

PLANNING COMMITTEE



WEDNESDAY, 21 JANUARY 2026 - 1.00 PM

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

APOLOGIES: Councillor R Gerstner,

Officers in attendance: David Rowen (Development Manager), Danielle Brooke (Senior Development Officer), Nikki Carter (Senior Development Officer) and Jo Goodrum (Member Services & Governance Officer)

P94/25 **F/YR23/0697/FDL**
LAND SOUTH OF THE ELMS, CHATTERIS
ERECT 152 DWELLINGS AND ASSOCIATED WORKS, TO INCLUDE NEW
ACCESSES OFF THE A142

Nikki Carter presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Tim Northey, the applicant and Asher Davey, the Highways Consultant. Mr Northey explained that Abbey Mill Homes originally submitted the planning application in June 2023 and he has worked with officers to resolve all technical concerns associated with the application which brings forward an officer's recommendation of approval. He added that the application site has a long-standing housing allocation in the Fenland Local Plan and is the final part of the East Chatteris strategic allocation that remains to be consented, which will deliver a wide range of new housing opportunities in Chatteris including homes which are suitable for first time buyers through to families including affordable homes comprising rental and shared ownership tenures.

Mr Northey stated that the dwellings have been designed to high environmental standards and will incorporate integrated renewable technologies to minimise the carbon footprint, with the proposal bringing high quality sustainable and affordable homes to the local housing market. He explained that the proposal has been designed to ensure extensive connectivity to surrounding areas in order to ensure the use of non-motorised modes of transport and includes pedestrian cycle links through to the Wenny Road recreation ground, to The Elms and onto Wenny Road providing safe and convenient infrastructure connections to local services and facilities.

Mr Northey made the point that cycle links to the adjoining consented residential sites have also been designed into the scheme to ensure permeability between the residential areas once constructed but avoids creating a vehicular cut through to the detriment of resident's environmental quality. He added that the application proposes extensive open space provision which amounts to 25% of the total land area which has been designed to be multifunctional and deliver significant benefits, together with formal and informal recreation opportunities for future residents, these land areas will function to provide sustainable drainage solutions as well as biodiversity enhancements, retention of green corridors and enhancement across the site connecting to newly created habitats.

Mr Northey stated that the application has been the subject of extensive amendments and dialogue over the course of nearly three years with officers, the Highway Authority, the Lead Local Flood Authority and other statutory consultees to ensure a technically sound and high-quality

development proposal is secured on the site and officers have stated in their report that the benefits of the proposal outweigh any identifiable harm and there are not considered to be justifiable reasons to refuse the application. He expressed the view that he hopes that members of the committee are able to support the officer's recommendation following their extensive efforts to work with the applicant on this proposal.

Mr Davey explained that he has been involved with the project for around three and a half years and has reviewed the access strategy and single travel works, explaining that all vehicular access will be taken off the A142 by a new style right turn lane and will be constructed fully in accordance with standard set roads and bridges for a sixty mile an hour design speed. He stated that emergency access will be provided further to the north in accordance with the highway design guide for developments of over one hundred dwellings.

Mr Davey stated that discussions with regards to the principle of these works took place through two pre application submissions with the Highway Authority in May 2022 and July 2022 and as a result two minor amendments were made following those discussions to deliver new pedestrian crossings with refuge islands on the A142. He made the point that the Highway Authority confirmed that they would have no objection to the principle of the access subject to a stage one safety audit and junction capacity modelling and both these items were provided through the application and addressed any concerns raised in the stage one safety audit prior to submission.

Mr Davey explained that junction capacity modelling was carried out using existing traffic flows on the A142 plus development traffic and post development traffic, which identified negligible queuing at the site access with a loss of residual capacity in the junction. He added that, in highway safety and junction capacity terms, the proposed access arrangements were found to be acceptable by the local Highway Authority.

Members asked the following questions:

- Councillor Benney stated that there has been a great deal of emphasis placed on non-motorized transport, but this is a rural area and he is the Ward Member for Chatteris. He added that the only access for the development is off the A142 and, in his view, the access should be off Wenny Road. Councillor Benney stated that this is a rural area and as much as you introduce cycle paths, if you drive to Ely on any morning of the week, where there is a footpath and a cycle way there is hardly anybody using it because people use cars in this area. He stated that because of the development there is going to be four hundred plus vehicle movements a day and there will be multiple movements of vehicles per day, with it being over a mile to the nearest supermarket and as a result people are going to use their cars. Councillor Benney explained that he sat on the bypass the previous evening for over half an hour reviewing the traffic and, in his opinion, he does consider the junction to be safe and he does not believe that the access is satisfactory and he asked what steps have been taken to link in with other developments? He added that he fully supports the development and it is on allocated land, but he does not believe that the access out onto the A142, which is a 60-mph road, is safe. Councillor Benney asked whether there is another access which can be considered as he has significant safety concerns? Mr Northey explained that with regards to access options the land to the north is Council owned land that has been granted through The Elms and that access comes through there, with the committee recently approving a section 73 application that removed the requirement for a connection through to the application site as well. He stated that there is that variation that has already happened in terms of the BCP and with regards to the land to the south, the original plan was under the control of a single developer, however, the relationship fell apart between the landowners and the developer who then obviously took control of the land to the south, which they brought forward their application. Mr Northey stated that there was an indication that they would look to do their own thing and ransom the remaining land area, which as a result there would be a ransom situation which would mean that the site could not potentially come forward and would raise viability issues. He explained that there is no

guarantee that site to the south will come forward and as a developer to ensure that the application is deliverable, he must make sure that there is an independent access to the public highway. Mr Northey stated that for the site the only opportunity is to come off the A142, and he explained that they have been through a thorough and comprehensive process with the local Highway Authority and undertook pre-applications at the very outset to ensure that that was a feasible and viable option. He added that it has been subject to a road safety audit and has been subject to the county's design guides, with all safety issues having been assessed to a standard that should not raise safety concerns. Mr Northey explained that work concerning the highway has been undertaken for over three years through the detailed design and the Highway Authority have no objection to the application. He added that they are not concerned with any safety issues as it has been tracked and assessed from a safety perspective and there are no concerns.

- Councillor Benney stated that reference has been made with regards to accessing land to the south and he is aware that the landowner has put applications in to develop on this land and he may have land which could be used as an access point. He added that Mr Northey has made the point that the application is compliant, however, he still has very serious concerns as do Chatteris Town Council and he has been made aware that it was a unanimous vote from the Town Council as they are not happy with the access because they deem it to be dangerous. Councillor Benney expressed the view that it is going to be a community within a community because it has no connection back to the town and, in his view, even if footpaths are introduced it will not stop people from using their cars. He expressed the view that sustainable transport is fine, but in reality it does not work. Councillor Benney asked Mr Northey to clarify that, should the application be approved, is he going to look to seek an alternative access which would appease the local councillors and is he going to look to work with the other sites to try and bring them together as a whole in order that his application can be accessed via the other sites on Wenny Road? Mr Northey explained that there is an emergency access arrangement to the Wenny Road site, but the link does not exist at the current time, with the link being provided for both pedestrians and cyclists but at the moment it is not proposed as a vehicular access. He explained that there could be scope in the future but it would be subject to further scrutiny from the Highway Authority with regards to what the impact would be on Wenny Road with vehicles directly accessing that as well. Mr Northey stated that there is a future arrangement where that could happen but currently it is only an emergency access position which is agreed.
- Councillor Marks stated that Mr Davey had referred to the subject of capacity and had made the point that, in his opinion, it is within capacity, and he asked for clarification as to what Mr Davey deems to be the maximum capacity. He added that having sat on the bypass with Councillor Benney and Councillor Connor, they had all observed the traffic and saw that most vehicles were slowing down coming out of another junction and having to slow down. Mr Davey stated that the maximum capacity is always dependent on the actual design of the actual junction itself but there is a lot of residual capacity with no more than one vehicle queuing at any time through the junction turning right into the site. He added a modelling exercise has also taken place with regards to capacity on junctions either side of the access road on the Wenny Road and A142 junction and the A142 junction to the north, with both of those having been assessed with junction modelling software which demonstrates that there is not an increase in queuing as a result of the developments and there is no significant impact on the operation of those junctions.
- Councillor Marks stated that he had witnessed vehicles traveling along that road which were having to slow because vehicles were either turning left or right off that road and they were slowing and some were having to actually stop on occasions, with more vehicles being released onto the roadway both left and right he questioned what the implication is likely to be. Mr Davey stated that it will still have the same impact and people will still slow down when people turn left but it is still a through route so it is not going to severely impact the flow of operation of that junction. He explained that there are 123 movements in the morning peak hours and 103 in the evening peak, which is one vehicle every 30 seconds and there

are plenty of gaps in that period where drivers can judge whether it is safe to carry on their route or turn right or left into the access.

- Councillor Marks asked for clarification that there are 103 movements per hour which is the figure which has been identified as part of the audit. Mr Davey stated that is the number of vehicles that the development generates in terms of additional vehicle movements and that has also been modelled which demonstrates that there is sufficient capacity in the network. Mr Northey added obviously that the data has been scrutinized by the Highway Authority as well and they are satisfied with the work that they have produced and submitted in terms of that side of things.
- Councillor Connor stated that he sat with Councillor Benney and Councillor Marks observing the traffic for about an hour and during that time there were a couple of near accidents and during the evening rush hour the traffic was fairly heavy. He made the point that the traffic was already heavy without the addition of any additional anaerobic vehicles from the digester further along the road. Councillor Connor expressed the opinion that it is not sensible for the traffic to exit out onto the A142 as it is too dangerous, and he would be concerned if he had to go in there to turn left or right. He asked Mr Davey and Mr Northey what other steps can be taken to alleviate the concerns that members have? Mr Northey explained that there is a ghost island going into the site to enable vehicles going in, there is signage being erected on the A142 and there will be two pedestrian refuges which will have an implication in terms of driver behaviour as it will provide an indication that there are pedestrian users crossing the road. He added that the visibility has all been assessed in terms of safety standards with regards to access in and out and with the realignments of the road widening taking place it should help other road users in terms of basic driver behaviour.
- Councillor Connor stated that it is a 60mph road which is what concerns him and he did not see much driver awareness when he observed the traffic on the evening before.
- Councillor Marks asked whether there was a proper drawing available of the proposed junction itself. Members referred to the presentation screen and Councillor Marks stated that it is his understanding that what is being proposed is there be one lane either way and a centre lane where the traffic will be held. Mr Davey confirmed that the width of three lanes will be 3.5 metres wide and the right turn will be 3.25 metres wide which is compliant with the national design standards and that applies to all trunk roads, A roads and motorways in England. Councillor Marks asked whether there will be any centre islands or will there just be chevrons and it was confirmed that there will just be chevrons.
- Councillor Benney asked whether any consideration had been given to introduce a lane to allow vehicles to slow down and move out of the way and also to allow vehicles coming out of the site to build up speed before they join the carriageway. He further asked whether any consideration was given to introduce speed reduction because he is aware that Chatteris Town Council had investigated a speed reduction scheme several years ago at the New Road junction because of the danger factor. Mr Davey explained that speed reduction was discussed with the Highway Authority during pre-application discussions, but they made it clear that it was not something that they were keen to reduce the speed along that road as part of the development. He added that with regards to the deceleration lanes on the site access plan it does indicate a slightly wider taper which provides vehicles to build up more speed as they are exiting the junction and the right turn lane will have a taper at the end which will allow vehicles to slow as they enter the lane.
- Councillor Benney stated that was introduced at New Road and it does not work.
- Councillor Marks stated that there is a lot of overgrowth around that area, and he asked whether there are plans for it all to be cut back and going forwards who will be responsible for maintenance? Mr Davey explained that all of the vegetation within the visibility splay distance of 218metres to the north and 215 metres to the south will be cleared. He added that the splay will primarily be under the control of the Highway Authority to maintain and there are parts of Abbey Mills land which the splay passes over and that will be dedicated to the Highway Authority to allow them to maintain the vegetation.
- Councillor Connor asked whether a maintenance company will be engaged to undertake

maintenance to the hedges and other associated works with the roads? Mr Northey explained that there are common areas where there will be the need to have a management company and the roads are to be to an adoptable standard. He added that they have been through a detailed design process with the Highway Authority to ensure that they adhere to adoptable standards.

