committee has requested that aspect, even though we cannot condition it. Nick Harding made the point that the committee has to make a resolution on the application which has to identify the grounds on which they are making that decision. He added that if the committee resolve to grant planning permission it is going to be subject to Section 106 Agreement to secure 100% affordable housing, conditions which will be delegated to officers and the decision must include whether committee wishes to include within the Section 106 requirements the contributions to health and education. He explained that if that was not included in the decision then there is nothing in place to bind the applicant from moving forward and signing the agreement.
- Councillor Mrs French made the point that it is her understanding that the committee will make their decision on the Section 106 and that decision has to be made today prior to planning permission being given.
- Councillor Connor asked officers to clarify whether that is achievable, and Nick Harding explained that yes that can be done but an explanation would have to be given as to why the committee think that it is appropriate to move away from the usual approach as established in the planning policies to ask for a contribution. Councillor Connor stated that would be possible.

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

- Councillor Benney stated that he has read the report and who would want to reject 48 homes for people. He added that one of the primary jobs as Councillors is to provide homes for people and there is a waiting list of people who are living in bed and breakfast accommodation, squatting on people's floors waiting for a home to become available and there is the opportunity before the committee to provide 48 homes for people. Councillor Benney added that he is aware that the proposal is blocking the access off to the BCP, however, BCP's are being broken up within the emerging Local Plan, and with the exception of Whittlesey the BCPs are failing to deliver homes. He referred to a historic planning application in Stow Lane which formed part of the Wisbech East BCP and at that time the advice provided to the committee was that the proposal was recommended for refusal as it was imminent that a plan was being brought forwards for the East of Wisbech BCP and therefore the application would stifle that further development. Councillor Benney explained that the application was refused and unfortunately the twenty-eight dwellings did not go

ahead when they could have been built in the corner of the BCP and the argument before committee is as weak as it was for that proposal in Stow Lane. He stated that there is not an access there, however, if the whole of that area is going to be developed as a BCP there will be somebody along the Wimblington Road who will be willing to sell their house to create an access, adding that he disagrees with the point made to say that this is shut off and it closes the development off and there will be somebody who will sell a house to bring it back in if it needs that access. Councillor Benney stated that the BCPs are to be dismantled and will not be in the emerging Local Plan and the current 2014 Local Plan started its life in 2007 and it is well overdue for being reviewed and it has not brought any of the BCPs forward which were planned for Wisbech. He added that the only place where it has brought them forward is Whittlesey and in Chatteris the BCP has been broken up so that smaller piecemeal development has taken place. Councillor Benney added that he would like to see it come forward as a BCP but if it does not deliver houses there could be a considerable time frame which could elapse, and the landowners may still not have joined together. He added that as Councillors they want to see delivery of homes and to refuse the proposal before them on the promise that they may block it, the land owners have had enough time to join together and they do need to bring it forward because when the new Local Plan is introduced in whatever shape or form that may be, they may find out that missed out on an opportunity for the current value of their land. Councillor Benney stated that the proposal will provide forty-eight homes for 150 people and with regards to contributions if that can be addressed it is something that he would welcome but the first priority is the homes that are being brought forward. He made the point that with regards to the loss of two trees, in his view, it is a small price to pay when considering the delivery of homes for people.

- Councillor Mrs French stated that she agrees with the comments of Councillor Benney, and added that somebody could purchase a house for access and knock it down and the same thing has happened in Wisbech Road as there are currently 118 affordable homes being built at the present time. She expressed the view that she is disappointed about the loss of the trees, however, if there are seventy new trees which are to be planted then that more than compensates. Councillor Mrs French expressed the opinion that it is a golden opportunity for local people to obtain a home of their own.
- Councillor Connor expressed the view that it is a good proposal and is a prime opportunity for forty-eight families to have a home in March reducing the waiting list for a property. He expressed the view that the proposal should not be rejected, and it could be 20 years before landowners join together. Councillor Connor added that, as Councillors, it is their duty to provide houses for as many people as possible, making the point that the Agent has stated that the properties will be allocated to local people in Fenland and not to those people who live outside of the area.
- Councillor Mrs French referred to the March Neighbourhood Plan, she was one of the elected members who welcomed the plan, with it commencing in 2015 and was adopted in 2017 but it is out of date. She explained that the BCPs are included within it and officers are correct to advise that there is not a BCP, however, when Fenland brings in the new Local Plan then the March Neighbourhood Plan will need to be looked at again to bring it up to date. Councillor Mrs French made the point that this is the ideal time for new homes to be provided to those people on the waiting list and she will support the proposal providing there is a contribution to the NHS.
- Councillor Benney stated that he recently visited the Womb Farm development in Chatteris and was provided with some statistics concerning the houses that have been sold on the site. He explained that 60% of the people who have bought properties or moved into the homes have come from within six miles of Chatteris, 87% from within a Cambridgeshire postcode and 58% have been first time buyers, which demonstrates how much housing is needed and as a percentage of local people, it also demonstrates that there is local need and shows that there a large number of people who are waiting for a home. Councillor Benney stated that the BCPs have failed to deliver the housing that they should have done from 2014 and people need homes. He expressed the opinion that the figures demonstrate

the local need for homes in Fenland.

**Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be GRANTED against officer's recommendation, with authority delegated to officers to apply conditions and entering into a Section 106 Agreement to include contributions towards the NHS and Libraries.**

Members do not support the officer's recommendation of refusal of planning permission as they feel that there could be another access point found for the BCP, they feel that the BCPs have failed to deliver homes, there is much need for the type of housing which the proposal will bring, the provision of homes for people far outweighs the loss of two trees and the March Neighbourhood Plan is out of date.

Nick Harding clarified that members have two requests with regards to the Section 106 contributions in addition to the 100% affordable. He made the point that firstly almost £500,000 being requested by the County Council towards education and libraries and secondly a health contribution of £39,547.

Councillor Mrs French stated that the applicant does not have to contribute at all as it is an application for 100% affordable homes but they are willing to provide £39,547 for the NHS and they could consider a contribution for the libraries as they do not have to contribute towards schools as it is the responsibility of the County Council to educate people and they can request funding from Central Government. She added that she would like to see an additional £10,000 for the library.

*(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)*

*(Councillor Marks was not present at the meeting when this item was discussed or voted on)*

**P87/23      F/YR23/0279/F  
PROGRESS HOUSE, 256 STATION ROAD, WHITTLESEY  
ERECT AN INDUSTRIAL BUILDING (B2/B8 USE), RAISE THE EAVES HEIGHT OF  
EXISTING BUILDING AND THE DEMOLISH A FURTHER BUILDING ON SITE.**

This item was withdrawn.

**P88/23      F/YR23/0682/O  
LAND EAST OF CHARDOR, NEEDHAM BANK, FRIDAY BRIDGE  
ERECT UP TO 9.NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED)**

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

Members received a presentation, in accordance with the public participation procedure, from Peter Humphrey, the agent. Mr Humphrey referred the committee to the presentation screen and explained that the white arrows depict development and the white square next to the red site is an isolated dwelling. He explained that the centre of the village can be seen on the bottom left-hand side which is where the pub, school and church are located, and the proposal site is much closer to the centre of the village than most of Friday Bridge.

Mr Humphrey explained that the site which is edged in white is a site for six plots which was recommended for approval and was approved by the committee, referred to as the Maxey 6. He explained that the application is a resubmission of the previous planning in principle refusal, however, the current application has some differences, one of which being that it is an outline application, there is a single point of access not nine accesses, it has received highways support, the Planning Committee membership is different from the previous determination and the application has been encouraged following officer support for the Maxey 6 which is 220 metres away.

Mr Humphrey stated that the site is within Flood Zone 1 on flat agricultural land, Friday Bridge is a limited growth village and the Maxey 6 site was supported by officers which is also in accordance with LP12. He made the point that the application site is adjacent to development which is what is needed on LP12, and the site is on a straight road with one letter of objection whereas the Maxey 6 site had 22 letters of objection and is on a rather bad bend.

Mr Humphrey referred the committee to the Maxey 6 officer report which states that the site forms a gap in the existing frontage which, in his opinion, conforms to the core shape of the settlement. He explained that there are dwellings either side of the proposed site which has also been allocated in the emerging Local Plan.

Mr Humphrey explained that on the officer report for the Maxey 6, officers had stated that there was no distinctive character of the local area in terms of design and also that the gap would be a visual loss to the street scene but on balance is a suitable place for development. He stated that within his application, a proposal for a footpath extension has been included to make the application LP15 compliant and also similar to the Maxey 6 application.

Mr Humphrey explained that with regards to ecology he had requested that the application be deferred to a future meeting to allow his team and the planning officers time to assess the report and any implications, however, this request was refused, pointing out that there is no dyke fronting the application and the ecology report has now been submitted and an email from the ecologist which substantiates that the application can be supported. He explained that the ecologist has stated that the PEA report identifies that further surveys are recommended for water voles in relation to the drain at plot 1 and great crested newts in relation to the presence of the ponds but although there is no evidence of water voles noted during the survey, it is the wrong time of the year to survey which is what further requirements for further surveys have been outlined to take place in the Spring.

