

PLANNING COMMITTEE



WEDNESDAY, 7 FEBRUARY 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: Nikki Carter (Senior Development Officer), Nick Harding (Head of Planning), David Rowen (Development Manager), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer)

P96/23 PREVIOUS MINUTES

The minutes of the previous meetings of 13 December 2023 and 10 January 2024 were signed and agreed as an accurate record.

P97/23 F/YR23/0875/F 7 STATION ROAD, MANEA, MARCH CHANGE OF USE OF EXISTING RESTAURANT TO A HOUSE OF MULTIPLE OF OCCUPATION (HMO) (SUI-GENERIS) FOR UP TO 12 PERSONS, AND ASSOCIATED WORKS, RETENTION OF EXISTING 2-BED DWELLING, AND OUTBUILDING FOR STORAGE

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

Members received a presentation, in accordance with the public participation procedure, from Lee Bevens, the agent. Mr Bevens stated that he had originally planned to provide justification for the scheme for up to 12 persons to include the associated works for a House of Multiple Occupancy (HMO) at 7 Station Road Manea and had written a long statement in support of the proposal as members may or not be aware that the former Classics restaurant with the associated bed and breakfast business had accommodation for up to 9 people on the first floor. He stated that he had a detailed discussion earlier that day with Councillor Charlie Marks to discuss the concerns that he still feels exist with the proposal and following positive discussions to find a common ground that would suit both Councillor Marks and the applicant, which included the sensitive nature of the site and its location in a residential area.

Mr Bevens explained that the suggestion reached is to agree to a maximum of nine persons in the HMO for the first 12 months and after that time the Housing Compliance Manager, Jo Evans, would review the project to assess how the HMO is being operated and then hopefully grant the additional 3 persons which would still mean a maximum of 12 residents in the HMO. He thanked Jo Evans, the Housing Compliance Manager, and Nikki Carter, the Planning Officer, for the support and input with the scheme to date and he asked the committee to support the amendment to the scheme and grant approval for a 9 person HMO with a review in 12 months to increase it to a 12 person HMO.

Members received a presentation, in accordance with the public participation procedure, from Councillor Charlie Marks, the ward councillor. Councillor Marks confirmed that he has been in

discussion with Mr Bevens earlier that day and, in his opinion, the outcome that has been reached is a compromise. He explained that the residents of Manea are not happy with a 12 person HMO, but as there are 9 already in place, in his opinion, he can see no reason why this cannot be considered as a good way forward and will give the HMO Officer the opportunity to review the premises over the next 12 months and work with the owner.

Councillor Marks stated that, therefore, at the current time he will support this.

Members asked Councillor Marks the following questions:

- Councillor Hicks asked whether Councillor Marks has engaged with any of the local residents with regards to the proposal? Councillor Marks stated that he has had various communication with various residents and all of the residents have been very aware of the number of occupiers proposed in the application for the HMO as 12. He added that there has been 8 or 9 letters of support and also 27 letters of objection with regards to the property, however, the issue is that there is already planning consent in place for 9 people and that number of persons was resident on site when the premises was a bed and breakfast and, therefore, the 9 makes no difference.

Members asked officers the following questions:

- Councillor Hicks stated that he notes that the applicant has offered to introduce an acoustic fence and he asked whether there is any evidence as to how much noise reduction the acoustic fence will prevent? Nikki Carter stated that information was not available, however, Environmental Health colleagues have been consulted and they have indicated that the acoustic fence is typical of one which would be requested by them or incorporated by developers as a means of noise mitigation. She explained that full details of the acoustic fence have not been received at this stage as there would need to be conditions included prior to the occupation of the HMO.
- Nick Harding stated that it appears that the agent and applicant now appear to wish to reduce the number of occupants of the HMO to 9 and then subject to that operating in a satisfactory manner for a period of time then the number of occupants would increase to 12. He made the point that as it stands the way that the application has been described within the application process may cause an issue to facilitate this proposal being put forward today by the agent. Nick Harding explained that it can be facilitated if the applicant is going to operate the HMO and then if it operates successfully then apply for 12 through the HMO licensing process, however, the control of that option would fall outside of the control of planning. He stated that whilst he is sure that Mr Bevens and his client would remain true to their word, it would have to be on trust because it would not be controlled under the planning permission which may be granted by the committee. Nick Harding stated that should the committee want to control the suggestion put forward by Mr Bevens through the planning process then the description of the development would need to be changed and that would then have to go out to public consultation where they may be representations which would mean the proposal coming back before the committee, however, if there were no further representations made, following the consultation, then the condition would be that it can only be occupied by 9 and then the applicant would have to reapply after the satisfactory period in order to increase the numbers up to 12 and, in his opinion, that will be difficult and awkward. He added that the agent may feel that is not the best option for him and his client and the best way would be to follow the HMO Licensing process. Nick Harding reiterated that as it stands, the application cannot be controlled through the granting of planning permission due to the way that the application has been described.
- Councillor Connor expressed the view that the long-winded option would not be the best course of action.

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

- Councillor Mrs French expressed the view that she is pleased that the Mr Bevens and

Councillor Marks have been in discussion regarding the proposal as the application has been considered over several years and also lost at an appeal hearing. She added that she is delighted to hear the suggested reduction to the proposal being for 9 persons and added that she understands what Nick Harding has advised the committee, however, she does not wish to see the proposal being brought back to the committee again. Councillor Mrs French stated that she understands that if the application were approved it would be for 12 residents and if approved it will give the Council's Licensing Team the authority to license and monitor the site which she feels is the correct thing to do. She explained that she attended a Community Safety Partnership meeting recently and one topic which was heavily discussed with the Police was HMO properties and the fact that the Police along with Council officers will now be strictly monitoring properties of this type. Councillor Mrs French made the point that her only concern is with regards to noise but as long as the noise levels can be contained in order that the residents are not suffering under the Human Rights Act, Article 8, as they are entitled to the enjoyment of their home, and she would hope that the dwelling is monitored appropriately.