- Councillor Mrs French stated that during the discussions with Highways concerning the road adoption were they made aware that any new road adoptions are now limited to 20mph. Mr Davey stated that is something that they are aware of and there are speed reduction features throughout the development including chicanes and geometry which limits the speed that vehicles can travel through the site.
- Councillor Imafidon stated that during the presentation provided it was mentioned that first time buyers would be prioritised, and he asked what plans have been introduced in order to stop developers from snapping up the development as Chatteris is a growth town and the emphasis is to keep it as it is. Mr Northey explained that he was making the point that the development will provide smaller properties to make them more affordable for first time buyers, which includes in the scheme affordable housing with shared ownership which will make it easier for people to get onto the housing ladder along with rental properties for those people who are on the housing register. He added that there are a full variety of house types to ensure that the development is compliant with the Council's housing policy mix and everything from 2 to 5 bedroomed homes will be included with the main emphasis being placed on the 2 and 3 bedroomed houses where the greatest housing need exists in the district.
- Councillor Imafidon stated that with regards to the roads being brought up to an adoptable standard how long following completion of the development will it take before the roads are passed over to the Highway Authority? Mr Northey explained that he anticipated that the development programme will take in the region of 3 years from commencement of works until completion of 152 homes. He added that he appreciates the concerns members have with regards to the access but at the current time that is the only access opportunity that there is which is off of the A142 and there is no road access that exists to adjoining land areas which at the current time can be secured through the site.
- Councillor Marks asked for clarification with regards to what policy will be in place for ensuring construction vehicles do not bring mud out onto the roads? He added that there are likely to be a number of slow vehicles pulling out onto the highway which are loaded lorries entering and exiting the site and asked what policy will be put in place for holding lorries that want to enter the site overnight and whether there will be parking measures put in place immediately to ensure that there are no lorries parked on the road? Mr Northey explained that there is a condition proposed for a Construction Management Plan which will include wheel washing. He added there is the intention to try and use most of the spoil on the site for raising and lowering the levels across the site and as a result it is hoped that there will not be as many vehicle movements of loaded lorries as perhaps there has been on other sites. Mr Northey explained that protocol will be followed to ensure that there is no mess on the roads and the visibility splays will need to be put in at the outset to ensure that there is good visibility in order for lorries to pull out and there will be a thorough detailed plan in place prior to the commencement of construction which the Council can control and ensure that the development is compliant.
- Councillor Benney asked that, should approval be given for the application, when would the development commence as it appears that many building sites are shutting down due to increases in building costs and the retail price of houses, in his opinion, is not keeping pace with development and it is getting harder for developers to make money. Mr Northey explained that his company are house builders, and if permission is granted then there is still a legal agreement to be drawn up which has time implications and discharge of pre commencement conditions. He added that dependent on the housing market it would be hoped to start construction sooner rather than later and ideally in 2026.
- Councillor Connor stated that the A142 is a busy road and he does not want to see debris on the road. He added that many developers do not adhere to keeping road surfaces clear

from debris and mud and he expressed the view that he would like a sweeper to always be on site to ensure that the roads are kept clear of mud. Mr Northey stated that he can look to include that within his construction management plan and his company follow best practice, however, he will look to ensure that it can be conditioned so that the Council can include that request.

Members asked officers the following questions:

- Councillor Mrs French stated that she finds it hard to believe that the Highway Authority do not support a speed reduction as there have been several accidents along that stretch of road over recent years. She added that the County Council only record fatalities and it took her over 20 years to be able to introduce a speed reduction on the A141 in Westry and she asked why Highways will not support a speed reduction? James Stringer from the Highways Team at the County Council explained that when the pre application was considered in 2022 it was the view of the Highway Authority at that time that they would not support a speed limit reduction. He added that in line with Central Government's stance concerning setting local speed limits, the County Council view is that reducing the speed limit for a particular location or hazard is not that effective. James Stringer explained that by reducing the speed limit just for this particular junction would probably not have the level of impact which they would like it to have but dropping the speed limit more widely along that stretch of road is something that could be considered and since 2022 there have been changes. He stated that the County Council are now considering looking very closely at a national highways trial which is a reduction from 60mph to 50mph on the A47 which is being imposed with average speed cameras and if that initiative provides good results and good compliance then potentially highways will look to replicate similar schemes on many of the A roads in Cambridgeshire including the A142 between Ely and Chatteris. James Stringer expressed the view that he believes that dropping the limit from 60mph to 50mph is an option, but he does not believe that dropping the limit solely for 150 metres around the junction would work but something slightly wider between Wenny Road and on the approach to Slade End is something that could be looked at. He added that if the application is approved and a submission for a 278 agreement is applied for then following the road safety assessments which would need to be undertaken he would not discount that a reduction in the speed limit may well be achieved because of that process.
- Councillor Mrs French referred to a speed reduction which was imposed in 2025 from Gaul Road to Mill Hill and, in her opinion, it has not made much of a difference. She added that the speed has been reduced on the A141 towards Rings End, and she cannot understand why the speed limit on the A142 cannot be reduced.
- Councillor Marks asked whether the road from Chatteris to Ely is a red route? James Stringer explained that it has been signed as High Casualty Route since 2012.
- Councillor Marks asked for clarification of the date when the traffic surveys were undertaken because he has heard 2022 mentioned and that was during the Covid pandemic and many people had not returned to work at that time. James Stringer explained that it was July 2022 when the surveys were undertaken.
- Councillor Marks added that if there are no concerns with regards to that part of the road being seen as dangerous then why is a speed camera in proximity a quarter of a mile further along the road on another junction? James Stringer expressed the opinion that he never classes any road as safe, the highway is a risk environment with some roads having a higher risk than others. He explained that there is an issue with speed compliance which is why the camera is there and that was confirmed by the speed survey carried out in July 2022 which demonstrated that 85% of vehicles travelling southbound are exceeding the speed limit which shows that there is a compliance issue. James Stringer clarified that the survey was undertaken in a southbound direction which will be towards Mepal and northbound is towards Slade End.
- Councillor Connor asked at what time of day was the speed survey undertaken? James Stringer explained that the survey was carried out using an automatic traffic counter survey which is where the rubber loops are laid on the carriageway and they are left there for a

week. He added that the data provided is the average over a whole week taking the whole 24-hour period over seven days.

- Councillor Benney made the point that if this were London then the area would be busy 24 hours a day, but Chatteris is not. He added that all of the traffic which has been counted has been pushed into a very short period and the average is low but at busy times it is very high. Councillor Benney expressed the view that the data is skewed as it does not give a true reflection on busy times which is where the data should be looked at, and he asked whether there is any action which can be carried out to change things? James Stringer stated that in terms of collision data that information is provided by the Police and not from the Highway Authority and it is data called Stats 19 data. He explained that when the Police attend an incident or when an incident is reported to them whilst they may not attend, they retrieve certain information and that forms the basis of the Stats 19 dataset. James Stringer added that the Police only record the data if there is a personal injury collision and he made the point that there is the perception amongst members that there are more incidents than comes out in the data because there will be. He stated that there is no data collected by the Police or any other organisation on incidents that do not result in personal injury and damage only accidents are not recorded and there is no way of those being recorded. James Stringer added that it is a well-known fact with regards to under recording or active collision data, with the Government having just released their road safety strategy and one of the aims from the strategy is to better link data collected from the Department of Transport through Stat 19 data and statistics from Accident and Emergency.
- Councillor Marks made the point that further along the road there is an anaerobic digester which for three months of the year has visits from tractors and trailers 24 hours a day and seven days a week. He added that the data which has been provided is skewed as it does not provide a representation which covers those three months, and he asked officers if they are able to provide data of vehicles that visit the digester? Nikki Carter stated that the information she has is from the current ongoing application, but the indication is that there is already a cap on the vehicle movements which is a maximum of 192 movements entering and leaving the site in any one day. Councillor Marks stated that this figure should also be factored into the data already held.
- Councillor Marks asked for confirmation as to how quickly should a vehicle speed up and he asked what the distance is from coming out of a junction from a dead stop and is there an expectation for a vehicle to speed up along the A142. James Stringer stated that he does not know the answer to that question as, in his view, it probably depends on the driver and the car that they are driving. He made the point that this section of the road is fast as it has a speed limit of 60mph which is the national speed limit and people do drive at 60mph. James Stringer added that the road is super elevated which does encourage a slightly higher speed. He expressed the view that with regards to the design in terms of the ghosted right, it does include two refuge islands on either end for the pedestrian crossings, and it will be street lit and the road slightly widened. James Stringer made the point that as a result the environment will be slightly urbanised and, therefore, there would be an expectation to see average speeds reduce because drivers' perception is that they are driving through an environment where they need to pay slightly more attention. He stated that there is the need to have quite a significant gap especially if turning right due to the need to manoeuvre across not only the northbound lane as well as the ghosted right and then the lane where drivers are trying to enter the southbound lane. James Stringer explained that is what the modelling accounts for and the modelling creates two outputs which includes ratio to flow capacity and level of service, with the proposal not being a big development and as a result he would not expect the ratio to flow figure to be particularly high because there is not the quantum of development. He added that where you would see the issue of cars backing up because they cannot find a gap it would be expected to see that with the level of service figure which is given a rating between A which is very free flowing and F meaning that it is not, with the modelling for the junction suggesting that the level of service score is B and the modelling is an industry standard piece of software which is used across the country in terms of modelling site accesses and junctions. James Stringer made the point that there is

nothing arising out of the modelling which suggests that there is a particular capacity issue with the junction, the road is a very busy and fast road which can manifest itself as a safety issue but in terms of modelling there is nothing that the Highway Authority would have a reason to object on in terms of capacity.