Mr Humphrey stated that the ecologist also stated that the section of the suitable drain relates to the garden adjacent to property 1 and if a minimum of a 5-metre standoff could be provided to the top of the drained bank this would mitigate any potential impact on water voles and then further surveys could be dispensed of. He explained that the ecologist had advised that with regards to great crested newts, there are two ponds within 250 metres and there was also a pond within 250 metres of the Maxey 6 application, but no ecology was requested.

Mr Humphrey made the point that the ecologist has stated that the ponds will require further investigation in the Spring and in section 7.7 where it refers to District Licensing the Ecologist explained that the site is in the Natural England Amber Zone showing that there is some considered potential for them to occur and access would need to be agreed in order to survey the ponds, however, the fallback position would be to put the site into a District Licensing scheme, where a fee is paid in relation to the potential scale on great crested newts and this approach has been used in Fenland and West Norfolk. He stated that he would request the application be considered in the interest of consistency with the Maxey 6 application and further ecology to be supported by the committee.

Members asked Mr Humphrey the following questions:

- Councillor Mrs French asked Mr Humphrey to clarify what type of sewerage system he intended to use and how was the issue of surface water going to be addressed? Mr Humphrey explained that there will be a connection to the main sewer and surface water will be attenuated within the red line.
- Councillor Connor asked whether Mr Humphrey would consider the inclusion of street lighting? Mr Humphrey responded that he would be more than happy to include streetlamps.

Members asked officers the following questions:

- Councillor Mrs French stated that during the officer's presentation there was a photograph displayed which showed a 40mph speed limit sign but in the report, it states there is a 60mph limit and she asked for clarification on the speeding limit. David Rowen stated that it is his understanding that adjacent to plot 1 is where the split for the 30mph to 40mph zone occurs. Councillor Mrs French stated but the report states 60mph. David Rowen stated that the evidence from the site is that it is a 30mph to 40mph dependent on direction of travel. Councillor Mrs French referred to a comment made by Elm Parish Council which states that the 60mph speed limit along Needham Bank causes a hazard for vehicles using the site access so it is maybe that the Parish Council that have made an error.

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

- Councillor Hicks stated that he cannot see anything wrong with the application and there has already been another application approved on the corner. He expressed the view that the application looks as though it is just a continuation of other properties around the area and, therefore, it will be an asset and he will support the application.
- Councillor Benney stated that he recalls the application being refused previously and if the current reasons for refusal are looked at, under LP12 there has to be reasonable support, however, there is only one letter of objection and the other site in Friday Bridge had 22. He expressed the view that the fact that there is only one objection gives an indication to him that there are no major objections to the site. Councillor Benney added that it is adjacent to the built form of Friday Bridge and everything that is built effects the character of the land wherever you are. He made the point that he does not know why it is only linear development as there is a big field behind there as the field appears to run to an estate and by only having a small number of houses, in his view, it lends itself to ongoing development which villages all need. Councillor Benney made the point that the village has a shop and a pub, and the businesses need people in them to spend their money. He added that under LP19, in his view, Mr Humphrey has covered the mitigation and the harm to the protected species can be mitigated against. Councillor Benney stated that when reviewing the reasons for refusal, LP12 is subjective and LP19 can be mitigated against. He added that the Maxey 6 outline application was approved and was only located 200 yards away and, therefore, adds to weight to the approval of the application before the committee.
- Councillor Mrs French stated that she is looking at policy LP12, Rural Area Development Policy and it states that new development in villages will be supported where it contributes to sustainability of the settlement and does not harm the wide-open character of the countryside. She expressed the opinion that she cannot see any harm and the proposal would not be against the policy and, in her view, actually complies with LP12.
- Nick Harding explained that members need to consider the previous refusal and understand what has changed in the material planning circumstances since the last refusal. He added that the Maxey 6 has been approved, however, the circumstances both physically and in planning terms are very different to the proposal before the committee now which was very clear from the presentation slide. Nick Harding added that members need to consider and provide reasons for looking at the current application differently from when the committee had considered it previously. He added that in his professional opinion there is no change and added that when considering applications which are identical in planning terms then the same conclusion should be reached irrespective of any changes in the membership of the Planning Committee.
- David Rowen stated that the requirement in law when considering the ecology is that the



committee need to be fully satisfied that there are no ecological implications when determining an application and the Government guidance on that is quite clear and a failure to do so maybe considered as a failure not to have adequately considered all of the material planning considerations of that case.

- Councillor Mrs French stated that as this is an outline application surely those matters can be resolved under a reserved matters or a full planning application. David Rowen stated that this is the point in time when the Council would be granting planning permission for development on the site and at this time the Council needs to be adequately assured that the appropriate survey work has been done in respect of ecology and that it is fully considering the implications of granting planning permission on the site in terms of ecology. Councillor Mrs French stated that if the application were to be approved then it could be conditioned at the outline stage.
- Councillor Connor expressed the view it is the same site but with only one entrance instead of several entrances and Mr Humphrey has indicated that he is going to introduce a pathway as well as lighting. He added that the proposal does have similarities, but it is a different application.
- Nick Harding stated that the previous application was not refused as it did not include the additional benefits, it was refused due to the fact that the principle was not acceptable because the application was a PIP application (Planning Permission in Principle) and members were deciding whether or not in planning terms it was fundamentally acceptable or not and the committee at that time decided that it was not acceptable and harmful. He added that on that basis members need to consider what has changed.
- Councillor Benney expressed the view that it is a totally different application and a different type of application. He added it has a different access and has the support of the Highway Authority and the previous application was refused by a different committee although he cannot recall which way he voted at that time and if he voted in support for it last time then why should he change his mind this time.
- Councillor Marks stated that he has looked at both application sites and it is an onwards build. He added that he cannot see that there are any issues, and he will support the proposal.
- Councillor Imafidon stated that when he looks at the Maxey 6 site and the new site, the Maxey 6 site had a highway objection due to access whereas the current application before the committee appears to be more straightforward in his opinion. He added that there is an isolated dwelling and he questioned whether the proposal would not be classed as an infill development, and he stated that he would be happy to support the proposal.
- Nick Harding clarified that the previous PIP application was not refused on highway grounds.
- David Rowen stated that a great deal of reference has been made to the Maxey 6 application and he highlighted the slide provided by the agent. He made the point that the current proposal is in very different context to the Maxey site and there is row of established development on the opposite side of the road and a consolidated row of development either side of the site whereas to the east of the proposal site there is one sporadic dwelling and a further gap and on the opposite side of the road there is a farm grouping and then an open space. David Rowen added that he is aware that Mr Humphrey made reference to the number of objections to the Maxey site, however, he expressed the view that the number of objections received maybe down to the number of houses in the vicinity of the application site. He referred to the PIP on the site which was refused due to character harm because the committee felt that it was unacceptable and the principle of developing the site would have an adverse impact on the character of the area and nothing has changed in respect of this individual application site in that regard and the applications are both equal.

The committee in reaching their decision received the following comments:

- The Legal Officer reminded members of the Council's Code of Conduct which states that where a similar development has been refused and members change their mind and want to approve it, that is classed as maladministration unless members can give reasons why

there has been a significant change in circumstances. He expressed the view that there has been no significant change and, therefore, members need to take that into consideration bearing the history of the site.

- Councillor Hicks asked if this applied to him as he is a new member of the committee and he never got to vote on this application previously so this is completely fresh and new to him. The Legal Officer responded that the significance is that the decisions made are made corporately by the Council and the Code of Practice does not state that a change in membership of a committee absolves those new members from being bound by the previous decisions of that same committee.
- Councillor Connor stated that the Legal Officer is giving advice as a solicitor but the ultimate decision lies with the committee.
- Councillor Hicks stated that it is like his hands are tied and this is a new application to him, although he is aware of the ramifications of it and questioned why it is before committee if members have to vote a certain way? Nick Harding explained that the application is a brand new outline application and the Scheme of Delegation requires the application to come before the committee. He stated that with regard to the point about not being a member of the committee at the time of the determination of the PIP and it is not felt reasonable for hands to be tied it is no different to the situation faced by the Council as a local authority whereby an outline application has been refused that has been appealed and granted by an Inspector and officers then have to go on and deal with a reserved matters application and officers cannot say they are not dealing with the reserved matters as they never liked the principle of development in the first place. Nick Harding made the point that when it comes to dealing with what decisions have been made on applications for the same parcel of land in the past, he reminded members of the training they had received that said there needs to be regard to past decisions which are relevant to the application that is before committee today so it does not matter when a councillor became a member of the committee or when officers started working for the Council, if a decision has been made in the past and it is not agreed with professionally or as a member if that decision is pertinent to the determination of the new application there must be regard to it. He referred to the reasons for refusal, the site is rural in character with open fields to the south, east and north and fulfils an important part in the character of area by providing open countryside between the southern and eastern parts of Friday Bridge and are those facts the same today and, in his view, the answer is yes as there are still open fields to the south, east and north and why is it no longer an important part of the character of the area, what has changed on this site since it was last refused which has changed the character of this parcel of land and, in his view, nothing has changed.
- Councillor Marks stated he understands the comments of Nick Harding, however, he did not do a site visit last time but he has now seen the site and believes that this is the right decision this time to approve the proposal and surely councillors can change their minds. He stated his reasoning is that his view is that he cannot see the proposal would be harmful, the application has changed slightly by accesses, lighting, etc, but the core factor is that he does not think it is outside the village.
- Councillor Benney made the point that the Council is further down the line with the emerging Local Plan since the last refusal and this site is allocated building land in this plan. He feels to say that a decision has been made that is cast in stone and cannot be changed is wrong as new things come to light and viewpoints change. Nick Harding stated that it is not allocated land within the emerging Local Plan. David Rowen added that the relevant policies of the application do not conform and, therefore, would be contrary to the emerging Local Plan as well as the adopted Local Plan.
- Councillor Connor asked when the Maxey 6 application was passed? David Rowen explained that the application was passed in earlier in 2023 and, therefore, postdated the decision on the PIP application. Councillor Connor stated that if the Maxey 6 application was passed after the failure of the first one, the 6 dwellings which were passed as per the officer's recommendation has already altered the street scene and set a precedent.
- Councillor Marks stated that the characteristics of a Fenland village are houses which are

built at the side of a road and not back infill. He added that looking forwards that sort of development should continue rather than building estates behind properties. Councillor Marks expressed the view that he sees the proposed development as infill.