- Councillor Benney stated that the application has a recommendation for approval, and he cannot see any reasons why the application should be refused. He made the point that he does welcome the idea of the reduction of residents to 9, however, when considering the officer's advice, where members have been advised that the reduction in numbers cannot be achieved through planning conditions, the recommendation is one of approval. Councillor Benney made the point that the application has been before the committee on numerous occasions and whilst the premises suffered from problems in the past due to the fact that it was not regulated, should the application be approved, it will fall under the proper licensing regime and the premises will be monitored by the HMO team. He expressed the view that if the application is refused it will come before the committee again in one form or another and whilst he would have liked to see it reduced to 9 residents, if that cannot be done, then 12 is a better solution than the previous application which was for 18. Councillor Benney added that the committee have a steer from the Inspectors report which was provided and he cannot see any other option than to approve the application as the officer's report details the fact that the application is policy compliant and can be closely monitored. He added that whilst he has considered the concerns of Councillor Marks who has represented his residents very well, there is a point which comes down to planning policy, if the policy will not permit 9 residents then the application must be approved for 12.
- Councillor Hicks stated that he would be more than happy to support the proposal for 9 with a view to increase it to 12 at a later stage.

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

(The Chairman agreed to change the order of speakers to allow the Agent to present to the committee first)

(Councillor Marks spoke as the Ward Member for Manea in his capacity as a District Councillor and took no part in the discussion or voting on this item)

P98/23

F/YR23/0904/O

LAND NORTH OF ANTWERP HOUSE, GOSMOOR LANE, ELM

ERECT UP TO 5NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

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

Members received a presentation, in accordance with the public participation procedure, from Peter Bryant, an objector to the proposal. Mr Bryant stated that he is attending the meeting to

represent the hamlet of Colletts Bridge but stressed that his comments are not nimbyism, however, the community is asking the Council to uphold the Local Plan, and care about highway and flooding safety. He added that the emerging Local Plan has no bearing, but that a small village has a target of 9% growth within it and LP65.01 is for a 37% growth in the new plan which is clearly unsuitable and disproportionate.

Mr Bryant stated that with regard to the current Local Plan the proposal fails all elements of LP3 as it is for 5 properties, not a single dwelling, and it is a mini estate, not an infill, and it is not part of an otherwise built-up frontage. He made the point that over many applications and 3 appeals (most recently last November) both the Council and Planning Inspectorate officers have described the western side of Colletts Bridge Lane to be predominantly open to the surrounding countryside with a handful of sporadic dwellings, with the latest appeal ruling that development on the west side of Colletts Bridge must be in keeping with this and not cause harm and, in his view, a mini estate would do dramatic harm to both character and appearance.

Mr Bryant referred to the presentation screen and stated that it shows the level of opposition to the application from local residents, both Ward Councillors and the Parish Council. He made the point that the community wants to protect the character and appearance, and flood and highway safety and, in his view, their opinions should be heard.

Mr Bryant explained that the previous slide showed a map which covered an area that is only a few hundred metres wide, and the map highlights the 5 distant residential supporters who mostly failed to address planning policy and issued generic expressions of support. He stated that when considering flooding, the site floods all year round and local knowledge asserts the site is semi-permanently flooded and waterlogged which is supported by the Middle Level Commissioners report where it mentions high water-table and low infiltration rate.

Mr Bryant explained that the area is covered in reeds, which by definition are wetland plants and it is the natural water run off for the roads on two sides, with the closest property having flooding problems to the point where their ground floor bathroom becomes unusable, and the application would seriously worsen these conditions and the submitted drawing indicates that over half the surface of the site would be built on. He explained that when considering highway safety, the opposite highway splay is incorrect on the diagram as it goes through a hedge which is over 1m, and the hedge is not in the control of the applicant as far as he is aware and by correcting this it would reduce the splay distance even further from just under 40% of a standard 215 metres to just over one third.

Mr Bryant referred to the first response from the Highway Authority of 2 January which stated that both splays should be 2.4x215m in either direction for 60mph roads, or that the applicant should present a traffic speed survey to show speeds are low enough, but the applicant did neither. He added that a 69-metre splay is only good for speeds of about 40mph for light vehicles, and the road is the only approved route for HGV's attending Fenmarc 24 hours a day, 365 days a year.

Mr Bryant referred to the second response from Highways on the 17 January which, in his view, rests entirely on the phrase "...would be unable to build up speed..." for it to be acceptable but feels that is incorrect and an evidence free assertion. He referred to the presentation screen which displayed the actual speeds reached in a 16-year-old car in slightly damp conditions, daylight and without taking any risks, with the vehicle being driven north on the A1101 and turning left whilst the passenger noted the speeds.

Mr Bryant added that when cars exit Colletts Bridge Lane vehicles from the left may be at or over 30mph before they become visible and drivers have less than 2 seconds of clear road which is not safe and it is only mitigated because there is ¼ mile of clear road to the right without junctions and the clear road gives the driver 15 seconds of time so that if clear drivers can completely focus on avoiding traffic from the left. He expressed the view that the proposed development would destroy

that mitigation meaning that those 15 seconds would drop to 1 or 2 and the danger would now be in both directions, with all of this safe time being about narrowly avoiding a crash and there are no safety margins and no consideration of close shaves.

Mr Bryant explained that he cannot count the number of times one of them has shouted "STOP!!!" just as they move into Gosmoor Lane and it should also be remembered that the majority population of Colletts Bridge is (and has historically been) elderly, whose reaction times are slower. He made the point that HGV's cut the A1101 corner from both directions using the full width of the road, referring to the presentation screen to show the view and the speeds of the cars when they are travelling towards vehicles when they exit Colletts Bridge.

Mr Bryant concluded by stating that there is no local support for the proposal, it fails to meet Local Plan policies, it increases and introduces new highways danger, and it increases flooding/drainage issues. He provided copies of documentation for members to demonstrate the speeding of vehicles on the road.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent. Mr Lunn-Towler referred to the presentation screen and highlighted to members of the committee the blue areas which are identifiable as existing dwellings, yellow which is a dwelling approved by the Planning Committee in 2021 which is south of the proposed site, which is referred to in the officer's report at 10.29, and green which identifies a recently approved barn conversion for two dwellings. He expressed the opinion that when considering the plan being presented to the committee, the application site sits within the built form of Colletts Bridge and the site is strongly related to the core built form of the settlement and the development would add positively to the street scene.

Mr Lunn-Towler added that under the draft Local Plan, the proposed development is allocated under LP65.01 and although this plan holds limited weight at the current time, policy consideration has been undertaken to warrant its allocation. He added that since the site is in a Flood Zone One area, great weight has been attached to its allocation and whilst flooding concerns have been raised by the Parish Council and neighbours the site currently experiences very small forms of localised puddles and not flooding, and this is due to the fact that the site has not been harvested since before 2010 and the applicant has cut the land where it was required in order to prevent it from overgrowing and becoming a nuisance, which has resulted in the land from becoming compacted and preventing natural drainage.