- Councillor Marks stated that modelling shows vehicles going onto a highway, but asked if it takes into account the sweeping bend? James Stringer confirmed that it does and when the transport consultants input the data, they include the geometry of the junction, the lane widths, the environment and also the traffic outbound data with regards to the volume which the software then considers.
- Councillor Marks asked whether that is undertaken by the applicants and not the Highway Authority? James Stringer explained that it is always done by the applicant and is assessed by the Transport Assessment Team.
- Councillor Marks stated that he cannot recall anywhere else in the area which is allowing 154 properties onto a 60mph road and he asked whether there are any other developments which are similar? James Stringer stated that from a Highway Authority perspective, they would prefer that the development did not come off of the A road and any logical person would understand the reasons why you would want to protect the A road for its primary purpose which is to get movement of vehicles from population centre to population centre. He added that the junction has been designed to DMRB standards and has been through a road safety audit which identified three issues which have all been resolved. James Stringer made the point that the junction is designed to a standard and there is no reason in terms of the planning process for the Highway Authority to object to the proposal. He stated that the application only has one boundary onto the public highway network and that is the A142.
- Councillor Marks stated that unfortunately the applicant has land locked himself and the committee are considering the public safety element for road users which, in his opinion, is a material factor. James Stringer stated that the County Council does not have a policy which states that they should be restricting direct accesses on the A road network. He explained that in the context of the National Planning Policy Framework, the Highway Authority can only object on matters where they believe that there is an unacceptable impact on highway safety or a cumulative severe impact and expressed the view that on that basis he does not believe that the Highway Authority could sustain an objection at an appeal on the pure basis that they would prefer not to have an access onto the A road.
- Councillor Connor stated that the speed survey was undertaken in July 2022 and there will be a planning application coming forwards for an anaerobic digester shortly, there is also a pet crematorium and a planned crematorium a few miles away which also needs to be taken into consideration as the traffic is likely to be slow moving. He added that the applicant has stated that it is likely to be three or four years before the development is built out and then consideration also has to be given to the Fens Reservoir project, although the level of detail concerning that project is quite sparse at the current time, looking forwards there will be additional traffic which will make the road even busier and, in his opinion, that also needs to be considered as it is a major infrastructure project. James Stringer explained that the Highway Authority have not been provided any data by Anglian Water with regards to the reservoir project and what the likely impact on the highway will be, with there being no detail which has been submitted to date with regards to what the trip generation may be and what the impact might be on the local junctions and, therefore, it is difficult to take it into consideration when the data has not been provided and the Fens Reservoir is still to go to the Secretary of State as a formal submission. He added that should the application for the reservoir comes forward then it will be down to Anglian Water to mitigate their impacts on the highway network and they may then need to do more as a result of applications that the committee are approving in terms of residential development in the area. James Stringer explained that the Highway Authority have raised their concerns with Anglian Water concerning the significant concerns that they have with regards to capacity around Chatteris and Slade End roundabout in terms of the impact of Fens Reservoir and the detail concerning the trip generation and trip distribution is not known along with the detail concerning where the majority of traffic will be originating from. He added that when

considering the other committed developments such as the anaerobic digester, the assessment was undertaken on the current development in 2023 which was before the anaerobic digester extension came in and, therefore, the assessments took place with the developments that were relevant at the time. He made the point that there is a general growth in traffic which is always considered in terms of capacity analysis and that system will have considered the Local Plan allocations. James Stringer explained that there is an element of general growth in terms of how much was allocated in the Local Plan which would have been considered but very specific developments and certainly ones that have come after the submission of the current application will not have formed part of the capacity assessments.

- Councillor Marks referred to the growth element and asked what the difference is in the amount of traffic during the pandemic to the current day? James Stringer explained that the Department of Transport undertake lots of traffic counts on the network on a yearly basis and then they apply general growth rates to each one. He made the point that generally speaking across the county, traffic has recovered from Covid, and the level is similar to that of 2019.
- Councillor Marks expressed the view that he does not dispute that statement, but he does dispute the figure from the survey in 2022 which he believes could be a lot less than what there is now which is why members have concerns. James Stringer explained that the Department of Transport figures are based on a manual count which may have been undertaken in 2018, but there is an element of flexibility in the figures and it is useful to be able to compare figures when the ATC data comes forward and the latest Department of Transport data for 2024, estimated traffic on the A142 at the location at just over 11,000 movements. He added that the ATC data which was captured in July 2022 captured 12,500 movements and as a result it is clear that the Department of Transport figures are already underestimating the level of traffic on the A142, it is a busy A road which can take a significant amount of traffic and there are no capacity issues on the A142 at the moment which he is aware of in terms of the free-flowing nature of the road. James Stringer made the point that the road is taking 18,000 vehicles towards Soham and he appreciates that by including junctions there will be an impact when considering the free flowing nature of the road but he does not believe it will cause a particular capacity issue by introducing a new junction or accepting that the ATC data is now two and a half years old.
- Councillor Connor stated that the traffic survey was undertaken in 2022 and he questioned why an up-to-date survey was not carried out? James Stringer stated that the application is slightly unique since it has taken a while to get to a decision point. He added that in terms of asking for an up-to-date survey in the view of the Highway Authority apart from natural growth, there is nothing which has materially changed in the area of Chatteris between 2022 and 2026 in terms of major house building which will have altered the level of traffic on the A142 over and above the estimates that are in place.
- Councillor Connor stated that the figures will continue to increase as the years pass by and the road will suffer from capacity issues. James Stringer stated that it will continue to increase every year as the local authorities across Cambridgeshire continue to approve more houses as required by Government. He added that the assessments which have been undertaken look particularly at junctions and they do not particularly look at the free-flowing nature of the A142. James Stringer made the point that it is acknowledged that there is an issue at the Slade End roundabout and that was made clear to Anglian Water in terms of the Fens Reservoir project and mitigations have been sought on Slade End as a result of other developments, including the 1200 homes approved in March 2025. He expressed the view that in terms of other junctions he does not believe that there are particular capacity issues apart from queuing which there will always be at junctions onto A roads. James Stringer stated that whether or not that manifests itself into being categorised as being classed as overcapacity he does not think that there is a particular issue.
- Councillor Purser stated that he has listened to the discussion so far and he is quite familiar with the road craft manual as far as safety is concerned and he questioned whether the surveys that were undertaken were by traffic counters or was it a desk top survey? James

Stringer explained that it was not the County Council who undertook the survey, it was the applicant and they laid an automatic traffic counter on the road.

- Councillor Benney stated that the traffic survey was carried out in 2022 and is out of date and since then Floor Span have submitted an application in Chatteris along with approval for a distribution centre in Chatteris which has twenty-four loading bays and is being developed. He added that Aerotron have developed phase 2 which is almost finished and phase 3 will then come forwards which will also bring with it more traffic. Councillor Benney explained that as well as the anaerobic digester and the crematorium along with Hallam Land and all of the additional 1200 homes will put pressure onto the A142, making the point that although the data suggests at the moment that everything is fine, the proposed development will not be built for three years and during that time, there is going to be all of the new commercial developments coming to fruition but as the local councillor the developments all bring additional vehicles that will use the road. He stated that he gets asked regularly by residents with regards to what steps can be taken concerning the Apple Green roundabout due to the congestion and he does not want to see the same issue taking place on the A142 and local residents going through the town of Chatteris rather than using the bypass, making the town very congested whereas the bypass is supposed to be in place to alleviate the traffic in the town but the opposite is taking place. Councillor Benney expressed the view that all of the congestion already exists without the extra development which is going to add pressure onto the road and to the junction and the development is only going to make it worse. He asked officers to confirm how many vehicle movements from the new distribution centre, Floorspan and the anaerobic digester plant, which is capped at 192, but is that 192 per day over a year or 192 maximum per day and whether all of these figures have been included into the modelling to ensure the modelling data is accurate? David Rowen stated that the Hallam Land site has been committed for a long time and it is an allocation within the Local Plan, being a planning application dating back to 2010 and he would anticipate that the Hallam Land has been factored into the data that has been submitted as part of the application. He added that with regards to Anglian Water and the reservoir it is not a committed scheme and there are no details of where the infrastructure will be going and no details concerning traffic generation and as such it is not something that can be factored into the determination of the current application. David Rowen made the point that it will be the responsibility of Anglian Water to deal with the mitigation required for traffic generation as a result of their application. He added that with regards to the new and emerging developments such as Aerotron in Chatteris and whether they have significantly and materially changed the traffic flows he would anticipate that the scale of traffic movements that will be generated by those developments would not be sufficient to materially change the modelling that has taken place to date in respect of the current application. Nikki Carter added that with regards to the anaerobic digester, the current application states that the additional trip generation proposed by the development is negligible and falls within the site trip generations limit condition as part of the original planning permission for the site. She added that they are requesting that the same condition is reimposed which is no more than a maximum of 192 vehicle movements shall enter and leave the site in any one day and that records should be kept so that it is enforceable.
- Councillor Marks asked who would check the data? Nikki Carter stated that it would be the Transport Assessment Team. Councillor Marks asked whether officers could confirm whether the data is actually monitored and checked? Nikki Carter stated that as far as she is aware they do as they provide their consultee comments on that basis.

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

- Councillor Mrs French stated that the issue of requesting a sweeper on site has been mentioned and at a previous meeting, the committee were advised that such a request cannot be conditioned, and, in her opinion, she does not believe that construction management plans are worth consideration.
- Councillor Connor stated that this application differs due to the number of dwellings being considerably higher than the application at a previous committee which was only for 15

dwellings.