**Proposed by Councillor Marks, seconded by Councillor Hicks and agreed that the application be GRANTED against officer's recommendation with authority delegated to officers to apply conditions including matters pertaining to ecology being satisfactorily resolved, to include a full lighting scheme and pathway. Nick Harding added that should matters pertaining to ecology not be approved then the report will need to be brought before the committee.**

Members do not support the officer's recommendation of refusal as they feel that it is a good application, the development will benefit the area, the new development will contribute to the sustainability of the settlement and does not harm the wide-open character of the countryside.

**P89/23**

**F/YR23/0769/PIP**

**LAND SOUTH OF ILLIZAROV LODGE, PADGETTS ROAD, CHRISTCHURCH  
RESIDENTIAL DEVELOPMENT OF UP TO 5 X DWELLINGS (APPLICATION FOR  
PERMISSION IN PRINCIPLE)**

Danielle Brooke presented the report to members and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Adam Sutton, the agent and Will Sutton, the applicant. Adam Sutton stated that the application is a PIP application which is limited to the consideration of location, use and amount, with the amount of development not being in question and is deemed as acceptable as is the use due to the nature of the land use surrounding the proposal. He stated that with regards to location, the Planning Officer is questioning compliance with LP3 and LP12 of the Local Plan but made the point that Christchurch is categorized as a small village within the settlement hierarchy of LP3 and the policy restricts development to residential infilling.

Adam Sutton stated that the Planning Officer has indicated that the Local Plan defines residential infilling as development of a site between existing buildings, however, the proposed site falls within the constraints of LP3 and does not limit the number of dwellings which are acceptable as infill development. He made the point that LP12 allows for development where the site is in or adjacent to the existing developed footprint of the village except for those villages listed as small or other where only infill sites will normally be considered favourably, which poses two questions, firstly is the site in or adjacent to the existing developed Christchurch, which, in his view, it is, as well as whether the site is in Christchurch, which he feels it is.

Adam Sutton added that the second reason for refusal is LP14 which requires sequential and exception tests to be completed where required and the application was accompanied by a Flood Risk Assessment and a sequential and exception test which identify that the development is acceptable compared against other sites in Christchurch. He stated that the Planning Officer has made the point that facilities in Christchurch are not under threat, however, this is incorrect as the number of pupils at the school in the village is falling and the addition of family dwellings in the village will go some way towards helping those numbers increase.

Adam Sutton made reference to the handout of a map which had been circulated and he explained that it was a 1993 development area boundary map for Christchurch, which whilst he acknowledged that the map is no longer used and has been replaced by the current Local Plan, it

gives a good indication of the built area of Christchurch. He explained that the map has been highlighted to show three areas of development which have been approved adjacent to the built area and all three extend the built form of Christchurch and, in his view, none of them can be considered as infill development in accordance with the definition set out in the Local Plan.

Adam Sutton stated that the proposed development shares similarities in respect of the location of the site in relation to the built form of the village as it is also between two existing dwellings and, therefore, policy compliant. He made the point that the proposal is in accordance with the Local Plan highlighting the policies which are cited as reasons for refusal and he added that additional dwellings are supported by the Parish Council.

Will Sutton stated that the officer's report questions the numbers of attendees at the village school and some of the objectors to the proposal have stated that the school is full, however, that is incorrect as the capacity of the school is 105 and the current number of attendees is 87. He added that the cohort that live in the area is 59 and the report that is within the emerging Local Plan states that the forecast is for that figure to fall to 21 which is really serious.

Will Sutton expressed the view that growth is needed in Christchurch as it is needed to keep the school operating and the pub, church and new community centre also needs to be supported. He made the point that there are also inaccuracies within the officer's report, making reference to the Grade 1 comment in the officer's report, however, he explained that he has a document which disputes that fact, which explains that a low risk of flooding from surface water which indicates that each year the area has a chance of flooding between 1 and 3.3% which is the same as the proposal site and as such the land can generally be assigned an ALC grade of no higher than 3a.

Members asked the following questions:

- Councillor Mrs French asked Will Sutton to advise her what the inaccuracies are within the officer's report? Will Sutton responded that the document he had referred to concerning the Grade 1 was on the Council's website. He added that the location of the proposal is adjacent to the built form and, therefore, he does not know how it can be considered to be in the open countryside. Will Sutton added that if members agree that the site is not in an elsewhere location then the Flood Risk Assessment and the sequential test is passed, however, if members are of the opinion that it is part of the bigger area and it is not an elsewhere location then the test cannot be passed, but, in his view, it is not in an elsewhere location. He referred to 5.6 where it details objectors' views, it makes reference to the increase in impermeable area and that fact that it may increase surface water flooding and the drain to the east side of Padgett's Road which is often full of water but he disputes that statement and added that it is incorrect due to the fact that on the Council's website it reads that the drain is mostly full of water in the winter months. Will Sutton added that another comment makes reference to a loss of field access, however, there is access down the side of his property and the report also makes reference to the site between buildings and the planning portal defines this as development in a relatively small gap, questioning what can be classed as relatively small.
- Councillor Mrs French asked for clarity over the concerns regarding access and she asked who owns the field? Will Sutton confirmed that he is the owner of the field, and he has no problem with people objecting to the proposal to express their opinion, however, in this case their opinion is wrong. He added that the person who made the comment has communicated with him previously in order to ask whether she can use the access into the field to maintain their hedge and, therefore, he is confused as to why that person believes that there is no access.
- Councillor Marks stated that there is the pub in the village which has received planning permission to site a caravan on its car park to assist with the rejuvenation of the business. He added that the village shop has ceased trading, and the local school has less children in attendance and a new pavilion which has been introduced so it could be said that Christchurch is an up-and-coming village without people moving into the village. Councillor

Marks asked Will Sutton whether it is his view that it is because there are not the properties to move into? Will Sutton confirmed that is his opinion and the pub has started selling essential day to day groceries to help the villagers.

- Councillor Imafidon asked for the access to be pointed out to him which has formed part of an objection? Will Sutton referred to the red line on the overhead presentation and identified that there is still an access point which leads down the side of the house and a gate into the back of the field.
- Will Sutton explained that within the officer's report it refers to a ditch which runs the length of Padgett Road and that is incorrect as it only stretches for half of the length of the site.
- Councillor Mrs French asked what steps are in place to deal with sewage and surface water? Will Sutton stated that surface water will be dealt with by soakaways and two of the properties can be run off of the main sewer which has improved matters considerable when they were installed.

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

- Councillor Benney stated that the proposal is in a village which is dying, and the school is undersubscribed. He added that it has been said many times that small villages need to be supported or otherwise they disappear, adding that when you approach a town or a village what you first see leaves you with an impression of how you view a town or a village. Councillor Benney added that the proposal is on the entrance to the village, and it will fit and set a tone on entry into the village rather than seeing falling down barns and waste ground which can be seen in other places. He expressed the view that it is a good application with good use of land albeit agricultural, but many hundreds of thousands of acres of agricultural land are taken out of food production every year. Councillor Benney stated that he considers the proposal to be infill and is part of Christchurch and the sequential test does not apply to the District and, therefore, in his opinion it shows need and a good solid development, and he will support the proposal.
- Councillor Connor expressed the view that it is a good application and he stated that he is an advocate of seeing nice properties when you enter a village as first impressions do count when you enter a settlement. He added that although it is only a PIP application and everything else has still to be decided, in his opinion, it is a plot of land that can be supported and will be good for the village of Christchurch. Councillor Connor stated that the school is in need of pupils, or it could be in the danger of closing and the pub has integrated a basic shop into its day-to-day function. He stated that there is the need for small villages to be supported otherwise they will die, and he will support the proposal.
- Councillor Marks stated that he drove past the application site earlier and the site is dry with no water retention and, in his opinion, the proposal will fit into the street scene, and it is a known fact that there are no houses to rent or to buy. He made reference to Aerotron who have recently moved their business into the area and are struggling to find properties for their employees to live and he added that not everybody wants to live in a town and would prefer to live in a Fenland village. Councillor Marks expressed the opinion the proposal is a good development and added that local people are finding it difficult to find properties for their families in order to try and keep families in the same local area all together. He added that the committee approved an application some months ago in the village which was in conjunction with the pub and the proposal appears to be a bolt on to that and he will support the application.
- Councillor Mrs French added that it is very sad that the shop in the village has closed and if Christchurch lost a school, it would be a disaster. She added that it is a good application, and she assumes it would be executive homes that would be built rather than small dwellings and she will support the proposal.
- Councillor Imafidon stated that he will be supporting the proposal due to the impact that it will have on the village. He added that the pub has invested into their business and the village needs additional residents to support it. Councillor Imafidon referred to LP12 of the Local Plan and although the proposal will be in Flood Zone 3, most of the Fens are in that flood zone anyway and he will support the proposal.