Mr Lunn-Towler stated that the reason for the applicant not harvesting the site is due to its small awkward shape which makes it difficult to farm and that such concerns over drainage mean that discussions with Middle Level can take place in order to promote designed drainage of the land at reserved matters stage of the application. He explained that the applicant owns the land which is west of the application site which is shown as grey on the presentation screen and then north of that and west of that are land drains which could potentially support the proposal or there could be consideration given to similar drainage designs, with an Anglian Water foul main running through the east side of the site for foul water removal.

Mr Lunn-Towler explained that the committee could add a drainage condition to any permission today if they are minded to approve the proposal and the officer's report supports this as drainage can be added and is detailed at 10.19 where it states that officers have no concerns with regards to flooding or drainage. He made the point that he has listened to the neighbours' concerns with regards to having an access point onto Colletts Bridge Lane and this has been removed in order to have only one access point onto Gosmoor Lane and subsequently the Highway Authority have no objection to the current proposal.

Mr Lunn-Towler made the point that the application does not commit any matters and the only issue for members to consider is the principle of development as the access can be moved and the

presentation slide is only for illustrative purposes. He expressed the view that the application site can be considered within the built form of the settlement as support is evident in the allocation contained in the draft Local Plan, the site falls within the lowest flood risk zone and matters of drainage can be committed and designed at a later date and he, therefore, asked the committee to support the application.

Members asked Mr Lunn-Towler the following questions:

- Councillor Mrs French asked for confirmation as to how the sewage from the site will be managed? Mr Lunn-Towler responded that there is an Anglian Water asset that runs through the east of the site, which runs north from plot 4. Councillor Mrs French asked for details with regards to how the surface water on the site is going to be managed? Mr Lunn-Towler explained that will be dealt with by means of a specialist design and that the illustrative drawing shows a mixture of grass land, but it can be achieved through a soak away although Middle Level have stated that may not be achievable, however, that is subject to infiltration tests and a specialist recommendation. He added that there are land drains further to the north and west in the applicant's ownership and if need be, a SUDs design could be considered. Mr Lunn-Towler expressed the view that currently the water puddles due to the fact that there is nowhere for the water to go, and the land is compacted and the only way to resolve that issue is for something to be designed in order for the site to be able to drain properly. Councillor Mrs French stated that she is the County Councillor for that area, and explained that she does recall that area flooding in 2020/21. She added that she is also a member of drainage boards, and she will not be supporting the application as it stands in its present form until a proper flooding scheme is set out.
- Councillor Hicks referred to the officer's report and stated that at 5.3 Middle Level have stated that although the site is in Flood Zone 1, this particular area of land is in a high water level which would not lend itself to SUDs and because of the nature of the soil being clay a soakaway system would not be suitable either. He added that at 5.4 it refers to the site being a marshy area and highlighted that Anglian Water have stated that connection to the local sewerage system is not achievable as the system is already overwhelmed. Councillor Hicks asked for clarity on what are the possible other options? Mr Lunn-Towler stated that he would not be able to comment on drainage design but added that it is the principle of development which is being considered. He explained that a drainage specialist would compile a drainage scheme once the specific data is collated and that could be conditioned. Councillor Hicks stated that he cannot see what other option can be considered. Mr Lunn-Towler made the point that the Middle Level had suggested that a land drain could be an option which would continue from the most eastern end to cross the applicants land so that other land drains could be connected to the rest of the network.

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

- Councillor Mrs French expressed the opinion that the officer's recommendation is correct and that the emerging Local Plan is not advanced far enough to be able to give any consideration to it when determining applications. She expressed the view that the drainage issues and system for the site must be resolved.
- Councillor Hicks expressed the opinion that the report speaks for itself, and he cannot support the application without more details concerning the drainage for the site.
- Councillor Benney stated that drainage is not cited as a reason for refusal and made the point that officers have listed LP3, building in the open countryside, LP12 and LP16(d) which, in his view, are subjective. He stated that applications have been passed before with conditions for a drainage scheme coming forward and this proposal would have to have a approved drainage scheme to prove that there was a scheme that would work. Councillor Benney reiterated that drainage is not a reason for refusal, and he stated that building in the open countryside is very subjective and specific to the site and consideration need to be given as to whether it give a positive or negative outlook interpretation of the site.
- Councillor Mrs French stated that she has to disagree with the comments of Councillor Benney as, in her view, flooding is an issue, and it is only going to get worse due to the

number of developments across Fenland. She added that she will not support the application and if it comes back to the committee with the emerging plan and all the drainage schemes being properly in place. Councillor Mrs French made the point that she does not think that the applicant would be able to introduce SUDs through the County Council.

- Councillor Connor stated that he agrees with Councillor Mrs French with regards to concerns over flooding especially as it has been so prevalent over the last few weeks. He stated that if the application came back with a proper drainage plan in the future then it could be considered but he cannot support it in its current form.
- Councillor Benney stated that the point that he was trying to make is that flooding is not listed as one of the reasons listed for refusal and should the application come back again with a drainage scheme that members do find acceptable should members choose to refuse the application today on what reasons would the proposal be refused and would it be on all three reasons. He added that to refuse an application on reasons which are not within the report, in his view, means that policies are not being considered appropriately.
- Councillor Marks stated that like most villages flooding is such a major issue at present and when you look at the other reasons, in his view, it is not in an elsewhere location as he has visited the site. He made the point that the application will come back before the committee and as there is a large field beside the application site, this may also be considered for future development. Councillor Marks added that consideration does need to be given with regards to members views concerning the three reasons listed for refusal.
- Councillor Benney stated that the application cannot be turned down on flooding grounds as it does not state that in the report although it highlights the potential risk of flooding, however, a drainage scheme which is a technical solution could be brought forward to solve the issue. He added that if the committee are going to refuse the application, flooding is not one of the reasons for refusal, it is LP3, LP12 and LP16(d). Councillor Benney made the point that there have been times where the committee have gone against those reasons and members need to be consistent with their decision making. He questioned whether the application should be refused on all cited reasons listed and, in his opinion, he could support a refusal of the application but more from a policy perspective as he is sure the application will come before the committee again.
- Councillor Mrs French stated that Middle Level have provided an in-depth response to the application and she asked whether a condition can be added to show that there are concerns with regards to flooding in this area.
- Nick Harding stated that officers are not saying that it is an elsewhere location, but there are a set of rules which need to be followed in order to determine whether a development is acceptable or not and for this settlement the development proposed has to be an infill proposal which it is evidently not and, therefore, it is a clear failure against the policy test. He added that it is quite an expansive area and there is the appeal decision which was referred to in the officer's presentation and nothing has changed since the appeal decision and, therefore, it is logical to arrive at the same conclusion as the appeal Inspector did in respect to the nature of character of this particular location. Nick Harding made the point that the application does not fill the criteria for infill development and as determined by an independent person the location has a countryside character to it. He made reference to the point made by Councillor Mrs French and should the application be approved then a drainage scheme could be conditioned to any consent and if members wished to add their concerns with regards to drainage to the reasons for refusal that is also an option. Nick Harding explained that he would suggest that members refer to the comments made by the IDB in respect of drainage as they have advised that draining the site is not without its challenges, would be costly and there is the possibility that third party land maybe involved.
- Councillor Mrs French stated that it is Middle Level who have actually made comments and its opinion to be taken into high consideration as it would normally be an engineer or Chairman or an Internal Drainage Board. She expressed the view that she would hope that the application is refused, and she would like the condition added as a matter of refusal.
- Councillor Connor asked for the date of the appeal to be provided to the committee and it