- Councillor Mrs French stated that Councillor Benney had stated that there was money allocated towards the Apple Green roundabout on the application for 1200 homes, however, that is incorrect as it relates to the 425 dwellings at Barkers Lane and 130 at Lambs Drove.
- Councillor Connor stated that the point Councillor Mrs French has made is correct and added that the area is March East where the monies are coming from to bring the Apple Green roundabout up to date.
- Councillor Marks stated that there has been a great deal of information disseminated to the committee today, and he made the point that he is very surprised the information being worked with is from 2022. He added that it is well documented that people were working from home back in 2022 and at that time the price of petrol reduced significantly to £1 per gallon, which demonstrates how many vehicles were being used on the highway at that time. Councillor Marks added that there are conflicting figures in 2024 and he made the point that James Stringer from the Highway Authority has explained that free flow is not considered and, in his view, there will be no free flow, and motorists will be using their brakes a great deal. He expressed the view that he has no issue with the actual application itself, but he will not support the application where the entry and exit point is currently located.
- Councillor Benney explained that he is a local ward councillor for the area and the application site is in an adjacent ward. He made the point that he welcomes the development and has no issue with the actual development, however, he has significant concerns with regards to highway safety, and he is not happy with the access point. Councillor Benney stated that Chatteris has a very good community feel to it and this is going to become a community within a community, with the houses being devalued by the access point and there are several aspects wrong with the development due to the access. He referred to the officer's report, and it mentions seven times that there are reservations with regards to motorists coming out onto the A142 and the Highway Officer has also stated that the access is not ideal, but it has had to be accepted as the figures are in order, but he disagrees with that because the data is skewed and is out of date. Councillor Benney expressed the view that the application will cause problems for the town of Chatteris and it will not be good for the people who may choose to live on the site, and he will not support the application as, in his opinion, the access is wrong for the development.
- Councillor Connor stated that he has noted the points made by both Councillors Benney and Marks and he referred to the point where Councillor Marks stated that he does not recall any other development which comes out onto a 60mph road and if this is approved then a precedent has been set and, in his opinion, it will be an accident waiting to happen. He added that any vehicle turning left out of the site has got to build up speed and accelerate quickly in order to not impede the flow of traffic and he does not feel that he cannot support the application.
- Councillor Marks expressed the opinion that a red route just flags up danger, and he questioned why vehicle movements are being introduced from a dead stop onto a 60mph road. He added that the developer appears to only have one option for the access and just because that is the only option he does not believe that families should be placed into danger on the road.
- Councillor Connor stated that he would not wish to recommend that any of his family or friends turn out of the junction onto a 60mph road as there will be fatalities caused by the junction.
- Councillor Marks stated that if ever the Planning Inspector reviewed the application then it should be noted that the committee questioned why there is a speed camera located less than a quarter of a mile further up the same road, with speed cameras not being introduced for no reason and they are located where there are known issues. He stated that the speed camera is located on the left-hand side and vehicles pulling out of that junction proves that there must be a speeding issue before vehicles reach the next junction and he added that by choosing to refuse the application he is protecting people.
- David Rowen stated that it appears that members appear to be unanimous in their view

concerning the road safety element of the development but made the point that there are no objections to the application from the Highway Authority and, therefore, should the application be refused and go to appeal then there is a reasonable chance that the refusal would be difficult to defend and could be subject to the award of costs.

- Councillor Benney stated that costs are a consideration and are not a determining factor for a planning application, with the committee present to decide and they are local members who saw first-hand the traffic on the road. He added that the application will most likely go to an appeal, and he would hope that the Council does not lose, however, members were elected by local people to speak up on their behalf and it would be dereliction of duty if they fail to act on residents' concerns. Councillor Benney explained that he does welcome the development, but it is the fact that it will be a community within a community which concerns him as people will not walk and use bikes.
- Councillor Marks stated that he agrees with the points made by Councillor Benney and added that the officers have done a very good job but as a Planning Committee they should consider safety and that should be always put first. He stated that if the developer can reach an agreement with another landowner then the access point would not be out onto the A142. Councillor Marks stated that he would not wish to see the Council be subject to costs if the application went to appeal, but he is aware that applications can be subject to appeals where the Council does not incur costs as has been the case previously.
- David Rowen explained the issue of costs to members and stated that costs are not received because an appeal is lost, they are awarded against an authority where they are deemed the decision-making body to have acted unreasonably. He stated that one of the definitions of unreasonable conduct would be to refuse an application where there is no technical expertise to support that and in this scenario that would be potentially going against the recommendation of the Highway Authority and refusing the application on highway safety grounds would potentially be a scenario where costs could be awarded against the Council.
- Councillor Marks stated that he agrees with the points made by David Rowen, however, the information the committee have been provided is from 2022 and the committee are querying the information which has been provided, with the Highway Officer having also stated that the statistics do not demonstrate an up-to-date position with regards to the current traffic flows. He expressed the view that the pandemic has only added to the confusion and maybe there would have been a different outcome had the proper facts and figures been provide to the committee but at the moment there is too much conflicting information.
- The Legal Officer stated that members do have the option of deferring the application if they feel that there is any further information which they would find to be helpful in the determination of the application.
- Councillor Marks stated that the only information which would warrant a deferral would be for up-to-date data concerning traffic movements to be supplied. He added that a deferral would not change the access point and it would only end up with further facts and figures which would complicate matters and prove that there is more traffic using the A142.
- Councillor Connor stated that it would not be possible for a speed reduction to be implemented during the timeframe if the application was deferred. He added that the committee appear to be content with the development, but it is the access which is causing the concern, and, in his opinion, a deferral will not make any difference.
- The Legal Officer referred to the possibility of Compulsory Purchase Order (CPO) powers which could be used by the Council to consider alternative accesses and explained what the powers involved.
- Councillor Mrs French stated that it is her understanding that the committee need to consider the application as it is in front of them and it is not for the Council to look at a CPO which would take in between 2 to 5 years anyway when the Council would cease to exist.

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

Members did not support the officer's recommendation of approval as they consider that the proposal does not comply with Policy LP15 as the access onto the A142, which is a 60mph road, is unsafe, the road is an identified red route, the traffic data which has been provided is out of date with the traffic survey being carried out during the school holidays and during the pandemic recovery stage and does not reflect the current traffic usage, it not felt that there is a safe vehicular access for the residents and due to the road network is creating a separate community that is not consolidating with the town of Chatteris.

(Councillors Benney registered, 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)

(Councillors Marks registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he attends meetings of Chatteris Town Council but take no part in planning)

P95/25

F/YR25/0413/F

LAND AT WEST FEN FARM, WHITEMOOR ROAD, MARCH

INSTALLATION OF SOLAR PHOTOVOLTAIC (PV) FARM WITH BATTERY STORAGE, SUBSTATION AND ASSOCIATED WORKS INCLUDING 3.0M HIGH POLE MOUNTED CCTV CAMERAS AND 4.0M HIGH ACOUSTIC FENCE

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Callum Wright and Mark Kelly, the applicants, and Mark Hetherington, the landowner. Mr Kelly explained that PACE is a UK headquartered clean infrastructure developer, builder, owner, and operator and he added that he is accompanied by Callum Wright, the Planning Manager at PACE and the landowner and farmer Mark Hetherington.

Mr Hetherington explained that he has farmed here since 2008 along with his brother and he added that his family have been farming the land that he owns in Fermanagh for over 200 years and his son is currently at Newcastle University studying agriculture and hopes to take over the land in due course. He explained that over the last 15 years, he has been operating an intensive beef finishing unit, predominantly growing maize and feed wheat on the proposed solar land which is then fed to the cattle, with the introduction of solar across his farm will see his business diversify from intensive beef production to extensive sheep production and as he comes from a beef and sheep farm in Ireland, it is something that his family and himself are very excited about.

Mr Hetherington added that he believes that he will see an overall increase in sustainable meat production from that land and the financial offering from solar will enable him to farm in a more extensive manner, grazing the land directly instead of intensively farming forage crops fed by artificial fertilizers and chemical sprays. He explained that farming in this way is a well-documented way to improve soil structure, fertility, and organic matter in the soil and not only will the solar income secure the financial viability of his business, but the regenerative approach that that extensive farming will offer will secure the long-term soil health for future generations.

Mr Hetherington asked the committee to recognize the perilous position very many small farms are in today as the supermarkets will not pay a sustainable price for his products and Government is offering farmers less support and without projects such as this, smaller farms like his will cease to exist with every large landowners such as pension funds hoovering up that land. He stated that this will mean far fewer jobs for local people as the land will be run for the benefit of corporations and not communities.

Mr Wright explained that the development of the scheme, Middle Fen Solar, has been an exercise of ensuring all material planning considerations are fully addressed to ensure there is minimal harm while still allowing significant public benefit in the form of clean renewable energy. He stated

that the benefits will enable the powering of 24,000 homes and the displacing of enough CO2 to remove 13,000 cars off the road and he added that the proposal will also bring with it significant biodiversity net gain uplift.

Mr Wright explained that the application was submitted in May 2025 and has been subject to extensive review from the Planning Officer and statutory consultees, with the scheme being amended to include screening so that there is no open visibility of the site to provide finer detail of the construction access and the vehicle routes and to provide clarity on the site selection methodology which justifies the location in consideration of the current and surrounding land uses, with the current position being that all policy requirements have been addressed, and the case officer is recommending approval on this basis. He added that due to the location of the site away from significant public receptors, the application to this point has only received one objection from members of the public notably from a dwelling in excess of 5km from the proposed site.

Mr Wright expressed the view that on many occasions members cite solar schemes as much needed development but only in the right location and he made the point that the current scheme is an example of a solar site in the right location. He stated that there is no objection from any members of public within 5 km of proposed site or from technical and statutory consultees.

Mr Wright added that there has been extensive work for officers to ensure minimal landscape visual impact and no potential for harm to neighbouring amenity in the form of noise, outlook or glint and glare, with the application presenting an uplift in biodiversity through securing a substantial net gain and the proposal will support the farmer by diversifying his business so that they can continue to support the economy and provide business rates to the council. He stated that he believes that the scheme is policy compliant and represent significant public benefit and asked members of the committee to recommend approval for this scheme.

Members asked the following questions:

- Councillor Mrs French asked Mr Hetherington whether he owns the whole 109 acres and does he own land elsewhere? Mr Hetherington stated that he has 500 acres in a square plot, with the application being only for half of the farm, and he also has land in Ireland which his family have farmed for generations.
- Councillor Mrs French asked whether Mr Wright has driven down the road recently? Mr Wright stated that he has undertaken two site visits throughout the determination of the application as well as visiting a couple of months ago. Councillor Mrs French stated that she visited the site and the road is atrocious and she referred to the County Council Highway's report suggesting the introduction of passing places because at the current time there are no passing places. She stated that the road is appalling and in a dreadful state and she questioned whether the passing places will be implemented right from the top near the roundabout as you turn sharp left as the whole road is breaking up. Mr Wright explained that there was one passing place which was agreed with the Highways Officer that there is the intention to implement along the construction route. He added that he appreciates that the condition of the road is not excellent, but he has agreed with officers for a road condition survey to be undertaken before development and then maintained throughout. Councillor Mrs French added that the condition of the road is dreadful and is from the start near the Peas Hill roundabout all the way to the application site.
- Councillor Mrs French asked that, with regards to connecting to the grid, is that connection going to take place underground or overground? Mr Wright stated that they are intending to connect to the point of connections mast via the connection tower and it will be overground.
- Councillor Mrs French asked whether it will be a new pylon? Mr Wright explained that it is a tower adjacent to the existing pylon.
- Councillor Mrs French asked why they are not looking to connect to the March grid instead of going to Peterborough as, in her view, the March grid is in desperate need of upgrading and UK Power Networks do not plan to do anything until at least 2028. Mr Kelly stated that they are intending to connect into a line that supplies to the substation which is what has

been agreed by the distribution network operator and they have little choice into where they can connect. He explained that the benefit that they have with this application is that the point of connection is actually on the application site and, therefore, there does not need to be any cables running across land and roads to reach the connection point. Mr Kelly explained that ultimately there are substations that will be connected to which he believes are in March. Councillor Mrs French stated that is incorrect as it will be Peterborough.