- Councillor Marks stated that he is aware that over the last 48 hours, the Manea and Welney IDB have pumped away thousands of tonnes of water. He added that most of the areas looked at in planning appear to be dry and are not under water and unless there is a major event like the one in 1950s, he does not focus too highly on flooding issues. Councillor Marks stated that last year the Manea IDB recorded 550ml of rain and to date this year there has been 850ml of rain recorded.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the proposal cannot be considered to be located in an elsewhere location, the community benefits in terms of bringing development to Christchurch to support the local community are good and as the proposal is part of Christchurch then it does not need an area wide sequential test and the land is suitable for development.

*(Councillors Benney, Connor and Mrs French declared that they know the applicant from when he was an elected member of the District Council, however, they are not pre-determined and would approach the application with an open mind)*

**P90/23      F/YR23/0807/O  
LAND WEST OF 27 BENWICK ROAD, DODDINGTON  
ERECT UP TO 4NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED)**

Danielle Brooke presented the report to members and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Mr Ian Gowler, the agent and Penny Lee, the applicant. Mr Gowler explained that there is one reason for refusal in terms of its impact and location on the surrounding countryside and referred to the presentation screen, which highlights where the proposal site falls in relation to Doddington and the slide also points out the various developments that have been approved under the current Local Plan. He explained that many of the developments that have been approved are very similar distance to the proposal from the core of the village with one exception being one development of three dwellings that was approved in December which is 500 metres further out of the village and, therefore, in his view, the site should be considered as suitable with regards to settlement hierarchy and not in the open countryside.

Mr Gowler made the point that the site is immediately adjacent to a row of bungalows which has been there for 70 years, and the site was also indicated in a draft policy map dated June 22 and states that it is suitable for frontage development as it is outlined in red and shaded in pink and was presented at a Cabinet meeting. He made the point that the emerging Local Plan has little weight, but it does highlight that there would be some development along this way.

Ms Lee explained to the committee that she has lived in Doddington for the last 45 years and she moved in order to find space for her hobby which is breeding of her horses. She added that due to ill health of her partner, they have decided to apply for planning permission in order to make life easier and build a bungalow along with continuing her hobby.

Ms Lee expressed the view that it appears to be very difficult to find a property in Doddington and she explained that her parents, brother, grandson and late partner are all buried in the graveyard in the village and Doddington is very much her home. She added that the site is on the edge of the village and the amenities are all very good, along with a footpath and a good road and, therefore, the access is good.

Ms Lee explained that she would have liked her granddaughter to live there with her family as she is also keen to assist with the horses. She referred to the comments made by the Parish Council concerning the ridge and furrows and the ancient wells and explained that the ridge and furrows are further down the field and will not be affected and with regards to the ancient wells, she is yet to find them, but she added that if they are there, they are right down the bottom of the land and will not be affected.

Mr Gowler stated that with regards to the technical reasons which were shown as reasons for refusal they have all been resolved which leaves only the location in terms of open countryside and how it fits into the local settlement hierarchy.

Members asked the following questions:

- Councillor Mrs French asked Mr Gowler to clarify what was considered at Cabinet. Mr Gowler clarified that it was a draft plan for the emerging Local Plan which was presented at a 2022 Cabinet meeting.

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

- Councillor Hicks stated that within the reasons for refusal it states that approval of the application would set a precedent, however, in his opinion that has already been done by approving other applications such as those down Hospital Road.
- Councillor Marks made the point that there is another application before members which although is on the same road, the officer's report is stating that the current proposal is not within the village. He stated that an application was approved previously under F/YR22/1149/F and he cannot see any significant differences between that application and the proposal before the committee today.
- Councillor Connor explained that he recalls previously applications which were approved in August 2023 in Benwick Road and, therefore, a precedent has been set as the application before members is nearer the village.
- Councillor Marks stated that he is unsure why the application has been brought before the committee when there have been other applications which have been approved and they are located further out of the village.
- Nick Harding explained that the British planning system dictates that planning applications are determined in accordance with both national and local planning policies. He added that Planning Officers consider those policies and recommend decisions and whilst the committee sometimes disagree with the professional opinion of officers, there is the requirement for officers to remain consistent. Nick Harding made the point that the whole things about the planning system is for consistency and that is important as it assists developers and investors make decisions about whether or not to pursue an application based on whether or not on policy terms it appears that there is a good prospect in gaining planning permission. He stated that it is unfair to be critical to officers as to why they have recommended refusal of the application to committee given that the committee had previously refused it and when considering F/YR22/1149/F officers recommended refusal, but the committee did not accept that recommendation.
- Councillor Marks stated that members are frequently reminded about consistency and, in his opinion, consistency in this case is if the committee have gone against the officer's recommendation on two separate occasions which he feels the committee have on that road already then as a committee they need to be consistent with their decision making.
- Nick Harding stated that the committee need to be mindful that "two wrongs do not make a right" and officers are presenting to members their policies and whether or not members disagree with officers, it does not change the policies and how that decision should be made. He expressed the view that it is never too late to see the light.
- Councillor Mrs French stated that she did not think that Councillor Marks was being critical of officers and the reason the application is before the committee is because of the number of representations contrary to the officer's recommendation.

- Councillor Mrs French expressed the view that when considering applications, it comes down to how planning policies are interpreted and that is why a Planning Committee exists in order to look at different parts of the policies and because the committee sometimes choose to go against the officer recommendation it does not take anything away from the officer's professional opinion but it is within the committees right to overturn applications.
- Nick Harding stated that, with regards with F/YR22/1149/F, members on the committee should have had regard to the decision that they had previously made, however, for whatever reason the committee did not and, therefore, members should not be afraid of making a consistent decision as had been done before. He stated that similarly with another item earlier in the agenda, the reasons should be looked at as to why the application had been previously refused, putting aside the matters which had been resolved and question what is now different on the actual site now compared to what was there before and, in his opinion, that is key.
- Councillor Connor expressed the view that he can see that two reasons have changed, one of which is that highways are no longer objecting and he added that consideration needs to be given as to whether the site is outside of the village envelope or is it not and he feels that further applications have been approved outside of the village and further away from the village against the officer's recommendation and for that reason he will support the proposal.
- Councillor Marks referred to the officer's report where it states that development on the land would be to the detriment of the character and appearance of the rural area, and he added that members now know that further along there is going to be a change to the area with building work which is being undertaken and previous planning approval which has already been given. He expressed the view that is why he feels that the committee should be consistent, and the land should be given up for planning.
- Nick Harding stated that it appears that the committee are looking to approve the proposal on the grounds of the decision that was made on the F/YR22/1149/F application, however, if you are at the application site, the two dwellings to the left are not in the zone of visibility of the site and you would actually know that the development once implemented was ever there. Nick Harding stated that the reasons for refusal are the same as they were previously and that the position of the site is away from the main built form of Doddington adjacent to a small number of dwellings on the side of Benwick Road and the dwellings are detached from the built-up area of the settlement but do not form part of the continuous built form of Doddington. Nick Harding stated that nothing has changed, and the site is currently paddock and clearly relates more to surrounding countryside and nothing has changed from that perspective either. He stated that he struggles to see how the previous reasons for refusal all have disappeared this time and he made the point that the committee should be making consistent decisions on applications where there has been a previous refusal for in essence the same scheme and to do otherwise would be breach of their Code of Conduct.
- Councillor Imafidon stated that members keep being advised that their decision making should be consistent, and that each application should be looked at on its own merits and sometimes he struggles to marry the two pieces of advice. He added that the officer's recommendations for refusal cites that the site is outside of the built framework of Doddington which he agrees with. Councillor Imafidon added that he does not know the distance between the application site and the application that was approved in December 2022 but made the point that if you were driving down the road and where the built form ends there is nothing for a while until you reach the site for F/YR22/1149/F. He expressed the view that it does not appear to be infill and will affect the character of the rural area and he can see the point that the officers were making as nothing has changed.

Councillor Imafidon proposed to refuse the application as per the officer's recommendation but a seconder was not forthcoming.



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

Members do not support officer's recommendation of refusal of planning permission as they feel that the committee need to remain consistent due to previous applications which they have approved which are located further away from the village and the proposal will add character to the village.

Nick Harding stated that in the event of any challenge he is concerned that members have not outlined why the reasons for refusal now and previously are disregarded. Councillor Connor stated that for consistency reasons there has already been two dwellings approved in August 2023 which has set a precedent, and the application site is nearer the village. Nick Harding made the point that his concerns still remain.