was confirmed that the date was 28 November 2023.

- Councillor Marks referred to F/YR21/1494/F and asked what drainage mitigation that application had in place.
- David Rowen explained that the two application sites are distinctly different and the site to the south of Gosmoor Lane was that it was essentially domestic garden rather than uncultivated land to the north.
- Councillor Mrs French referred to the comments listed at 10.17, 10.18 and 10.19 of the report and explained that those points are to be included along with the reason for refusal.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application be REFUSED as per the officer's recommendation, with an additional reason to include concerns over drainage.

P99/23

F/YR23/0981/O

LAND NORTH OF 59 STOW ROAD, WISBECH

ERECT 1 X DWELLING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)

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 Matthew Hall, the agent. Mr Hall stated that the officer's report states that the principle of residential development of the site is acceptable subject to other details and added that the site history within the officer's report shows a previous refusal on the site in 1987, and the other application site referred to in the history is on the other side of the road and was 16 years ago and, therefore, since 1987 there have been no other refusals or applications on the site. He explained that within the officer's report it states that there have been two applications withdrawn at the site, with one of those being due to biodiversity, and he has commissioned an ecology report which was by a different company, however, that company did not respond to any of the questions and has now ceased trading.

Mr Hall explained that a second ecology report has been submitted and when reviewing the comments from the County Council's Ecology Department, they have recommended conditions, which he has spoken to the applicant regarding these, and he is happy to agree to those and they can be accommodated on the site. He referred to the presentation screen and he highlighted the red line which identifies the site, explaining that directly to the north of the site within the last two years there has been a planning in principle application for up to nine dwellings which has been approved but has not yet been built out and it is clear to see that it is clearly in the built-up form of Wisbech.

Mr Hall stated that the application has the support of Wisbech Town Council, is sited within Flood Zone 1 and the Highway Authority have made no objection to the proposal, with the entrance to the site being tarmacked which will benefit not only the site but also other users of the site as there are two further dwellings beyond this site off the access along with a former nursery. He explained that he also proposes to widen the access in front of the site to a width of 5.5 metres which would then provide a passing place which would benefit the site along with the other users of the access.

Mr Hall referred to the photos and highlighted that the car shown in the photographs should not be parked there and the access according to Land Registry is for the full width and the trees shown in the first photo all form part of the access which is approximately 6 metres wide although it does narrow down as David Rowen explained.

Members asked Mr Hall the following questions:

- Councillor Marks asked whether some of the trees are going to be removed as he has

stated that the access is going to be 6 metres wide? Mr Hall stated that when looking at the first photo shown on the presentation screen, the car parked to one side is parked on the access and it should not be. He added that the trees on the right-hand side are within the access according to Land Registry records and, therefore, they would need to be removed.

- Councillor Marks made reference to the Google map, where it looks as though the red line goes straight through the property by the road. Mr Hall explained that is the boundary of the property and the thin line shown is grassland which is just below the red line. Councillor Marks asked whether the garage shown in one of the slides is being removed? Mr Hall explained that it is not as it is further round the corner.
- Councillor Imafidon stated that the officer's report refers to a 90-degree bend asking whether there is anyway the visibility can be improved? He stated that it would appear that on bin collection day it would mean that the residents are going to have to wheel out their bins at a distance of 60 metres for collection and he questioned the access as it is very overgrown. Mr Hall stated that he is currently trying to improve the access where it abuts Stow Road and also further round in land which is in the applicant's ownership. He added that the 90-degree bend has been in existence for many years and that cannot be improved and the two other properties along with the nursery which are around the corner have a collection from a smaller bin lorry although he is not certain on that but should that not be the case then the residents would need to wheel their bins out to the top.
- Councillor Imafidon stated that although the bend may have been there, the property has not and he has never seen a smaller bin lorry accessing the track. Mr Hall stated that he cannot confirm the bin lorry collection arrangements.
- Councillor Benney asked whether the residents would be prepared to arrange a private bin collection to collect their waste? Mr Hall confirmed that they would be in agreement to that.
- Councillor Marks asked how a car would be able to turn around in the site? Mr Hall explained that the site layout is indicative, and he added that the parking point can be altered on the indicative plan although he stated that it is tight, but it can be widened.

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

- Councillor Marks expressed the view that it is a very narrow site, and he does have concerns with the proposal. He added that with regards to biodiversity, there could be some cutting back of the weeds which are overgrown, and, in his view, it is not the nicest of sites. Councillor Marks made the point that access is a big concern and residents will have to pull their bins for 60 metres which they will be aware of when they purchase a property, or they can introduce a private bin company for their collections. He expressed the opinion that it is a very tight site, however, the buyer will be aware.
- Councillor Benney stated that the proposal is an outline application, and the design of the bungalow is just indicative so the turning space could be improved in the reserved matters application or full application. He added that there is improvement to the site as if the trees are removed then there will be a passing place introduced and the concerns regarding bin collection can be overcome by the introduction of a private collector. Councillor Benney made the point that with regards to the outlook at the site not being very good that is down to whoever buys the property. He expressed the view that he does not see much wrong with the proposal and whilst the access maybe tight, there have been other applications approved previously where the access points have been tight. Councillor Benney stated that he does not think that there are going to be large volumes of traffic using the track and he does not anticipate that there will be any speeding either.
- Councillor Hicks stated that the access does seem to be very tight and previously the committee have allowed applicants to make improvements to the access and to remain consistent could this not be considered with this proposal.
- Councillor Connor stated that the Mr Hall has also advised the committee that he is looking at the access point by removing some or all of the trees and including the removal of the car.
- David Rowen stated that the agent is looking to make improvements to the access at the junction with Stow Road which is acknowledged in the report and also by the highway

comments, however, it is the part between Stow Road and the application site, the 90-degree blind bend and the 2.5 metre access track which is essentially an unmade carriage way. He made the point that, with regards to buyer beware, the aims of the planning system are to create high quality living environments for people and if members feel that a property accessed via a track with a 60 metre drag distance for their bins with a limited outlook, light ingress is seen as a high quality living environment then it is within the gift of members to go against the officer's recommendation.