- Councillor Mrs French asked what benefit the application will bring to the residents of March with regards to the sequential test? Mr Wright explained that there is a community benefit fund that is offered to the local Town Council but is yet to be negotiated with them.
- Councillor Marks asked Mr Hetherington whether he farms the land at the present time or is it contract farmed? Mr Hetherington explained that his family farms the land and they undertake most of the tractor work but for specialist works such as combine harvesting, they employ somebody do those works.
- Councillor Marks asked Mr Hetherington to explain where his farm buildings are located? Mr Hetherington stated that they are all on the site along with his house, grain shed and beef yards.
- Councillor Connor asked Mr Hetherington to clarify the point he had made with regards to using the ground to feed his cattle. Mr Hetherington explained that he built beef yards around 15 years ago and they operated for about 10 years but because the beef market has changed it has become difficult to make any money from that and as a result the yards are used when it looks as though they can make a financial return. He explained that they are not being used at the current time, and it is proving harder and harder to use the beef yards because of various pricing issues.
- Councillor Connor referred to the officer's report at 9.23 where it states that the land has been used for anaerobic digestion. Mr Hetherington explained that it as a result of him growing maize because of the cattle being on site and he built a large silage clamp which is quite unusual for the area, and it can hold up to 6,000 tonnes of maize which is needed to feed the cattle when the yard was full. He stated that when there are no cattle on the farm, the maize gets sold to biodigesters and it is a very good bread crop in terms of wheat.

Members asked officers the following questions:

- Councillor Mrs French stated that the Highways Team should be aware of the appalling state of the road which has been in poor condition for several years and it cannot be accessed in a normal car. She asked whether the Highways Officers are seeking passing places along the full stretch of the road or is just outside of the access point? James Stringer stated that, in terms of passing places, the only one being proposed is off of the public highway and is on the private track just as you go in the access and there are no passing places being sought on Whittlesey Road.
- Councillor Mrs French made the point that if there is a HGV using the road there are no passing places for other road users. She added that if the application is approved there will be nothing left of the road which is a County Council highway, and it needs updating as a matter of urgency.

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

- Councillor Mrs French made reference to the March local grid, and added that she has had a farmer contact her a few months ago with regards to seeking assistance as he wishes to site further wind turbines on his land, with the farmer advising her that he has contacted UK Power Networks who has advised him that they will not consider looking at the March grid as it has no capacity to take anything further until at least 2028. She made the point that had the application offered to assist with upgrading the March grid instead of the Peterborough one then she may have considered the application more favourably but, in her opinion, that she cannot see any benefits whatsoever to the residents of March which accompany the application.
- Councillor Marks stated that he cannot understand why applications keep coming forward which mean that good farming land is being lost. He agrees that farming is in a terrible

situation, but the application will remove more agricultural land whether that be for maize or crops and, in his view, it cannot be environmentally correct to cover Fenland in glass and instead the land should be used to grow produce. Councillor Marks stated that if approved it will mean the land is not used for up to 40 years and there can be no guarantees that the company will continue and not fall into administration, meaning that an eyesore will be left, leaving a financial implication for somebody to deal with. He stated that in other areas there are solar farms on land where crops cannot be grown such as hillsides and whilst he does have sympathy with Mr Hetherington due to the poor state of farming, he does have concerns about giving up good land where crops can grow to just implement a glass farm and the land should be left as it is.

- Councillor Connor stated that he does not see the relevance with this application and whilst he appreciates the Government has a policy for green energy, the land is Grade 2 and Grade 3A agricultural land which is good farming land. He added that the land will be taken out of production for the next 40 years and whilst it is unlikely that the committee will be around when the site is decommissioned, members of their families may well be. Councillor Connor stated that if it was scrub land then he could possibly understand the application but in Fenland with high productive fertile Grade 2 and Grade 3 land he cannot see the relevance of the application.
- Councillor Marks stated that he also has concerns about vehicles as it now appears that electric vehicles are the way forwards as opposed to diesel and petrol. He made the point that in the last 18 months it has been put forward that hydrogen is coming forward and appears to be taking over from electric and if that is the case then there will not be the requirement for as much electricity as hydrogen has a lot less by product and will not remove farmland. Councillor Marks stated that he cannot support the application at the present time and especially as it is in the Fens.
- Councillor Connor stated that high grade agricultural land is being taken out of production and whilst it is up to Mr Hetherington where he sells his produce, he could be growing maize for human consumption rather than sending it for biogas which, in his opinion, is not environmentally friendly at all.
- Councillor Mrs French referred to the officer's report where it clearly states at 5.7, pollution, noise and dust as well as the possibility of vibration impacting occupiers of nearby properties and she added that she does not see why those residents should be made to suffer for this type of development. She further referred to 5.9 of the officer's report and she is impressed that the 9 metre buffer strip for maintenance has been considered for the Internal Drainage Board access requirements. Councillor Mrs French referred to the habitat and added that there several badgers in Fenland and should the agent or applicant need to move a badger set the cost implication is around £30,000 and it is a criminal offence not to undertake those works correctly. She referred to 5.14 of the report where it states that the Police have concerns with regards to lighting and they have suggested that there is CCTV and lighting. She made the point that if there is lighting in the open countryside then that will result in light pollution which, in her opinion, is not acceptable.
- Councillor Marks stated that Welney is approximately 8 miles away as the crow flies and he has concerns for migratory birds because if the solar panels are caught by light, it will look very shimmery and resemble a lake or a pond. He added that the committee have been provided advice recently from Natural England who have concerns with regards to the flight path where dwellings were being considered and, in his view, this is more of a concern especially as the Ouse Washes are located nearby.
- David Rowen stated that with regards to ecology, the application has been accompanied by significant information with regards to ecology and there are comments within the report from the Council's own Ecologist addressing the issues. He added that a Habitat Regulations Assessment has been undertaken as part of the application and as part of the consideration of the application and comments from Natural England have been provided raising no objection. David Rowen stated that several issues were raised with regards to how the farmland could and should be used differently which are not really material to the determination of the application and that the material considerations are set out in the report

which is very balanced in terms of how it identifies areas of harm and ways that harm is weighed against the benefits of the application in terms of the overall contribution to renewable energy nationally rather than identified immediate vicinities.

- Danielle Brooke stated that with regards to best and most versatile land (BMV), the site only represents 0.5% in respect of BMV land out of the entire district and 0.01% of BMV land nationally., with the impact of removing the land from arable production being negligible in respect of the overall food production within the district and nation. She stated that the land currently has not been used for some years for food production and, therefore, food security matters are not a material consideration.
- The Legal Officer stated that members need to be mindful of the material considerations when determining the application and should be aware of any reasons for refusal should they go against the officer's recommendation in terms of any potential appeal and any possible cost implications if there is any unreasonable conduct in terms of the reasons should the application be refused.

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

Members do not support the officer's recommendation of approval of planning permission as they feel that the application will mean a loss of agricultural land and will be detrimental to Fenland's landscape.

(All members of the committee made an en bloc declaration, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had all lobbied on this application)

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

P96/25

F/YR25/0706/F

61 HIGH STREET, MARCH

ERECT 1 X BLOCK 22 X FLATS AND A COMMERCIAL UNIT, INVOLVING THE DEMOLITION OF EXISTING BUILDING WITHIN A CONSERVATION AREA

This item was withdrawn.

3.30 pm

Chairman

PLANNING COMMITTEE



WEDNESDAY, 4 FEBRUARY 2026 - 1.00 PM

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

APOLOGIES: Councillor R Gerstner and Councillor S Imafidon.

Officers in attendance: Matthew Leigh (Head of Planning), David Rowen (Development Manager), Alan Davies (Principal Planning Officer), Kimberley Crow (Development Officer), Tom Donnelly (Senior Development Officer), David Grant (Senior Development Officer), Hayleigh Parker-Haines (Senior Development Officer), Will Thomas (Legal Officer) and Elaine Cooper (Member Services)

P97/25 PREVIOUS MINUTES

The minutes of the meeting of 7 January 2026 were approved and signed as an accurate record.

P98/25 F/YR25/0496/F LAND SOUTH WEST OF 2 BEECHWOOD YARD, CATTLE DYKE, GOREFIELD ERECT 1 X SELF-BUILD/CUSTOM BUILD DWELLING

Hayleigh Parker-Haines presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Penney, the agent. Ms Penney stated that the application is for an occupational dwelling, which supports a long established and multi-generation local business operated by the Humphrey family for over three generations. She continued that it is a business that is not only viable, but, in her view, one that provides an essential and often urgent service to Fenland District Council, Cambridgeshire County Council and the wider community.

Ms Penney stated that Mr Humphrey is the principal call out for the Council when buildings are damaged, unsafe or require emergency works to prevent injury or potential loss of life, with his presence and rapid response being often critical. She expressed the opinion that this is not a business that operates during normal working hours, with call outs occurring at any time, often late at night, when immediate action is needed.

Ms Penney expressed the view that the nature of the work means that Mr Humphrey must be able to arrive on site without delay, collect plant and equipment and respond instantly to dangerous situations and living on site is not a convenience but essential to the functioning of the service provided. She continued that security is another key factor as it is a business that relies on heavy valuable machinery and specialist equipment and there have been repeated break ins and attempted thefts at the yard, all occurring at night, with CCTV showing vehicles entering the yard stealing significant quantities of goods and causing damage.

Ms Penney stated that these incidents have been formally reported to the Police and to the local authority and demonstrate a clear and ongoing security risk. She added that to effectively run the business and maintain the safety of the site Mr Humphrey and his family currently rent a dwelling to the north of the yard, however, this house is not tied to the business, is accessed separately and offers no direct surveillance of the yard or entrance and importantly it is rented meaning that the family has no long term security and cannot remain here indefinitely and when the lease ends their ability to run this essential service will be, in her view, seriously compromised.

Ms Penney expressed the view that a dwelling on the application site would allow proper oversight of the business, immediate response to security incidents and the ability to react quickly to emergency call outs, which she feels is a practical proportionate solution that supports community safety, reduces crime risk and enable the business to continue operating effectively. She expressed the opinion that the proposal is entirely in line with decisions the Council has previously made, with there being several clear precedents within the District for dwellings tied to essential local businesses, such as Sims Contract Furniture, Prospect House on Burrowmoor Road and Horse Creek Farm in Coldham, with in each case the Council recognising that certain businesses require a permanent onsite presence for operational or safety critical reasons and these circumstances align closely with those in this application.

Ms Penney stated that this is a genuine need from a family run business that has served this District Council for decades, with the proposal not only safeguarding the livelihood of the Humphrey family but will ensure the Council continues to receive rapid vital assistance for emergency works that protect public safety. She expressed the view that the dwelling is modest, justified and essential, ensuring security and supporting the emergency response service and enables a long-standing local business to remain viable in the long-term.