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

**P91/23      F/YR23/0844/F  
BUILDING NORTH OF 109 HIGH STREET, CHATTERIS  
DEMOLITION OF A BUILDING WITHIN A CONSERVATION AREA**

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

Members received a presentation, in accordance with the public participation procedure, from Mr Matthew Hall, the agent. Mr Hall stated that he has spoken to the applicant regarding the history of the site and when the applicant purchased the site many years ago along with the adjacent row of properties, they did not have internal toilets and two of the properties did not have electric and were in a poor condition and over time the properties now all have electricity, toilets, and new kitchens. He stated that this has all meant that this building to be demolished has no longer been required for the external toilets and washroom due to the improvements by the applicant and it has not been used for a number of years.

Mr Hall stated that the report makes reference to a planning approval for this building to be converted in 2016 into a dwelling, however, the report does not state that the conversion was to remove all of the internal walls which are all original, over double the size of the building, due to the fact that on its own it is not suitable for a residential dwelling and it would have had an extension which would be two storey which would change the appearance of the outbuilding. He explained that it is all to be built on the boundary which is only one metre from the neighbouring property to the south, with the neighbour immediately to the south raising concerns regarding the stability of the building due to slippage of roof tiles and sections of mortar appearing on his pathway and this building is on the boundary.

Mr Hall explained that in the officer's report under 1.3 it states that the building can be used in some form or another and he questioned what use could be made of it, it is too small for a garage and would also mean the removal of all the internal walls and when he walked up to one of the doorways he found it necessary to crouch down, making the point that if a floor was introduced even with minimal insulation then that would reduce the headroom. He expressed the opinion that it would be impractical to convert the site into a dwelling without substantial demolition works and the building has not been used for a number of years by the owner or tenants to his knowledge.

Mr Hall explained that as the officer has pointed out the demolition would allow for some additional parking on site for residents and there have been other buildings on the site located along the

southern boundary which have all been given approval to be demolished and that has taken place. He stated that under LP16 it states that the proposal should not have a detrimental effect on the street scene settlement pattern or landscape of the area and the building cannot be seen from the street scene and there will be no removal of any vegetation.

Mr Hall made reference to the map on the presentation screen and the settlement pattern immediately either side of the proposal site and even going further into Chatteris has all been developed from what it was originally. He explained that at the front of the site delegated approval was given within the last 12 months to demolish the property which is in a very poor condition, and he asked members to support the application.

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

- Councillor Hicks stated that the site is in a very poor state and even if it was repurposed it would not be the same as it was 200 years ago as it would not be the same building. He referred to the officer's report where it states that it would have a detrimental impact on the character and historic interest of the Chatteris Conservation area, but, in his opinion, the site cannot be seen from the road anyway and he does not see how it will impact on the street scene and, therefore, he will be in favour of the demolition of the building.
- Councillor Benney stated that the officer's report refers to 130 and 133 High Street and he explained that 130 High Street keeps falling down and there have been planning applications approved for that site as it is derelict and is falling down because the cost of conservation is greater than the cost of a finished site and, therefore, nothing happens to it. He made the point that 133 has been developed, however, only on the strength of the housing that was approved and passed at the back of it. Councillor Benney stated that when considering the current proposal, to the red line on the right-hand side of the plan there was a house with no roof, and it was a pebble dashed house with boards on it and was graffitied and had a tree growing within it. He made the point that the application was approved in a Conservation Area, and it was located on the street scene, however, the proposal before members which is a shed which serves no purpose and even if it was included in a development, he doubts whether you would want to subject anybody to live there. Councillor Benney expressed the view that the aim is to raise the standards of building and not revert back to the 18<sup>th</sup> or 19<sup>th</sup> Century and you cannot conserve everything. He stated that somebody has to live there, and he questioned how you can convert something to make it viable for someone to be able to reside there. Councillor Benney added that it is an absolute nonsense and whilst he appreciates the planning policies, in his view, the sooner the building is demolished the better it will be.
- David Rowen stated that with regards to the comments made concerning how can the building be incorporated into development, the presentation depicts how the site could be incorporated into what looks like a very nice dwelling whilst only being a very small part of a house. He added that with regards as to whether it can be seen from the wider street scene, that is not a determining factor in the significance from a historic environment perspective as to whether demolition should take place or not and the Conservation Officer along with the Conservation Team at County Council have both indicated that they have concerns over the loss of the building and he highlighted that the Council does have a legal duty to give due consideration to those issues.
- Councillor Hicks stated that if the building were demolished, something identical could be put in its place which would be a new build and there would be no difference aesthetically when looking at it.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that officers have already permitted the demolition of another building which was in better condition and was also in a Conservation Area and not a Listed Building but has Listed Buildings around it, if

nothing happens then it will fall into further disrepair until it is no longer salvageable, by demolishing the building it will enhance the area as it is currently an eyesore in the setting, there is no benefit in keeping the building, there is not an application before the committee to consider anything to be built in its place, and the loss of this building will not be significant.

*(Councillor Connor stated that he is perceived to be pre-determined on this application and he took no part in the discussion or voting thereon. Councillor Marks took the Chair.)*

*(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 take no part in Planning)*

*(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)*

**P92/23**      **F/YR23/0856/O**  
**LAND SOUTH OF 129 KNIGHTS END ROAD, MARCH**  
**ERECT UP TO 5 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS**  
**RESERVED)**

Danielle Brooke presented the report to members and drew attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Ben Tickner, an objector. Mr Tickner explained that he has been a resident of 117 Knights End Road for 30 years and he was addressing the committee on behalf of other residents from 106, 119, 123 and 125 Knights End Road. He made the point that one of the main reasons for the objection is the unsatisfactory access which is proposed to be via the current residential driveway, with a road that would completely loop around the existing dwelling to the new properties behind, with the new access being just 50 metres from the existing junction between Knights End Road and the March bypass which is exceptionally busy, situated on a blind bend and would be dangerous.

Mr Tickner explained that the traffic congestion is apparent and has increased significantly at the junction in recent years and he does not support having an additional turning to more residential dwellings so close to the existing junction. He expressed the view that the proposal should be considered in terms of the current road layout not how it might look in 10–20 years and added that he does not feel that the current proposed access is sufficiently wide enough to accommodate two lanes of traffic, a footway and space for rubbish bin collection.

Mr Tickner stated that he does not think that it is sensible to grant the proposal as there is not sufficient infrastructure in terms of pedestrian access or drainage, with the current drains only extending as far as no 110 Knights End Road, and the property at 110 has particularly suffered from flooding in recent years and the proposed soakaway drainage falls far short as surrounding fields are currently waterlogged. He stated that there has also been concern raised as the location does not have any pedestrian access and there is no footpath on the south side of Knights End Road and that on the opposite north side it finishes at number 110.

Mr Tickner made the point that another major objection is that the development will not be in keeping with the local area, with Knights End Road consists of street-facing frontage housing and the proposal would be back land development and out of character with the area, with the existing residential garden being surrounded on two sides by agricultural land. He expressed the opinion that the proposal is overbearing with too many properties in too small a space which would significantly overlook existing dwellings leading to loss of privacy, light and irreversibly damaging the countryside feel of the road.

Mr Tickner added that the proposal would also involve significant loss of ecologically valuable

hedgerow vegetation and its removal would result in an increase in the amount of noise for existing residents as the vegetation currently shields the residents from increasing bypass dust and noise. He expressed the view that the proposed houses would be too close, one being just 50 metres from the bypass which would lead to unacceptable levels of noise and pollution for any future residents of these properties.

Mr Tickner made the point that all five boundary properties to the site have objected to the proposal and the four adjacent properties to the site on the south side of Knights End Road have also all objected to the proposal. He explained that most of the residents are long term occupiers with over 600 cumulative years of living on the street and his own family have lived there since the 1850's.

Mr Tickner stated that he is aware that there have been some letters of support to the proposal, although none from residents in the immediate vicinity and instead they come from distant addresses that will not be as affected by the increase in noise, traffic and loss of privacy. He added that some of the comments come from addresses which are not in March and not a single supporting comment has come from a resident of Knights End Road and, in his view, the strong opinion in objection of the most affected local residents should be given the most weight.

Mr Tickner made the point that the proposal is for outline planning with all matters reserved but the concerns reflect insurmountable challenges, which, in his view, should lead to its rejection. He stated that the site location is too close to the bypass which cannot be changed and, therefore, the site is fundamentally unsuitable for development, and he asked the committee to support the views and opinion of the residents and officers and refuse the application.

Members asked Mr Tickner the following questions:

- Councillor Marks stated that the officer's report states that 11 letters of support have been received for the scheme, with one of the reasons stating that there will be no loss of agricultural land and he asked for clarification as to what the land is currently used for? Mr Tickner explained that the land is currently used for grazing on the south side and the other land is used for paddock land which is cut and sold as hay.

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 five dwellings with all matters reserved and is supported by March Town Council and in their comments, they state that they recommend approval subject to recommendations from Highways and Anglian Water. She explained that, at the current time, the access relating to the proposal is still a reserved matter, however, in order to provide members assurance the necessary visibility splays of 2.4 by 43 metres can be achieved in either direction at the likely access point and this is all within the highway verge.

Mrs Jackson stated that the comments made by highways in the officer's report at 5.2, including the concerns raised by the neighbours, can be addressed and a drawing to depict this has been provided to officers. She explained that she is unaware of capacity issues raised by Anglian Water and, therefore, it is understood that issues in this regard are acceptable.