- David Rowen referred to the comment made by Councillor Benney with regards to the introduction of a private bin collection being conditioned and he explained that it is not something that can be stipulated. He stated that the condition that could be added would be that the details of a refuse collection strategy are to be agreed which would then be down to the applicant to consider.

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

Members do not support the officer's recommendation of refusal of planning permission as they feel that the agent has stated that the access is going to be improved, it is not down to the committee to consider what a potential residents outlook will be, once completed it will be a positive contribution to the street scene and there is still a large amount of ecology on the site as there are fields and land around it and the loss of the ecology on the site is outweighed by the benefit of the dwelling.

(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)

P100/23

F/YR23/0438/F

PIDCOCK FARM, 20 MARRIOTS DROVE, WHITTLESEY

CHANGE OF USE OF LAND AND AGRICULTURAL BUILDINGS TO BUILDER'S

YARD AND PLANT HIRE DEPOT, INCLUDING THE ERECTION OF A 3.0M HIGH

PALISADE FENCE AND GATES, AND THE FORMATION OF A 3.0M HIGH EARTH

BUND AND A NEW ACCESS, INVOLVING PARTIAL DEMOLITION OF EXISTING

BUILDING

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 Alan Bedford, the applicant. Mr Bedford stated that he is sure that members are aware of the current difficulties that small businesses are suffering, explaining that he has 40 years in the construction industry mainly in the Fenland area working for a variety of companies. He explained that the one thing that the companies all had in common is that they needed to grow and diversify and unfortunately some businesses were unsuccessful and ceased to trade.

Mr Bedford stated that based on this knowledge it has become clear that Fen Plant requires the opportunity to explore all possible revenue streams as potential ways to expand and diversify the business and in order to achieve this, the first thing that is required is for the business to be able to expand the project range due to the fact that he has reached full capacity at the current rented location he occupies, with the proposed site being the only financially viable location in the local Whittlesey area. He added that he is proposing to reuse and repurpose existing local infrastructure which would otherwise become a derelict eyesore.

Mr Bedford expressed the view that the proposal is an environmentally friendly solution, and the proposed location offers his business the best possible chance to achieve its goals in the medium

to long term which would include the potential to generate additional employment whilst maintaining all of the services in the local area, with an additional benefit being due to the fact that the site is available to purchase and in turn will give him increased financial stability. He stated that he is aware of the fact that the officer's recommendation is one of refusal partially due to the earth bund which has been proposed to surround three sides of the location, but the reasons for the earth bund is threefold with the first reason being that it will be used for security purposes and, in his opinion, the earth bund will offer a suitable security method and be in keeping with the local area, with it being planted with locally sourced plants on completion and has been chosen over unsightly security fencing which is the only other alternative.

Mr Bedford explained that the second reason for the bund is that it will encourage the creation of additional habitats to flourish and lastly, he stated that all levels of industrial operations do generate a certain level of noise and dust and, therefore, the bund will go some way to reduce any possible impact on the surrounding area, with his business operation having less impact or no more than the current or original agricultural use. He stated that the only other reason for refusal that he is aware of is the road junction which the Highway Authority has recommended small alterations to which he has agreed to and the Highway Team did advise that a small amount of land would be needed, however, that is not in their ownership, but the landowner of the field is also the owner of the land which highways referred to and he has agreed that the land in question would be included in the sale of the yard.

Mr Bedford explained that the land referred to by highways equates to approximately 10 metres of additional access. He stressed that the business that he owns is not a factory related industrial business with noise and dust and the yard would be relatively quiet and dust free and the dwelling adjacent to the yard will also form part of the sale agreement and will potentially be used as an office, rented out or even as a home for him and his family.

Members asked Mr Bedford the following questions:

- Councillor Hicks asked whether the land at the top of the road will be included as part of the sale? Mr Bedford confirmed it would form part of the purchase.
- Councillor Imafidon asked for clarity with regards to the purchase of the house? Mr Bedford explained that the house is owned by the same person that owns the farmyard and the whole thing is being sold in its entirety. He added that his agent has advised him not to include the house in his planning application as the initial intention will not to use it at first as part of the yard but in time it could be used as office space if the office facilities needed to expand. Mr Bedford confirmed that the property will definitely be in his ownership if the deal goes through, but the advice given to him by his agent was not to include it with the application as it will not be associated with the development and it will remain a dwelling for the foreseeable future.
- Councillor Connor asked for clarity over the house and asked whether it is just an option to purchase it? Mr Bedford clarified that the house is included in the entire purchase and the sale of it all is dependent on him receiving planning approval in order for his business to be able to move to this new location. He added that if planning approval is refused then he will not be purchasing any of it.
- Councillor Marks stated that he welcomes the fact that the business will be operating in a remote location which is ideal for any aggregate business with plant machinery. He added that with regards to the bunding is it unlikely to be any taller than most raised reservoirs in the area. Mr Bedford explained that it has been limited to three metres.
- Councillor Marks stated that the possibility of living and working on the site is obviously a means of security when working with plant machinery and he asked Mr Bedford whether that is the reason he wants to live on the same site? Mr Bedford stated that he was born and bred in Coates and has lived in Whittlesey but now lives in Eastrea. He explained that it will down to his family wishes whether or not they choose to live on site, or another family member may live there, with consideration also being given to renting out the dwelling as a means of further income.