Ms Penney expressed the opinion that support for the principle of this development allows for the sequential test to also be passed. She requested that planning permission be granted.

Members asked questions of Ms Penney and Mr Humphrey as follows:

- Councillor Mrs French stated that she has visited the site and noticed that one dwelling had one of the businesses' trucks in and across the road there was another dwelling with a truck in it. She asked which dwelling does Mr Humphrey live in? Mr Humphrey responded that he lives in the one the same side of the road as the proposal and the one across the road belongs to his parents.
- Councillor Mrs French asked approximately how many times he has been called out in the night over the last 12 months? Mr Humphrey responded that he does not have an exact figure but it is nearly every week as he does not just cover Fenland but also Breckland and Norfolk Councils.
- Councillor Connor referred to Mr Humphrey mentioning that he lived nearly opposite and his father lives opposite and asked approximately how many metres away would this be from the entrance of the proposed development site? Mr Humphrey responded around 150 metres. Councillor Connor questioned that it is being said that he is unable to get to the site, with there being surveillance equipment there and 150 metres does not seem far for him not to arrive very quickly, within a couple of minutes. Mr Humphrey agreed, he is able to get to the site quickly at this present time but the problem he has is the property he lives in currently is not his property, it is rented and it is going to be shortly sold off with no option of him buying it with it being such a substantial amount of money. He added that out of that area there is nowhere else close by for him to respond to these situations.
- Councillor Connor asked how long Mr Humphrey had left on his tenancy agreement? Mr Humphrey responded that he has not got a specific date, but the owners are looking within the next six months.
- Councillor Benney stated that there is the driveway into the industrial units at the back and asked if the house Mr Humphrey is living in is the one at the front with a big garage to the left of it? Mr Humphrey confirmed this to be correct. Councillor Benney asked if the house was ever part of the estate where the industrial units are? Mr Humphrey responded that originally the house was his grandfathers, who started off as a farmer and there used to be an old Nissen hut where the garages are now, which was passed down to his father who built the garage and since then 14 industrial units have been built on the land. Councillor Humphrey asked if the freehold of that property is still within the Humphrey family? Mr Humphrey confirmed that it was still owned by the Humphrey family.
- Councillor Mrs French stated that she did notice from the site visit that the garage was being

used either as offices or as a dwelling because there are items that make it look like somebody is living here. Mr Humphrey responded that it is a rented annexe, which is rented by someone who works locally.

- Councillor Marks asked if the family has other rental properties within the local area, within a 2-mile radius? Mr Humphrey responded that they did not.
- Councillor Connor referred to the agent intimating in her presentation that there had been lots of break ins and asked if Mr Humphrey had any crime numbers? Mr Humphrey responded that he does but not to hand today and stated that he was broken into again on Friday. Councillor Connor asked, to Mr Humphrey's best estimation, how many times in 12 months has he called the Police and got the relevant crime numbers? Mr Humphrey responded that in the last 12 months he has probably called them 4-5 times, but it gets to a point where they give up because a crime reference number is just a waste of time to them.
- Councillor Connor asked what sort of things are stolen? Mr Humphrey responded that there has been a range of things, batteries off vehicles, diesel, valuable scrap metal, valuable attachments around £40,000 stolen off the end of his demolition machines and previously, in the past 5-6 years, lorries.
- Councillor Marks asked for clarification around the £40,000 attachments. Mr Humphrey responded that on the end of demolition excavators there are different attachments for cutting down steel building, grabs, steel shears, concrete pulverisers, which cost £40,000 upwards.
- Councillor Connor referred to Mr Humphrey mentioning that he only lived 150 metres away from the premises and, in his view, it does take a while to load scrap metal or take batteries off vehicles and it concerns him that only living 150 metres away why he cannot get to the site quicker, especially if there are dogs and surveillance equipment, and they cannot be intercepted. Mr Humphrey responded that he can be there to intercept them and they do try but some of these people are not people you want to be intercepting, they have been caught in the act and in the yard but they will push you out of the way or drive past you and it does not take any time to steal something that is a valuable piece of equipment or scrap metal.
- Councillor Connor stated that having been in the scrap metal trade for many years, he can understand what they do and when he had his yard he had a night watchman on site in a mobile, which stopped 99% of every crime that he experienced. He asked if this had been considered? Mr Humphrey responded that he has considered many options, but they have not had anyone be a night watchman in the yard, but they have had night watchman out on sites. He referred to a site in Wisbech where they had a night watchman who got assaulted trying to stop someone stealing items, so he does not like going down the route of putting someone in danger.
- Councillor Purser asked if Mr Humphrey had CCTV cameras? Mr Humphrey responded that he does have CCTV across the yard, but it makes very little difference because all that happens is that the thieves put balaclavas on. Councillor Purser acknowledged that there may be balaclavas etc but they might be recognised from their health or the way they walk and also questioned about number plate recognition of vehicles. Mr Humphrey stated that they do have ANPR and the last vehicle that came into the yard was checked and had no MOT, no insurance and was not registered so all these things you can have as a deterrent is just another time resource and a way for the thieves to get around. Ms Penney added that security is just one aspect of the need, the principal reason is to get on site quickly to get the machinery to carry out the business.
- Councillor Benney asked, if this application is approved today, how much closer will this property be than where he is living at the moment? Mr Humphrey responded that this property would be within approximately 15 metres of the main yard entrance.
- Councillor Connor stated that the difference will be 135 metres but asked Mr Humphrey what the difference will be, when he has said he does not want to tackle these people, living closer if they are still not going to be challenged? He feels it would be better if he had hypothetically lived 4-6 miles away because then it could be said if he had been closer, he would have gone out and challenged them. Ms Penney responded that having an 24/7 on-

site presence is a deterrent in its own right but the key issue is that being on site to be able to respond to these emergency services immediately and that is notwithstanding that the current property is not a permanent solution because it is rented.

- Councillor Marks requested clarification that there is a tenant that lives on site and asked if he is not a deterrent because he lives on site. Mr Humphrey responded that the property is a house with an attached garage annexe, which is not owned or rented by him, and that will be sold along with the house.

Members asked questions of officers as follows:

- Councillor Benney stated that he has looked at the site history because of the industrial units that are there and they are all purpose agricultural buildings and he cannot see any change of use to industrial on this site. He asked whether he had missed it or whether it exists? David Rowen agreed that it is one of those sites that was originally more agricultural in its nature and has gradually morphed over time into something more commercial and there is an application for a Certificate of Lawful Use in 2001.
- Councillor Mrs French acknowledged that a sequential test has been undertaken but in the officer's report it says it is not sufficient and asked what is missing from it? Hayleigh Parker-Haines responded that the justification for the development was that it could not be located in another location in terms of the functional need, so officers have deemed that there is insufficient evidence to support that functional need. She added that it fails the Exceptions Test, which is the wider public benefits of the scheme which is referenced within the report.
- Councillor Mrs French referred to there being a question over ownership certificates, but she does not understand why that was in the report because ownership of the land is not a material consideration, especially as in another application on the agenda it is saying this issue is a civil matter. David Rowen responded that ordinarily land ownership is not an issue and officers would not report on these issues of whether certificate A or B has been served, but in this instance the confusion over who owns the site did cast a bit of doubt over the functional link that is being put forward by the applicant and this is why it was referenced within the report.

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

- Councillor Mrs French expressed the view that this is a difficult decision, it is a business and not a yard that can be located in the middle of Wisbech or similar, but it is difficult to justify a dwelling next to a very vulnerable business due to thefts and break ins.
- Councillor Connor expressed the opinion that it is imperative to live close to a business, but he would have liked to have seen the Police referrals because they would have been absolute proof that there is a business need, but he does have sympathies with the applicant.
- Councillor Marks stated that living on site would be far better for the business than travelling but he is concerned that the applicant already lives within 150 metres yet he has had break ins so if he lives within 15 metres what is going to be the difference, especially as the applicant has said he probably would not go out and challenge these people and he does not want to station a night watchman, which he does understand. He made the point that plant machinery does not get loaded in 30 seconds, it is a 10 minute job minimum and he feels sorry for the applicant that these thefts are occurring but he thinks that better security as in better steel doors/gates is far better than putting a building there when the applicant has said he would not go out to challenge. Councillor Marks stated that he currently supports the officer's recommendation.
- Councillor Benney stated that he had the same view as everyone else that has spoken and he believes the house the applicant lives in belongs to his uncle and he has a tenancy agreement from his uncle, which if you take this away and it is still in the family makes there no need for this proposal. He made the point that the Council supports business, and members always say that the best security is someone living on site, he had thought before committee that officers had got the recommendation right but having listened to what has been said he has had a change of heart. Councillor Benney referred to a similar application

at Manea, with the applicant living up the road from that business and he was given permission for a dwelling on site and as far as he is aware he has not had any break ins. He expressed the view that having a house on site does bring a lot of security and there appears to be a lot of industrial units, the applicant is trying to run a business and committee has supported other businesses and feels this could be supported as the applicant needs security to safeguard his equipment and stock, which gives longevity to that business and supports local rates that the Council receives from businesses within that site.

- Councillor Marks stated for clarity that the application at Manea the main reason for living on site was because he had a potato store and needed to be in there during the night because of the refrigeration and whilst there was a security issue it was mainly due to the potato store.
- Councillor Purser stated that he came to committee open minded but has remembered other applications which were for security so believes it might be beneficial to live here.
- Councillor Murphy stated that he was talking to someone this last weekend and they had the same sort of problems as this applicant does, they built a place and it has stopped the issues immediately, with it being no good relying on the Police as they do not want to confront thieves either.
- Councillor Connor stated that he has always been an advocate for having business security and you cannot beat living on site and as intimated earlier he had a night watchman but wished he had a property on site. He made the point that Fenland is Open for Business and committee needs to be consistent having approved numerous others where security has been taken into consideration and he used to have a cleaver and grab and they are expensive and there is always a market for them somewhere. Councillor Connor stated that he would be going against officer's recommendation.
- Councillor Benney made the point that committee supported the woodyard at Wisbech St Mary and various other businesses throughout the District and he came to committee thinking no but now really feel this is worthy of support and wishes the applicant well with his business, with it being tough enough already being in business. He stated that he will be supporting this application.
- David Rowen advised that security is not a significant material planning consideration, there are other means of securing sites, such as CCTV, stronger more effective gates, etc. He highlighted a slight inconsistency in some of the arguments being put forward by members when citing some of the other examples of similar applications that have been granted and to the best of his knowledge most of those applications involved a dwelling being built within the industrial curtilage whereas here it is clearly a site which is divorced from that industrial curtilage, sitting in a separate parcel of land on the opposite side of the access track from the wider site and that wider site is effectively in operation 24/7, with there being no restrictions on the independent units that are operating within that. David Rowen expressed the opinion that there is a significant difference between the actual site specifics of this application relative to the other examples that have been cited by members. He added that the officer's report is clear as to what the considerations are and if members wish to go against those considerations, then that is the decision of committee.
- Councillor Marks asked for clarity that if approved this could be built tomorrow and then the applicant can build it but does not like it for whatever reason, it could be sold separately because it is not tied into his business. David Rowen responded that it is something that could be conditioned but the point he was making was that it is a different set of circumstances in terms of how effective this dwelling would be relative to security. He stated that given that the employment land is within land edged in blue within the application then potentially the dwelling could be tied to that but the further away the property is the more tenuous that argument becomes in terms of the reasonableness of the condition. Councillor Marks stated that the argument has been put forward that the applicant needs this property for security and also quick call outs associated with his business so tying it into his business seems appropriate. He feels that a guarantee is missing that the applicant could build a house but does not like it so sells the house but the business would still be there and he could have already taken measures by putting extra security in place or alternatively buying

the other rented property, which does concern him.