Mrs Jackson made the point that the site is allocated for development under LP9 of the Local Plan and, therefore, the principle of development is acceptable and is acknowledged in the officer's report at 10.6. She explained that the application site is a residential garden and is in effect a self-contained area and is a relatively small parcel of land which does not compromise the wider delivery of the Broad Concept Area, making the point that it is not within a key or a central location within the Broad Concept Area and it is functionally separate from the wider land allocation and can, therefore, be considered as an inconsequential minor development which complies with policies LP7 and LP9, given the fact that there is no Broad Concept Plan in place.

Mrs Jackson stated that members have already made the point that the requirement for a Broad Concept Plan to be in place is out of date and that concerns have been raised with regards to the development of the site which would result in an urbanising affect, however, in her view, the reason listed for refusal is unfounded given that the Council has already allocated the land for development and, therefore, the urbanising effect is inevitable. She reiterated that the application is in outline form and the drawings submitted are indicative and as the drawings demonstrate there is the opportunity for the buildings to be sited clear of the vegetation on the site.

Mrs Jackson stated that she would be happy to accept a condition in relation to the submission of a biodiversity report and mitigation measures should the committee wish and she would also be happy to accept a condition to secure noise mitigation measures within the build and on the site boundaries to address any potential disturbance caused by the A141. She noted the concerns made by neighbours relating to the footpath but made the point that there is a footpath over the road which can be used by future residents to walk into town.

Mrs Jackson stated that this is an acceptable form of development which is supported in principle under Policy LP3, is on land already allocated for development, would not harm the sustainable delivery of the wider area and it has been demonstrated that safe access can be achieved. She made the point that other objections can be addressed by conditions which will be duly accepted by the applicants, and she asked for permission to be granted.

Members asked Mrs Jackson the following questions:

- Councillor Mrs French asked why the amended plan for highways had only been submitted to officers today? Mrs Jackson stated that because the access was a reserved matter it was felt that the issue would be raised by the committee and, therefore, it was submitted as soon as was possible. Councillor Mrs French made the point that the Highway Authority have stated in the officer's report that they are not satisfied, and the report has been in the public domain for some time. Councillor Mrs French expressed the view that to expect Planning and Highway Officers to review the plan on the day of committee is unacceptable. Mrs Jackson stated that she appreciates that point and added that the Highways Authority stated that they were supportive of the scheme in principle.
- Councillor Connor stated that he agrees with Councillor Mrs French and stated that consideration needs to be given by the agent to be more proactive and reactive by submitting information to the officers in a timely manner so informed decisions can be made.
- Councillor Marks asked for clarification over the point that was made with regards to a likely access point, and he asked whether that was likely to change? Mrs Jackson stated that the access point was not confirmed because access is a reserved matter, and it is likely to be there as there are trees on the other side of where the access has been shown to be and that is the existing access to the site. She made the point that it makes sense for the access point to be there, however, it has been left open in case there is the requirement for an alteration either way in order to get the required visibility splays, but the splays can be achieved in either direction and in highway land so that it can remain unobstructive.
- Councillor Imafidon asked what noise mitigation measures could be introduced if needed? Mrs Jackson responded that it could be measures such as triple glazing or acoustic fencing, dependent on members views and that would form part of the reserved matters stage.

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

- Councillor Mrs French stated that she knows the area well and expressed the view that the officers have made the correct recommendation. She added that there is no footpath and it is back land development. Councillor Mrs French made the point that the supporters for the proposal appear to reside in Creek Road, Eastwood Avenue, Wherry Close, Elwyn Road, Plover Drive and Peterhouse Crecent, which are all roads within March East and March North Wards which are not located near the application site. She stated that she fully supports her residents, and it is a very dangerous road on a bend, and she will not support

an approval on the application and will support the officer's recommendation.

**Proposed by Councillor Mrs French, seconded by Councillor Connor 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)*

**P93/23**

**F/YR23/0879/O**

**LAND NORTH WEST OF THE FERNS, PADGETTS ROAD, CHRISTCHURCH  
ERECT UP TO 6 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS  
COMMITTED IN RESPECT OF ACCESS) AND THE FORMATION OF 5 X  
ACCESSES AND FOOTPATH**

Danielle Brooke presented the report to members and drew members attention to the update report that had been circulated.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall explained that the site is wholly located in Flood Zone 1 and no concerns have been raised with regards to flooding. He stated that the proposal site abuts an established existing development in Christchurch, and the built-up form and follows a similar line to the adjacent development all of which is frontage linear established housing, and the proposed small village extension follows that pattern.

Mr Hall made the point that Policy LP12 states that the site must be in or adjacent to the developed footprint which the application is. He stated that the previous application which was seven years ago there were concerns raised with regards to biodiversity and a full ecology report has been included with the current application and Natural England have been consulted and have raised no objection.

Mr Hall confirmed that all of the trees at the front of the site are going to be retained and he made the point that the Parish Council give their full support to the proposal and welcome the footpath link that has been included and they have asked whether street lighting can be included which he explained is achievable as part of a condition. He stated that the previous application which officer's have referred to did not include footpath provision, did not have an ecology report and was only on part of the site for two dwellings whereas, in his opinion, the current proposal is materially different.

Mr Hall expressed the view that the additional dwellings will give support to the local school, pub and community centre and he added that the site has not been used for agricultural land to the best of his knowledge for the last ten years. He reiterated that the site is all located in Flood Zone 1 and the site has been identified within the emerging Local Plan as suitable for residential linear development which is what the application proposes.

Mr Hall explained that the footpath link also complies with Policy LP15 and is welcomed by the Parish Council and all of the consultees including Highways, Environmental Health, Natural England and County Council Archaeology all support the proposal which is ideal for development as it falls within Flood Zone 1, is in linear form and has a footpath as well as proposed lighting and will include a mixture of housing albeit in an indicative form, with the site abutting the established built up form of Christchurch.

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

- Councillor Benney stated that the application differs from an earlier application the committee determined and approved due to the fact that it has a footpath which means that it is connected to the village and brings benefit, and it will support the local school and pub.

He made the point that the application is in Flood Zone 1 with a footpath and brings community benefit and if the committee did not pass the application then members would be totally inconsistent as they have already passed the other application. Councillor Benney stated that the application should be approved, and he will support the proposal.

- Councillor Connor stated that he concurs with the views of Councillor Benney and everything that was stated with regards to the previous application in Christchurch and, in his view, this application is better than that due to the fact that there is a footpath in place and the agent has confirmed that there will be street lighting incorporated and it will have all the benefits of the earlier application by bringing benefits to the school, pub and community centre. He added that there is nothing to dislike about the application and he will support it.
- Councillor Mrs French stated that she does have concerns with regards to highways and she made the point that applications are approved with conditions added and developers and agents are not adhering to the conditions. She made the point that she does not have any problems with the application, however, the agent needs to work with the Highway Authority because it does state in the report that the proposal could have an impact on flooding issues and should the application be approved then that is a condition that would need to be addressed immediately.
- Nick Harding stated that Danielle Brooke has already made reference to an appeal decision for the smaller development and there needs to be some thought given with regards to what the Appeal Inspector said concerning the dismissal of the appeal which was that he felt that the development was wholly inappropriate. He stated that notwithstanding the decision that was made today with regards to Mr Sutton's application, the committee still need to be mindful of the Inspector's view in respect of two dwellings, adding that if there are now four dwellings being placed on the site, the impact on the countryside and its setting is going to be greater than it was when it was going to be two dwellings given that there has been no change in circumstances in this particular part of Christchurch. Nick Harding made the point that it has also been mentioned that it is a better scheme due to the fact that it has a footpath, however, that was not a reason for refusal on the application which was for two dwellings. He expressed the view that thought needs to be given as to why the impact on the countryside and its setting is acceptable now for a larger development when it was not for two dwellings which is what the corporate opinion as an authority was in 2017, which was confirmed by an Independent Planning Inspector.

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

Members do not support the officer's recommendation of refusal of planning permission as they have already made a decision today with another application which has been since the Inspector's appeal and that application was not considered to be in an elsewhere location because it was adjacent to the village, with this application being adjacent to the village, they feel that the proposal will not have an adverse effect on the open countryside and the proposal will go towards having a positive impact to the facilities in the village.

*(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)*

*(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)*

**P94/23**

**F/YR23/0920/O**

**LAND EAST OF SHALLON, CATS LANE, TYDD ST GILES**

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

Danielle Brooke presented the report to members and drew members attention to the update report that had been circulated.

Members received a written representation, in accordance with the public participation procedure from Jacqueline Kerr, an objector, read out by Member Services. Mrs Kerr stated that the land adjacent to the build site has been flooded since 10 December 2023 and Mr Grainger has been using a petrol pump, which she has heard daily, from morning until 6 in the evening, since 10 December 2023 up until 3 January 2024, which she confirmed to Planning on Wednesday 3 January and a conversation with the Planning Officer prior to Christmas, with the water having been moving towards the built plot and has also encroached onto her property. She added that Wave have also been pumping water out from her property towards the drain in Cats Lane so the water can then drain into the dyke opposite her property and initially tjeu used a petrol pump, however, that broke which resulted in them using an electric pump, which would not have been obvious to any neighbours as to what they were doing.