- Councillor Marks asked Mr Bedford to provide details on vehicle movements and asked what plant equipment he owns? Mr Bedford explained that as the current moment in time, he has a couple of transit vans, 2 transit size tipper vehicles, 7.5 tonne HGV tipper for small aggregate sales and one 8 wheel roll on roll off lorry which is used for moving the large items of plant equipment such as forklift and eight tonne diggers and dumpers along with a tipper body which is used to import the bulk amounts of aggregates into the proposed bays.
- Councillor Marks asked whether the site in Whittlesey is to close totally? Mr Bedford explained that is the intention due to the fact that the site in Whittlesey is only a rented property and due to a significant rent increase it is no longer feasible to remain at that location.
- Councillor Marks asked Mr Bedford whether most of the work that he has is within the Whittlesey area as he is interested to know where the vehicle movements will be? He asked whether vehicles will be driving through Benwick regularly as opposed to Whittlesey as the highways team have made that conclusion regarding the entrance to Marriots Drove? Mr Bedford stated that Whittlesey is straight on at that junction and there will be the potential for small amounts of traffic to have to turn right but the large majority of his work will be in Whittlesey and Thorney with occasional work being undertaken in Ramsey.
- Councillor Connor thanked Mr Bedford for his honesty and made the point that it is helpful for one of his vehicles to be used for a variety of purposes. Councillor Connor welcomed the fact that Mr Bedford is talking to the owner of the land in order to improve the junction.
- Councillor Mrs French stated that it does say in the report that the applicant has failed to demonstrate that the highway works required to the ditch on the eastern side are deliverable and she asked Mr Bedford whether it is his intention to fill the ditch in? Mr Bedford explained that he has spoken to the current owner of the land and yard and the remaining land has been rented out to a third party and the proposal would be that a couple of metres of the ditch would be filled in to generate the works and part of his business is to undertake work on the highways. He explained that he holds a works supervisors' qualification and, therefore, the work could be carried out to the required standard. Councillor Mrs French asked, if part of it is going to be filled in, will it be piped in the proper manner? Mr Bedford stated that it is his understanding that it is the last 2.5 metres of a run and there is no pipe running underneath the road. He added that if there is a pipe which runs underneath Marriots Drove from that dyke then the pipe will continue, and a new headwall will be implemented.
- Councillor Connor asked Mr Bedford whether he is happy to undertake any work to that junction as is appropriate? Mr Bedford stated that his agent has informed the planning officers that he is more than happy to undertake any works that are required to make it safe. He made the point that when he was at the site there were already articulated lorries coming from the direct of Benwick that were already turning in there and that has been the case for many years, with there never having been any need to alter that entrance.

Members asked officers the following questions:

- Councillor Benney stated that in the report it states that the land ownership question has arisen with regards to improvements to the junction and from what has been heard today it appears that the land ownership will probably be put right, however, on previous occasions there have been situations which have arisen where the land is in a third-party ownership and the land ownership over that land has to be resolved. He asked could the application be approved and then for some reason the applicant is not able to obtain access or ownership of the piece of land required the proposal cannot be built anyway? Nick Harding stated that the officer's recommendation is that any approval at committee today is subject to a revised red line being submitted which will go out to consultation and then the application would be brought back to the committee should there be any adverse response to it. Councillor Benney stated that the applicant needs the committee to approve the proposal in order for him to be able to purchase the site.
- Councillor Hicks stated that if the applicant owns the deeds as part of the sale to the top of the road then that resolves the issue.

- Nick Harding made the point that the Council are in not in control of the buying and selling of land and he added that given that physical works are required which go beyond what was included within the red line of the application it is much cleaner and more secure for the red line to be amended and to undergo a 14 day consultation but given that the land is all within the ownership of the current owner it is unlikely to come back with any negative feedback. He made the point that it is a much more secure and appropriate approach given the circumstances of the application.
- Councillor Marks stated that if the applicant can demonstrate to the Highway Authority that the junction is already being used by HGV vehicles, will he still need to do the upgrades. Nick Harding stated that it is an option for the application to be deferred in order to obtain additional information from the highways officer to enable a decision to be made or the application could be approved subject to the revised red line to facilitate the junction improvements. He added that there is a third option which would be to ignore the advice of the Highway Officer and approve the application as it stands but he would not recommend that option.
- Councillor Mrs French stated that should the application be approved then she would not support a deferral and she would not support going against the advice of the Highway Authority as they give their advice for good reason and if ignored it could result in a detrimental impact.
- Councillor Benney stated that if the application is approved subject to the red line revision, it is his understanding that the applicant needs to know whether the committee are going to approve the change of status of the land from agricultural land to an area to be used as a builders yard and if he does not receive approval for that then the purchase he wishes to make fails. He stated that if the application is approved, the committee accept that there is going to be a change in the legal status of the land from agricultural to building and then the applicant can proceed. Councillor Benney made the point that the applicant has already advised members that it is intention to buy the land, the house and the additional 10 square metres of land and, therefore, he has the agreement for the change in status of the land. He asked officers to clarify whether the change in red line would necessitate the need for a further application or could it be done as an amendment and in relation to the additional 14-day consultation period, whether it would be unfair to the applicant for him to suffer a delay. Nick Harding stated that it would necessitate in a new application as the committee's resolution would be an approval subject to an amended red line that accommodates junction improvements that have been sought by the County Council.
- Councillor Connor asked whether that could be undertaken by officer delegation? Nick Harding explained that the normal arrangement is that if there are no representations received that raise new issues that have not been before committee then it would be a delegated officer's decision.
- Councillor Connor stated that if the application were approved today with the only stipulation being to move the red line to get the works undertaken, how long could the process take as he would like to see it actioned in a timely manner. Nick Harding made the point that he is not in control of other people outside of Fenland undertaking those tasks that they have been commissioned to do promptly and, therefore, a consultation cannot be started until officers receive the information from the applicant's agent. He added that the committee should consider the appropriateness of the development that is before them and not the process regarding the buying and selling of the land. Nick Harding expressed the opinion that the committee need to put aside and ignore the statements made with regards to the potential purchase of the dwelling as it does not form part of the proposal before the committee and, therefore, a decision should not be made on the assumption that the purchase is going to happen or has happened.
- Councillor Benney stated that the access appears to be the sticking point and officers have provided the committee with the way forward for the applicant to proceed without the need for a new application.
- Stephen Turnbull, the Legal Officer, advised the committee that it is not the members responsibility to assess and take into consideration the private transactional arrangements

and that should not be seen to drive the timetable. He added that he along with members of the committee have not seen any documentation concerning the sale and purchase of the application site which is correct and that should not form part of any planning considerations as it is not relevant.