- Councillor Connor agreed that it could be conditioned because it has happened on another application for Mr Sharman.
- Councillor Marks made the point that was within the grounds of the business and it would be hard job to split that, but this property stands alone away from the actual business, there is a roadway between the two and this could be easily sold off separately. He feels members need to be very wary that they could be giving permission for a property that is not actually connected directly to the business. Matthew Leigh stated that normally from his recollection over the last 18 months when members have gone against officer's recommendation there has been a very clear direct relationship between that dwelling and the business, which allows for interaction, engagement, etc. He added that when this happens it is quite reasonable to impose a condition restricting the occupation and tying it to the business as there is a clear relationship and it meets all the tests. Matthew Leigh stated that, as David has said, due to the separation of this it gets more difficult to defend it so a condition could be imposed but if the applicant chose to appeal the condition the Inspector may say due to the remoteness of the building in relation to the industrial area that the condition does not meet the test, potentially less likely if it was to be appealed straight away. He continued that the ability to be comfortable this will be retained in perpetuity on something like this is a lot lower than it would be on a normal situation and it is difficult for officers to give a definitive answer because this would come down to an Inspector's decision at appeal and it would not be clear on defending an appeal to remove the condition. David Rowen added that there is also greater potential in several years' time that this dwelling gets built and then for whatever reason the business use gets separated out because of the separation that exists the linkage could also be very difficult to resist in future. Matthew Leigh expressed the view that the future occupant also does not own the business anyway but is a relative so that would make it potentially even more difficult to tie it in because it is an employee, permission would not be given in theory to the owner but to an employee which adds another layer of difficulty to the question of whether it is reasonable to impose a condition on this because in theory someone is being allowed to build a whole dwelling but they cannot control whether they are employed by the business, which adds another layer of complexity and difficulty in planning and why it is recommended for refusal as it does not fit how a workers dwelling should be.
- Councillor Marks referred to Charlemont Drive, which is a dwelling with an industrial unit beside and it used to be that you had to run a business from there if not you had to move but the Inspector said that was not fair and gave a three year period to start the business where it has now become residential because the Inspector took the view that it was being unreasonable. He feels that this proposal could be in the same area that the Inspector looking at it in 2-3 years time could just say no, how can it be connected to the business because of the roadway.
- Councillor Mrs French stated that she would be happy to support this application if it could be conditioned but having listened to the Head of Planning, she feels it would be a waste of time imposing that condition and she supports the officer's recommendation.
- Councillor Benney stated that he feels uncomfortable just granting it because of where it is but it is part of the Humphrey farm and business and whilst it might be a weak link it is a link if a condition is imposed. Matthew Leigh stated that he does not like to give out advice that he is not 100% confident in and this is what this application comes down to, a condition can be imposed but if it was appealed he cannot say the Council would definitely win it and that is why he would not encourage members to go down that route because if an Inspector found this was not a reasonable condition they could appeal that tomorrow and have it removed and it becomes just a building block in a rural area. He continued that it is members' gift to come to the decision they want to but officers' advice would be that it has potential to be challenged and for that to be successful.
- The Legal Officer agreed with the comments of the officers and as a matter of law whether a condition meets the relevant tests there is a strong element of planning judgment there and he feels it is arguable that a condition of that nature could be imposed but he also agrees

there are planning merit arguments against it and, therefore, such as condition could be vulnerable to appeal. He continued that there is no strict legal hard no to why committee cannot impose a condition but is just on the balance of planning arguments that there is some vulnerability.

- Councillor Connor stated that the business has been operating for 30-40 years and is in its third generation and he feels that everyone is vulnerable to risks, it may well split but it may well go on to the applicant having a family and going to another generation.

Proposed by Councillor Mrs French, seconded by Councillor Marks that the application be refused as per the officer's recommendation, but this was not supported on a majority vote.

Proposed by Councillor Benney, seconded by Councillor Connor and agreed that the application be GRANTED against officer's recommendation, with conditions delegated to officers to apply, in consultation with Councillors Connor and Benney, to include a condition tying the dwelling to the business.

Members do not support officer's recommendation of refusal of planning permission as they feel that the dwelling needs to be in this location where the business is, to provide good security being on site is essential and it is not considered detrimental to area.

**P99/25 F/YR25/0843/PIP
BUNKERS HOUSE, HIGH ROAD, BUNKERS HILL, WISBECH
PERMISSION IN PRINCIPLE FOR 7 X DWELLINGS**

Hayleigh Parker-Haines 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 Matthew Hall, the agent. Mr Hall stated the site lies approximately half a mile from a primary school, convenience store and fish and chip shop. He made the point that the Environment Agency do not raise any objection to the proposal.

Mr Hall stated that various comments have been made about Bunkers House and the indicative proposal shows this property to be maintained, leaving it with a 25 metre long, 75 foot long garden and made the point that it is not Listed or in a Conservation Area and there has never been any proposal to demolish it, with one of the applicants living in the property. He added that the indicative proposal shows the intention to extend the existing footpath, which will help the properties that are at the front of this site and also the properties on the proposed site.

Mr Hall expressed the view that the officer's report reads quite positively, with 9.34 and 9.35 reading positively on the amount of development proposed in relation to the surrounding area which is a low density per hectare. He made the point that further in the report it confirms at 9.31 that proposed residential development would be compatible with the prevailing character of nearby land use and would not give rise to unacceptable impacts on surrounding occupiers.

Mr Hall referred to the Google map on the presentation screen, which shows the site is surrounded by residential properties to the north east and to the south, with there being about 25-27 dwellings in this area and he agrees that beyond the site it is open countryside but, in his view, this proposal would round off the development in that area and it is not isolated. He referred to a slide on the presentation screen showing Wisbech St Mary Primary School figures from Cambridgeshire County Council that are forecast and in 2024/25 school year it is predicting 175 pupils but in 2029/30 it goes down to 152 and these figures can be affected by major changes in future house building, with the site being only half a mile from the primary school, with the indicative proposal that he has put forward showing that these dwellings are family homes and you would expect there to be children there.

Mr Hall expressed the opinion that the report confirms the site is compatible with the adjacent land use and prevailing character, low density matches in with the adjacent land use, there would be a footpath link extended, Highways have not objected on the principle, the proposal is for a far lesser dense development, it would round off this area of Bunkers Hill and Bunkers House is not proposed to be demolished.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French referred to one of the reasons for refusal being on the sequential test and asked if he has looked around the area? Mr Hall responded that he submitted a sequential test for Bunkers Hill and Tholomas Drove which he believes passed but officers disagree.

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

- Councillor Benney agreed with Mr Hall in that, in his view, it rounds this part of Bunkers Hill off nicely. He referred to another application which was an L-shaped plot and considered infill on a corner and when he first came on Planning Committee and became a councillor the houses behind here were approved. Councillor Benney expressed the opinion where else are you going to build but in the open countryside, with expansion only going outwards and some people do want to live in rural locations. He feels there is community benefit with a footpath and also looking at the school numbers, councillors should be supporting local communities as communities need schools, once it is closed it will never come back and with the school numbers falling this will help contribute to the school numbers hopefully and the longevity of the school.
- Councillor Mrs French stated that this area used to be in her County division when she was a county councillor and agree with the sentiments of Councillor Benney.
- Councillor Connor expressed the opinion that it looks a good application, and committee should be consistent having approved several houses in Bunkers Hill previously, with these small hamlets needing to be sustained. He feels the proposal rounds off the site and that he can support the application.
- Councillor Murphy expressed the view that this is a continuation of a very small village and as in Chatteris development is being continued along different roads because there is nowhere to build in Chatteris. He stated that he cannot see anything wrong with this application, if there had been 2-3 fields between the development he could understand but it abuts the built form and is a continuation.
- Councillor Purser stated that he was open minded on this application and was concerned that the historic building was going to be demolished but it has been confirmed that is not the case and feels that building out into the countryside like this is the only way forward. He referred to the letters of objection and support, there were 25 letters of objection from locals and 22 letters of support but not from local people and he was a little confused over this but feels his concerns have been allayed and he can support the proposal.
- Councillor Mrs French made the point that the 2014 Local Plan is well out of date and looking at Policy LP3 it describes every village but Bunkers Hill is not listed so there is no policy for Bunkers Hill. David Rowen responded that there is a policy regarding Bunkers Hill which is that if it is not a named settlement it is an elsewhere location and residential development should be refused.
- David Rowen referred to a number of points that had been raised by members, this is a PIP application so while there is a plan on the screen showing an indicative layout that does not form part of the application and is not even a requirement to be submitted. He added that the footpath shown along the frontage of the site does not form part of the application and, therefore, no weight can be given to that as a community benefit and there is already a footway running along the frontage of the site linking up to the remainder of Bunkers Hill so he is not sure what community benefit would be afforded anyway. David Rowen stated that the main issue with Bunkers Hill is that it is fundamentally considered to be an unsustainable location because there is nothing in it. He added that Mr Hall has referenced

that there is a school, a shop and a chip shop half a mile away but there is no pedestrian connectivity, there is no footpath between Bunkers Hill and Wisbech St Mary so to get a pint of milk or a loaf of bread will involve a car journey and that is the way that the planning system is set up to locate development in sustainable settlements. David Rowen referred to mention about how Chatteris is expanding out into the countryside but Chatteris is a sustainable settlement with services and facilities, but Bunkers Hill other than having a once every two hour bus service has got no services and facilities that is why it is not mentioned as a named settlement within the settlement hierarchy of the Local Plan. He referred to Mr Hall mentioning diminishing school numbers at Wisbech St Mary Primary School and pointed out that those figures were not submitted as part of the planning application and have only been presented today so there is no real verification of that argument with either the school or the local education authority, but he is not sure how an additional 7 houses at Bunkers Hill with no connectivity to Wisbech St Mary is going to address that particular issue given the fact that in Wisbech St Mary itself since 2018 there has been approximately 96 houses granted permission. David Rowen expressed the view that some of the issues that have been flagged in the debate and by the agent when making their presentation he is not sure how much weight they should carry as part of the determination of the application.