Mrs Kerr expressed the view that had it not been for Mr Grainger pumping the water into his dyke, east of the building plots and her husband doing the same thing daily for three weeks, the water would have gone onto the build plots, south of the water and from seen from the photos it would have been seen that the water was level to the Norway maple, protected under TPO04/2022. She expressed the opinion that the photos also show the water running parallel to the west boundary of the proposed site and the east boundary of Shallon, with this water being feet away from the building plots, and the photos were taken on 14 December around the time that Mr Grainger started to pump water from the top part of his land but also on 3 January 2024, with the photos of 3 January showing Shallons outbuilding which would be level and adjacent to the south boundary of the building plots east of Shallon.

Mrs Kerr stated that Mr Grainger states in his recent notes “has the water come uphill from our land”, which she feels indicates that the land slopes towards the building plot and is why the water was starting to encroach onto the building plot for the above application. She made the point that following three weeks of water being pumped, her land and the field south of the application site, still has water on it.

Mrs Kerr expressed the view that the applicant has already confirmed that the lie of the land slopes towards Cats Lane so after days of heavy rain, it would have been thought the water would have by now reached the building plots and they have not as the water has been pumped into the dyke east of the field and photos have then been taken on 3 January and sent to the planning Department to show a smaller area of flooding compared to if there was not any water being pumped at all. She feels to build on the site is absolutely ridiculous as any water from future heavy rainfall will have nowhere to run to.

Mrs Kerr expressed the opinion that the applicant has failed to provide evidence to demonstrate a sequential and exception test in accordance with the NPPF, Local Plan and SPD, which was the refusal of the previous application F/YR22/0935/O and remains outstanding, and, therefore, the proposal conflicts with Policy LP14 and the NPPF in terms of flood risk. She stated that although the Planning Officer has now uploaded her report to the Planning Portal and has recommended refusal, she fears history will repeat itself.

Mrs Kerr referred to F/YR23/0548/O whereby this application failed the sequential test and yet the Planning Committee passed it and feels it is essential that the above comments and photos were brought to the attention of the Planning Committee on 10 January 2024. She stressed that if the application is not refused, she will ensure that it will be put to the Secretary of State and she will also seek legal advice towards a Judicial Review against the Council and Planning Committee as this will be blatant disregard of the NPPF, local planning policies and will go against the committee’s own Code of Conduct. She cannot stress enough how important it is to refuse this application outright not just for her sake, her neighbours but also the Council.



Members received a presentation, in accordance with the public participation procedure from Chris Walford, the agent and Darron Grainger, the applicant. Mr Walford stated that the application seeks approval for two building plots for executive style dwellings on the front section of existing paddock fronting Cats Lane. He explained that the proposed area for development adjoins the built form of the village and there are also dwellings on both sides of the application site.

Mr Walford explained that the general character of this section of Cats Lane is large, detached properties, well spaced on large plots fronting the road and the revised proposal for two dwellings reflects the character profile and is considered to be a logical and contextual continuation of development on the edge of the settlement. He made the point that Tydd St Giles is defined as a small village within the Local Plan where residential infilling will be accepted and there is an ongoing debate as to whether the site is infill or not as there are houses on either side of the site and if members consider it as infill, then it is policy compliant, however, if it is not classed as infill, there are no other opportunities for infill in the village then the only opportunity for the village to grow will be for development to take place on the outskirts and on the edge of the village settlement.

Mr Walford stated that this appears to have been a thought process adopted by the Planning Committee on previous applications, such as one in Turves and Gorefield, both of which were on the outskirts of the settlement and, in his view, it is felt that the proposal meets both sides of the infill debate. He stated that because the site abuts the existing settlement it is considered to be part of the village and not open countryside and members of the committee made comments when considering the applications previously in Turves and Gorefield which included if a site abuts the village development then how can it be classed as an elsewhere location and he stated that he agrees with that viewpoint.

Mr Walford stated that as the site is classed as being part of the village, the sequential test is justified and acceptable and in terms of flooding he is aware of many surrounding Fenland fields which are currently suffering from standing water and as it stands the area for development does not have this issue which is in Flood Zone 2 and 3 but the proposal will be carried out with sustainable detailed drainage design to ensure that it will not increase flood risk and the flow can be attenuated and discharged into drainage systems around the site. He explained that in terms of benefits to the village, other settlements nearby such as Newton and others mentioned, have seen support for development that would sensibly grow the village in order to sustain and promote their facilities and amenities and he feels the same about Tydd St Giles and expressed the view that by delivering logical sites the application is the way forward.

Mr Walford explained that the application has no objection from the Highway Authority, Tree Officer, Environment Agency, Drainage Board, Wildlife Officer or Natural England.

Mr Grainger explained that there have been many comments over the last week with regards to the water on the application site, however, it is not the site and he has no control over the weather which has impacted the whole country or over the actions of others who take it upon themselves to fill in ditches and remove trees along his boundary. He stated that the Council and the North Level Drainage Board are aware of this new issue which will be resolved in the Spring when the ground can be worked on.

Mr Grainger stated that there is no flooding on the application site due to the fact that it can drain into the shire drain and it is the highest part of the land that he owns, making the point that he simply wishes to build homes for his family on land that he owns, and stated that he is not a builder but has the opportunity to provide homes for his family, without them needing deposits and mortgages. He explained that he has five children and two grandchildren, and he lives in Fenland and his job is to provide for his family which is his wish.

Mr Grainger stated that his land is in Tydd St Giles and is surrounded by houses as well as his own which was built in the 1700's and he sees the proposal as an infill site located between properties and the land is not being used for any purpose at the current time and has not been farmed in over 30 years.

Members asked the following questions:

- Councillor Mrs French asked for confirmation as to where the flooding was in the photographs that the objector had highlighted in her objection and also further detail as to where the pumping was from and where was it being pumped to. Mr Grainger explained that there has been a new build dwelling constructed and they have backfilled a ditch, removed the trees that were there and raised the land by a foot so the water can no longer get to where it was going and, therefore, it is his intention to install a pipe from that side to his side which will move the water. He added that the Council are aware of the issues that he is having but the issue has arisen only since the fence has been erected and it is not a historical problem. Councillor Mrs French stated so a new house has been built and the owner has taken it upon themselves to fill in a ditch. Mr Grainger stated that it is the large new build which has filled the ditch in and also at the back of Shallon, there was also a drain which led out to the front and historically the owners of that property have filled in the drain at the back and also one at the front of their property. He added that when he purchased the land because it was filled in it did cause issues, so he dug it out and North Level IDB have put a culvert under Cats Lane. Mr Grainger explained that he was there for three days and on 6 January he went back to the site and was able to drain the water in 7 hours. Mr Walford added that at any reserved matters application, a drain could be introduced down the side and along the back and then water could be carried back to where it should go. Mr Grainger stated that it just requires one perforated pipe to solve the problem of somebody else's water.
- Councillor Mrs French asked for clarification concerning the details of how surface water and sewage on the application site will be dealt with. Mr Walford stated that due to the location it will be a treatment plant and there is a drain there so it can be disposed of nicely and surface water will either go to the drain and then they will pay for discharge or they could attenuate into the drain which can be agreed via a drainage condition or through the reserved matters stage. Mr Grainger made the point that the water was pooling on a Flood Zone 1 site and there was nothing on 2 and 3 and the reason is why it is 2 and 3 is due to the close proximity to the shire drain which has been raised with the Environment Agency.
- Councillor Mrs French stated that it would appear that officers need to be reviewing the conditions associated with the new build property and take enforcement action to ensure the filled in ditch is dug back out.

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

- Councillor Marks expressed the view that he has concerns with regards to flooding and he questioned whether members are considering approval of planning permission on something where there already appears to be historic problems and what guarantees are in place that the pipe which will be going over somebody's land stays empty. He stated that the neighbours have already highlighted that they are already experiencing flooding issues and whilst the flooding episodes may not be down to the applicant there does appear to be instances of flooding which were not occurring previously, adding that the applicant has made the point that it took him 7 hours to pump away the water. Councillor Marks expressed the opinion that in addition to the concerns over flooding, the application was already refused previously, and he cannot see what the difference is with the current proposal apart from the number of dwellings.
- Councillor Benney stated that apart from the application being reduced down to two properties there are no other changes. He added that it has been eleven months since the application came before the committee and he has the same view as Councillor Marks, that there are flooding issues to consider, and the Parish Council did not support the previous or

current proposal.

- Councillor Connor stated that he agrees that there is not much change and only the number of dwellings which has reduced from three to two. He made the point that the issues concerning flooding need to be resolved in the first instance and he will support the officer's recommendation.
- Nick Harding stated that the reasons for refusal do not relate to the issue of the ponding of water and the action taken to deal with it and the third reason for refusal is with regards to the sequential and exceptions test.