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

- Councillor Benney expressed the view that it is a good application and this type of business cannot operate in the centre of a town and the application site is very well suited for the business. He made the point that there are four reservoirs around Chatteris which are of a similar height to that of the proposed bund. Councillor Benney added that with regards to the change of use on the site, farm buildings are not used as much as they used to be, and the proposal blends itself to helping support a local business. He made the point that everything that is built affects the countryside and the bund will change the view, however, it does not mean it is wrong, it just means that it is different. Councillor Benney stated with regards to security in a rural area, he feels a bund is necessary for the type of business which is going to be operating. He expressed the view that he has no issues at all with regards to the change of use from agricultural to a builder's yard as it is a common-sense location for the business to operate from and if the application is approved it will allow the applicant to be able to move forwards. Councillor Benney stated that with a change on the red line, which will resolve the issues concerning access, he can see nothing wrong with the application.
- Councillor Marks stated that he agrees with the points made by Councillor Benney, and he added that the noise, dust and muddy conditions caused by builders' yards can cause issues which in this case will be removed from Whittlesey and also benefit the other businesses which are adjacent to the current site. He made reference to the point concerning the view and, in his opinion, nobody has any type of view in that part of the Fens, and expressed the opinion that when considering lorry movements, he feels that the site is the ideal location. Councillor Marks explained that he knows of a local resident who lives near the application site who has mentioned that there are lorries accessing another business in Marriots Drove almost 24 hours a day. He expressed the view that by undertaking the work to the access point it will also benefit other residents who live in Marriots Drove and he will look to support the application.
- Councillor Connor stated that he agrees with the points made by Councillor Benney and Marks, and he will also be supporting the application with the condition of the red line being moved.
- Nick Harding stated that Councillor Marks has referred to others builders' yards that he is aware of in towns which cause noise disturbance, dust and muddy conditions and all of those aspects are going to be at the proposal site which is next door to a dwelling and there can be no guarantee that the applicant will acquire that property and he questioned whether the committee are comfortable with the stated implications with the dwelling adjacent to the site which were identified by Councillor Marks.
- Councillor Hicks stated that he knows that the committee need to consider what is in front of them but as he understands it from the applicant all aspects of what is on the site currently will be included in the sale. He added that with respect to the proposed bund, in his opinion, it will be better than a fence as the bund will have flora and fauna on it and assist with biodiversity. Councillor Hicks added that he can see the theory with regards to installing a bund rather than a fence due to the fact that a fence can be driven through.
- Councillor Imafidon stated that he is in support of the application as the Council states that it is open for business and there is an applicant before the committee who is trying to grow his business due to the fact that the current location will not enable him to do that any further as well as the landlord looking to increase the rent. He referred to a photo on the presentations screen and stated that the existing access will allow for HGV vehicles to enter as there has been existing vehicles visiting the farmyard for many years. Councillor Imafidon made the point that he is not saying that the recommendations of the highway's officers should not be followed, however, he does not see how an aggregate site will be detrimental as the plant

equipment on site is likely to be smaller than what is currently using the road. He added that the applicant is not building a new site he is only going to make use of what is already on a derelict site in its current form, and he will support the application.

- Councillor Marks stated that he agrees with the point made by Nick Harding with regards to his statement concerning people living on site, however, the applicant has confirmed that it is a family business and it is likely that either the gentleman's wife or his family may live there or there is also the possibility of it being used as office space which possibly takes away the issue of the dust affecting his family living there. He made the point that it comes down to the buyer being aware or if somebody chooses to rent they are going to see what is there and by having somebody living on site it is also a good security deterrent for the business.
- Councillor Connor reminded members of the committee that there are four reasons for refusal associated with the application.
- Councillor Benney stated that anybody who has lived on a farm or near a farm will be aware that you cannot open your windows in the Summer due to the dust and if you live in the country you have to deal with mud or dust and, therefore, anybody considering moving into the dwelling on the site would need to take that fact into consideration.

Proposed by Councillor Benney, seconded by Councillor Mrs French and agreed that the application should be GRANTED against the officer's recommendation, subject to the amendment of the red line in respect of the highway improvements which have been requested by the Highways Authority and authority delegated to officers in respect to conditions should there be no matters raised in the consultation.

Members do not support the officer's recommendation of refusal as they feel that the location is the perfect place to build a builder's yard, is a good use of land, the introduction of the proposal will not be detrimental to the area and the access to the site can be achieved by an amendment to the planning application with regards to the red line.

(Councillor Marks stated that the owner of the road in connection with this application may be known to him but he will approach the application with an open mind)

**P101/23 F/YR23/0460/FDC
LAND AT INHAMS CLOSE MURROW
ERECT 2 DWELLINGS (2-STOREY 3-BED)**

Nick Harding presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated that the committee will remember the application when it came before them in October and was deferred. He added that there is one reason for refusal and that is that the site is located in Flood Zone 3 but expressed the view that there have been numerous sites in Fenland which have been approved previously in Flood Zone 3 providing that the Environment Agency raise no objections and they have not raised any with this application.

Mr Hall expressed the opinion that the objection in the officer's report already confirms that the principle of residential development of this site is acceptable, that the site is infill development and is within the continuous built-up form of Murrow and would not have an adverse impact on the visual amenity. He made the point that there have been no objections to the application from any consultees, neighbours or any persons in Murrow and the application has the support of the Parish Council, Environment Agency, Tree Officer and Highways Officer.

Mr Hall referred to the presentation screen and stated that on the map the red line identifies that the proposed site falls within the built up form of Murrow as the officer has stated, with to the northwest of the site there is a thin strip of land on which a dwelling was approved in 2016 and

2019 under the current Local Plan and the site falls within Flood Zone 3. He stated that, at the meeting in October 2023, members of the committee requested further information with regards to the surrounding properties, making the point that the applicant was Fenland District Council for the dwellings in Inhams Close and Pentelow Close and those buildings were built out with a few only being in private ownership and others owned by Clarion Housing.

Mr Hall explained that all of those properties are located in Flood Zone 3 and discussions have taken place with Anglian Water who have an asset to the west of the site, and they are happy with the proposal. He expressed the view that the site should be approved against the recommendation of the officer as there have been no objections from the Environment Agency and the principle of development is policy compliant, it is infill development and the other sites on adjacent roads in Murrow in Flood Zone 3 have also been approved under the current Local Plan, with an independent Flood Risk Assessment being approved by the Environment Agency. He made the point that the proposal will provide ideal starter homes within the built-up form of Murrow.

Members asked Mr Hall the following questions:

- Councillor Marks asked that as the proposal is in Flood Zone 3 could Mr Hall provide the details with regards to what mitigation can be put in place as there have been dwellings in Manea which have been raised two metres out off the ground and now the dwelling looks like a tower standing on its own and appears to look very out of place. Mr Hall explained that the properties next to the site have a floor level of 150ml above the ground which is the minimum, with the Flood Risk Assessment for the current proposal asking for the floor level to be 0.3 metres. He added that there are other mitigation measures such as they are masonry built, not timber framed, and other measures inside where you can introduce plaster board horizontally, plastic sockets, plastic vents over any beam block floor vents and all of that is within the Flood Risk Assessment and the Environment Agency have approved those mitigation measures.
- Councillor Connor asked for confirmation of what objections have been received against the proposal? Mr Hall stated that there has been no objection from any consultees, no neighbours and nobody from Murrow.
- Councillor Marks referred to the presentation screen and asked for clarification as to when the dwellings shown were constructed? Mr Hall referred to the presentation screen and pointed that in the northwest corner there are other dwellings which have been approved under the current Local Plan which have received approval in 2016 and 2019.

Members asked officers the following questions:

- Councillor Marks referred to the officer's report where it states that there are currently five sites and seven dwellings within the submitted sequential test area and asked what area that is referring to? Nick Harding stated that it is within Murrow. Councillor Marks asked how many dwellings are located in Murrow? Nick Harding stated that he does not know the number of dwellings which are in the settlement of Murrow, however, that figure is irrelevant when applying the sequential test along with considering past development within the village as the sequential test considers whether there are locations in the settlement which are consented, are allocated in the Local Plan which can go ahead of this proposal and the applicant has submitted several planning permissions which have not been implemented and, therefore, they need to be used up before the current site can be considered. Councillor Marks asked whether it is not undertaken on a percentage basis, and he questioned how the number of seven dwellings has been reached before the current proposal can be taken into consideration? Nick Harding explained that they are the sites which have planning permission. Councillor Marks questioned whether the permissions would go down on a one to one basis? Nick Harding stated that effectively that could happen due to the fact that there could be a settlement which does not have a specific settlement target and there are no issues with regards to the five-year land supply or housing delivery. David Rowen added that some of the properties do not fall within Flood Zone 3 and they will be in Flood Zone 1 and are at a lower risk of flooding. Nick Harding

stated that because of decisions made on planning applications that are at a lower flood risk than the current proposal, that is why they have been granted planning consent and at the time of considering those applications, there were no sites at lesser flood risk or were in Flood Zone 1 and did not need to pass the sequential test.

- Councillor Hicks asked how many of those seven applications fell within Flood Zone 3? David Rowen explained that the sites were in Flood Zones 1 and 2 and one site did not have a flood zone attributed to it.
- Councillor Mrs French made the point that regardless as to whether it is 5 or 7, there are no guarantees as to whether they are going to be delivered and she asked officers to confirm how long has it been since those sites received planning permission? David Rowen referred to the sequential test and explained that they received permission in 2022 and 2023.

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

- Councillor Hicks stated that, when reviewing the map, all of the other properties sit within Flood Zone 3 and he questioned what sets that site out from the rest when it appears to be exactly the same as all of the others which have already been built.
- Councillor Mrs French stated that she recalls visiting the site, expressing the view that it is a good standalone development as it is a brownfield site and it would make good use of the land, with there being no guarantee that the other dwellings referred to earlier will be built out.
- Councillor Marks stated that the committee have heard that the issue of the site being in Flood Zone 3 can be mitigated against and the development will not encroach into any open countryside. He made the point that Murrow needs properties and there may be other reasons why builders have not built in other areas, and he is considering supporting the application.
- Councillor Connor stated that it is his true belief that the sequential test is a lottery and, in his opinion, the site has an awful lot of positives and it will bring a plot of land into life and the site is crying out for some sort of development so he will support the application.
- Nick Harding stated that the sequential test is about using the sites which are best in terms of flood risk.
- Councillor Marks stated that whilst some sites may not be quite right, they should not be overlooked either and the application site can provide two homes for two families. He added that whilst there are seven sites in Murrow there is no knowledge of what is behind them and whilst they maybe in lower flood zones, people do not wish to build on them and they may have brought the land for other purposes such as land banking and the committee may be holding up family type homes. Nick Harding stated that the sequential test considers choosing the sites that have the least flood risk first and if there are a number of sites which are at lesser flood risk and have a planning consent then they should be used up first and if those with planning permission lapse then they fall off the list of available sites that are at lesser flood risk.
- Councillor Mrs French stated that it is a good standalone development and is a brownfield site and is ideal for development. She made the point that risk of flooding can be mitigated against, and she will support the application.
- Councillor Connor asked for confirmation that it is a brownfield site. David Rowen stated that the officers report states that the site is flat grassland occupied by two trees. Councillor Mrs French stated that it is an old waterworks and is, therefore, a brownfield site.
- Councillor Connor expressed the opinion that it is a brownfield site and within the National Planning Policy Framework it states that that brownfield sites should be built out prior to greenfield and, therefore, this site should take preference from the others.
- Nick Harding stated that as far as he can tell the waterworks are to the left of the application site and the area contained within the red line does not appear to be brownfield in nature.
- Councillor Mrs French expressed the opinion that it is a brownfield site and if the application is not approved then it will be another piece of land which will end up a dump or left to grow wild and, in her view, it is an ideal place to build on.

- Stephen Turnbull, the Legal Officer, reminded the committee that the application site is owned by the Council and the committee need to be scrupulous when dealing with the application and it should be treated in the same way as they would with any application. He added that Nick Harding has mentioned that the sequential test policy is embedded in the Council's own Local Plan but also in the National Planning Policy Framework and to move away from that planning policy needs good planning reason.
- Councillor Connor expressed the view that the committee are impartial and always is. He added that the Fenland District Council application before the committee is being treated like any other application would be considered.

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

Members do not support the officer's recommendation of refusal of planning permission as they believe the site is a brownfield site, which they feel according to the sequential test should take priority over other sites, that mitigation steps can be taken in order to overcome the fact that the site falls within Flood Zone 3 and the site will provide two family homes in the village of Murrow.

Nick Harding made the point that he does not feel that the reason provided with regards to the sequential test is adequate. Councillor Marks added that there are other sites in Flood Zone 1 and 2 which appear to have been there for a period of time and it is believed that they are in greenfield sites as opposed to the brownfield site which according to national policy takes precedence. Councillor Marks reiterated that the proposal brings much needed properties to Murrow. Councillor Mrs French added that because it is a brownfield site the site is considered to be more sequentially preferable.

(Councillor Benney declared that this a Fenland application and he is Portfolio Holder with responsibility for assets, and retired from the meeting for the duration of the discussion and voting thereon)

(Councillor Mrs French declared in accordance with Paragraph 14 of the Code of Conduct on Planning Matters that she is a member of the Cabinet, but this matter has never been discussed)

4.03 pm

Chairman