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

*(Councillor Benney left the meeting following the determination of this item and for the remainder of the items on the agenda)*

**P95/23**

**F/YR22/1084**

**LAND TO THE LAND SOUTH WEST OF 92 HIGH STREET, CHATTERIS**  
**THE SITING OF A MOBILE HOME FOR RESIDENTIAL USE AND ERECTION OF**  
**AN ANCILLARY DAY ROOM**

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

Members received a written representation, in accordance with the public participation procedure from Jodie Chittock, a supporter read out by Member Services. Ms Chittock stated that she is a direct neighbour and only neighbour to 84b, residing at 84 and wrote a statement last time the application was considered back in August, so members can look back and see how this is impacting on her mental health, the not knowing if they have stability and could have to move if not given permission as she is worried who will buy this land after. She expressed the view that the only people who will buy it for sure will be undesirable to Chatteris and the area and will potentially turn it into a business or scrap yard.

Ms Chittock acknowledged that access is the committee's main concern, but made the point that they owners have lived here for 4 years this Summer so she does not see that the access could have a negative impact from one more family, with the access already being used which is rightfully their right of way as they are at the top. She feels if the neighbours have already been on the site for four years as this has been going on for some time now waiting to go to committee, she does not see why they would get refused when it has been left this long and, therefore, they are using the access already and it causes no issues.

Ms Chittock stated that the applicants are just a family with three children with one to be born in June wanting to start a life and secure a family property and asked members to consider allowing them to stay as the last 4 years they have been totally respectful and not at all negatively impacted the environment or access. She asked that consideration be made to worst outcome and that would be who buys it after and what they will do with it, with the impact on her family and her children whom play safely outside the gate as she worries about strangers and their safety with this. She stated that she completely supports the application.

Members received a presentation, in accordance with the public participation procedure, from Nathaniel Green, the agent. Mr Green explained that the plan on the previous presentation screen is a previous plan, however, it does not matter given that the only change that took place was that the turning area was moved from the tree protection area. David Rowen stated that the plan depicts the quantum of development which is proposed onsite subject to some minor tweaks and, therefore, he is satisfied with the plan shown.

Mr Green stated that two of the reasons for refusal have now been disregarded thankfully but the issue of highways still remains, making the point that he understands that Highways Officers have a job to be cautious, but he has formally submitted a highways report and that the problem, in his opinion, is the difference between percentages and real numbers, with Highways stating that there is going to be a 25% increase in vehicle movements and in practice that it is 2 to 3 vehicles a day which is a modest amount. He stated that when looking at the crash mat database for the High Street, when considering the records for 2015 to 2019 inclusive, there have been no accidents at all recorded in that area and in the four years that his client has lived on the site they have said that there have been no accidents whatsoever around the entrance way.

Mr Green made the point that although his clients have been living there unlawfully, in practice there has in effect been a test to see if there has been any accidents and members of the committee need to consider that there are only three vehicle movements a day. He stated that when considering the forward visibility it is apparent that the forward visibility splays within the near traffic lane exceeds the required safe stopping distances by at least 230% from the south and, therefore, any approaching driver from the south will have more than sufficient time to see a vehicle edging forward and either manoeuvre around it or stop safely if required in order to allow it to join or leave the High Street.

Mr Green explained that it should be noted that the forward visibility towards an emerging vehicle from the southbound traffic approaching from the north extends 87 metres which is more than double the 43 metres required under the Manual for Streets (MFS) parameters for a 30mph speed limit, explaining that MFS is the publication for all Traffic Officers and Traffic Consultants. He stated that while it may not be possible to provide the desirable unobstructed visibility provision when considering the guidance in MFS, together with its flexibility and guidance regarding local context and an evidence based approach, it can be concluded that the proposed access to the site would provide acceptable and safe visibility splays which are superior to many of the neighbouring existing accesses and junctions which have demonstrably operated safely for at least 5 years.

Mr Green stated that having taken that into consideration, unless the Highway Authority does not consider the guidance in MFS, he would find it surprising as it appears that MFS is applicable in this case, it can only be concluded that the proposed visibility splays provided are acceptable to maintain safe access in the context of the local highway network. He made the point that his client has been living on the site, and that after four years and whilst it has been unlawful, the information provided can assist members to make a balanced judgement on what is a gypsy site.

Mr Green added that he still strongly disagrees with the suggestion that his client does not have gypsy status as, in his opinion, they do, and he would be quite happy to see that pursued further. He stated that on the basis of the information that they have seen and heard and the fact that the argument has been put forward that the highways access is acceptable in practice he asked the committee to support the proposal.

Members asked Mr Green the following questions:

- Councillor Marks expressed the view it is irrelevant as to whether the site is a gypsy site as he has no issue with that whatsoever but he does have serious concern over the access point as he knows the junction where the cars come out of, and he questioned that fact that there is no recorded accident data and, therefore, takes exception to that point. He stated that there was a Freelander parked which had accident damage to it along with a Volvo which had a missing wing mirror and, therefore, he does not have confidence that the data is 100% correct. Councillor Marks added that his biggest concern is when driving out of town the access point is very hazardous especially where the wall is for pedestrians. Mr Green made the point that the driveway is active, with the entranceway is already in use and the only addition would be two or three additional vehicle movements a day onto that and pedestrians will already be aware that it is an access way in use because of existing usage by owners and also by Council vehicles. Councillor Marks made the point that he is

concerned for users of the pavement such as adults, children on bicycles and mobility scooters and made the point that it only takes one vehicle movement to have an accident.

Members asked officers the following comments:

- Councillor Mrs French stated that Member Services had read out the written representation in support of the proposal which stated that the application has been ongoing for 4 years and she added that she finds that interesting as the planning application was only applied for two years ago at the end of 2022, asking officers to clarify when the application was submitted. David Rowen confirmed that the application was submitted in 2022.

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

- Councillor Marks stated that he feels sorry for a very young family who want to live somewhere, and he has no issues regarding the application apart from the access as he has concerns that should the application be approved and then somebody gets hurt or injured going forward. He stated that the family need to live somewhere, and they have already started their home on the site, however, regardless of what is on the site, the same cause for concern would still exist. Councillor Marks questioned if there was anyway of the access being point being rectified than he would happily support the application.
- Councillor Connor stated that he has the same views as Councillor Marks. He added that Chatteris Town Council also recommend the application for refusal due to concerns over access, unsuitable and poor visibility for vehicles leaving the site as the opening is too narrow and at 5.3 of the officer's report the County Council have made reference to two recently refused planning applications where they were both refused on highway safety grounds. Councillor Connor expressed the view that if there could be another access point into the site without worrying about highway safety then he would support the proposal, however, he does need to consider the recommendation of the Highway Authority and that of Chatteris Town Council.
- Councillor Marks questioned whether there is anyway that officers can think of in order for the proposal to be supported whether that be to liaise with the Highway Authority or to consider deferring the application in order to try to overcome the one stumbling block to try and assist the applicant.
- Councillor Hicks asked whether a domed mirror could be considered, and Councillor Connor stated that the Highway Authority do not allow them.
- David Rowen referred to the two sets of comments made by the Highway Authority, one set on 14 November and then a further set which have been provided on the basis of additional information, with the Highway Authority not altering their view and, therefore, unfortunately the committee has either got to consider the officer's recommendation, course of action from the Highway Authority or go against their view.
- Councillor Marks stated that when looking at the officer's presentation it shows that the pavement narrows at the wrong point and if it was just one metre wider then anybody with a pushchair would be in a far better position. He expressed the view that there must be something that can be considered in order to help the family.
- Councillor Connor agreed that the agent, Mr Green, be given permission in order to readdress the committee. Mr Green stated that he suggests that a Section 278 Agreement be applied for in order to widen the pavement by the entrance to the site.
- Councillor Imafidon asked Mr Green to clarify that he had stated that the Council also use the roadway to service the properties and he questioned whether that was correct. Mr Green stated that the refuse lorry travels up and down the lane to collect waste.
- Councillor Mrs French stated that there is no way a Fenland refuse freighter can fit down there.
- Nick Harding stated that what has been suggested by the agent is that a 278 agreement to make some highway alterations to improve the visibility splay and, therefore, if committee wish to follow that course of action then they would need to agree to defer a decision and then obtain an indicative 278 drawing which would need to be consulted on and then consideration could be given as to whether it would work or not. He added that he will also

ascertain whether a refuse freighter uses the lane to service the properties as well.

- Councillor Mrs French stated that the 278 application process does have a cost implication. Mr Green stated that he is aware of the associated costs and the applicant has agreed to consider that course of action in order to see whether it is a viable option.
- Councillor Hicks expressed the opinion that he thinks a 278 Agreement should be applied for.
- Councillor Mrs French asked how wide the lane is and it was confirmed that it was 11ft.
- Councillor Marks expressed the view that it is incidental as to whether the refuse freighter uses the lane at all as the concern is for any vehicle using the lane. He stated that the best option is to defer the application and work with officers.
- Nick Harding explained that the agent will work with a Transport Engineer to design something which will then be passed to the Highway Engineers at the County Council for their consideration and views on the scheme.

**Proposed by Councillor Marks, seconded by Councillor Hicks and decided that the application be DEFERRED to enable the applicant to submit a Section 278 Agreement to the Highway Authority for them to consider a different highway scheme which will work for the application.**

*(Councillor Connor declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had received messages from a Third Party regarding the application, however, he advised those individuals to contact the Planning Officers and he stated that he will keep an open mind with regards to the application)*

*(Councillor Marks declared, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on the proposal, however, he would keep an open mind when considering the application)*

6.00 pm

Chairman