- Councillor Benney expressed the opinion that it is going to be unsustainable because if you want a pint of milk or a loaf of bread a car will be required to fetch it but last month committee considered an application with an officer's recommendation for 152 houses isolated from Chatteris because there is no road link in it that joins a red route main A road and if you want a pint of milk or a loaf of bread a car is still required to purchase it. David Rowen responded that the Chatteris application being referenced had its sole vehicular access onto the A142, there was nonetheless pedestrian and cycle connectivity through the site to connect up with Chatteris so to say that there was no option other than people had to drive is factually incorrect. Councillor Benney acknowledged the comments but expressed the view to say that it is unsustainable a person would not live there if they did not have a car so if someone has a car it is sustainable.
- Councillor Mrs French made the point this is a PIP application, there are no details and it is about the use of land. She referred to the Local Plan where it states that in the other villages residential development will be considered on its own merit and she feels that the use of land for this PIP application would be acceptable.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that the site is in close proximity to existing dwellings and square the area off, being in Flood Zone 3 can be mitigated against, there will be potential benefits to the community from the scheme and it does comply with policy LP3.

(Councillor Marks declared that she knows the applicant on a personal basis and took no part in the discussion and voting thereon)

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Murphy declared that he knows the agent, but he is not pre-determined and will consider the application with an open mind)

(Councillor Purser declared that the agent has undertaken work for him, but he is not pre-determined and will consider the application with an open mind)

P100/25

F/YR25/0784/F

**LAND AT SCHOOL GROUNDS FARM, SCHOOL GROUNDS, MARCH
ERECT 1 X DWELLING AND 1 X AGRICULTURAL BUILDING AND THE
RETENTION OF EXISTING AGRICULTURAL BUILDING**

Tom Donnelly 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 Councillor Steve Count, District Councillor. Councillor Count stated that there are some similarities and differences with the earlier applications that have been considered today, with the first difference being where security was raised but the nature of that business is very different to this one. He expressed the view that one of the main differences he sees on this application in terms of security is that this is at the end of a very long dead end and criminals might be lazy but they are not inherently stupid and it is known from the Police that they do not often choose to go to dead ends specifically when it is that remote and easy to close off.

Councillor Count hoped to bring out why the application should be refused in line with the officer's recommendation, one of the obvious reasons is the sequential test for Flood Zone 3, which this fails on, and it is a simple and easy way to continue to say that this is unsuitable. He expressed the opinion that part of the reason this is in front of committee today is that there is a farming use assessment trying to justify the need for a dwelling but when the assessment is analysed it starts falling apart, with the need for security according to NPPF being very different to what is actually happening on the site, for example there is no livestock or envisaged livestock which is one of the core reasons it might be approved and security is shown in the assessment but this is no longer a substantial valid reason to approve.

Councillor Count expressed the view that there are no crime records for this site, which has been brought out by correspondence with the Police who have confirmed this by e-mail. He feels there are a number of planning policies this proposal contravenes including the one relevant to building in the open countryside and the officer's report is correct in all respects but feels the Highways report from the County Council has fallen down as an application for the paddock which is on the same strip stated that there should be no further intensification of traffic on this road but they have not made those comments on this application.

Councillor Count expressed the opinion that a 2½ thousand tonne barn takes 337 vehicular movements to fill and unfill down a single track road bordered by a drain all the way along, with no passing places and there are paddocks along here and a livery yard around the corner on Flaggrass Hill and he is surprised that Highways did not put that comment into this application. He stated that Highways after submitting their no objection description did submit in a subsequent e-mail that they considered this for the storage of machinery only and did not consider regular crop movements and he is disappointed that the County Council did not revise their comments considering that is contained in e-mails later on.

Councillor Count stated that he agrees with the principle of supporting farms and farmers and he even supports the principle of more housing, but it has to be the right application in the right place. He advised that he represents March North where this site lies, having been a representative since 2011, 14 years, and in those 14 years the one area of March that he gets the most difficulties with is here, being called out because of problems turning the corner, by the Anglian Water spillage of the sewage that is transported down there with Anglian Water having now doubled the capacity and they are delivering what they call cake, which is foul smelling human excrement, trying to limit that to every 10 minutes and they are failing and this is traffic that is going past the residents that live there, it is enough and there should not be any more issues for residents here.

Councillor Count expressed the opinion that it is a bad application, it is a great idea to have extra

housing, but this is the wrong application in the wrong place. He hoped that committee would support Councillor Hicks and himself, local councillors, who are opposed to this proposal.

Members asked questions of Councillor Count as follows:

- Councillor Marks expressed the view that the crux of this seems to be around crime and reference has been made to an e-mail, does Councillor Count have a copy of that e-mail saying there are no crime numbers? Councillor Count responded in the affirmative and with the permission of the Chairman it can be circulated. He stated that being a councillor and saying something out of order means he could be referred for conduct proceedings and he has seen the e-mail and that is what he says and he has also seen the e-mail from Highways saying they had not considered crop movements.
- Councillor Marks referred to mention of Anglian Water movements every 10 minutes and asked if this was day and night, 7 days a week? Councillor Count responded that it is daytime and weekends and whilst it is limited to every 10 minutes, Anglian Water fail on this which is why he gets involved and up until 4 years ago they were delivering waste in open lorries, it is an appalling smell, and residents are unable to have barbeques. He stated that he does not wish anything more on the residents.
- Councillor Marks asked for clarification that the transits down the road pass the T junction that turns up past the chicken farm and then goes further down so two lorries can meet each other quite easily and then one has to start reversing? Councillor Count responded that lorries come down Estover Road onto Creek Fen, with Estover Road being mostly two-way but with parked cars there is some stopping and starting, the single-track road is where it turns left down to School Grounds and then there are no passing places. He feels that where Creek Fen starts up to the turning to the site is also single track, with the only passing place being in the front of somebody's drive, which, in his view, is unacceptable. Councillor Marks asked if this is just lorries and not agricultural traffic, such as combines? Councillor Count stated that he isolated that because of the impact but there are also horses with the trailers, ordinary traffic down to individual houses as well as agricultural traffic.

Councillor Connor asked if members wanted to see the e-mail that Councillor Count referred to regarding the crime numbers? Councillor Marks stated that if it is a letter that is dated yesterday or recently that is the most up-to-date information so it cannot be argued that there is crime or not in this area. Councillor Count stated that the e-mail is dated 8 January 2026. Councillor Connor suspended the meeting for 5 minutes so that the e-mail could be circulated and read.

Members received a presentation, in accordance with the public participation procedure, from Councillor Tim Taylor, District Councillor. Councillor Taylor stated he was not sure about the position with the crime numbers as he has got an e-mail with crime numbers on it, two particular numbers on two separate dates, 12 January 2024 and 6 September 2024, and those crimes totalled £64,000 of theft. He stated that he was in attendance representing the farmer as Chairman of the Farming Committee, with his job being to assist and look after farmers.

Councillor Taylor expressed the opinion that one of the reasons for the house is security after several break ins but at the same time if the new building goes up where it is it is going to be full of grain and crops and there will be potential drying facilities, which could be ground dryers or air dryers so there is a significant potential fire risk. He acknowledged that there is already one shed on the site, which at the moment is being used for either crops or machinery but one shed cannot be used for both as if you are caught storing machinery in the shed with cereals and crops then it could result in the loss of the red tractor status which means there is no way of selling the products.

Councillor Taylor expressed the view that machinery needs to be undercover as most of it is now computer controlled so electrics being outside is not beneficial and bearings on machinery seize up on the outside when it is being used so there could be a lot of repairs before work is

undertaken. He noted that the officer's comments say that there is land 15 miles away, he has land 42 miles away from where he lives, but farmers get land wherever they can get it from or swap with other farmers at times for crop rotation so there is a multitude of reasons why farmers have land in different places.

Councillor Taylor stated that the Government have made a mess of the farming industry, they are advising farmers and assisting them to diversify, which could mean many things within the farming industry, with some people taking up contract farming. He expressed the opinion that the application is for security for the house by having someone on site because of the break ins and the potential fire risks of the grain store and the shed that products are stored in.

Councillor Taylor referred to comments that it is in the middle of nowhere but questioned where else would a farm be built, it would not be in the centre of town so it has to be on the outskirts of nowhere. He stated that he has experienced people trying to steal from his farm and he does have cameras linked to his phone so security is a big thing.

Councillor Taylor referred to transport and lorries, he averages 150 lorries a day going past his house to the factory which means 150 coming back out again and this is only on a narrow track so if applications are refused on lorries having to use small roads he questioned what is going to happen, is a compulsory movement order going to be placed on every factory in the area on small roads? He feels as Chairman of the Farming Committee, who has to work to try and keep all the farmers happy, the middle of nowhere is an ideal place, security is essential but he does recognise that it is not the best of roads.

Members asked questions of Councillor Taylor as follows:

- Councillor Marks stated he has a farming background and was interested to hear the words corn, wheat and then crops used and asked what other crops he thinks could be stored in that barn? Councillor Taylor responded that, as far as he is aware, that farmer grows predominately wheat and sugar beet, with the sugar beet not going inside. Councillor Marks asked if it could be potentially potatoes or anything else going forward? Councillor Taylor responded that he did not think potatoes would be stored in the barn unless it had been altered to a potato store to make it a more ambient temperature with a foam lining and he is not sure whether a lining is going on the inside of this building or whether it is just a building, but he cannot guarantee anything. Councillor Marks stated that the tonnage may be different with potatoes which could mean more vehicle movements as well instead of what has been heard of 300 plus and bearing in mind the store could be filled three times in two years as opposed to once a year if it were a different crop and asked if he agreed? Councillor Taylor responded that he did not think so unless it went potatoes solely then there could be a lot of ins and outs and refill but looking at the design of the building he does not think the eaves are right to make it into a potato store as he has one shed which has a peak to store potatoes in so he thinks it will be used for cereal. Councillor Marks made the point that, as has been said, farming is in such a state and farmers will grow whatever product they can make money out of so today it could be corn but next year it could be potatoes and the year after another product so there is not a cast iron guarantee it is just going to be corn so the volume of traffic could go up depending upon what is stored here.
- Councillor Marks referred to the mention of fire risk, he has been involved with drying corn and has never known a barn catch fire so asked where does the fire risk come from? Councillor Taylor responded that the only time he has seen one catch fire has been when somebody decided to switch the batch dryer on to dry some linseed and that did not go very well. He added that anything could happen, the climate is changing and if it comes in too moist it could predominantly heat up and there are many things that could happen. Councillor Marks stated that he will go with the could, however, unlikely but he does recognise that haystacks can catch fire if they are put away wet but feels it is an excuse to say it could be a fire risk for a reasoning to be on site.

- Councillor Marks referred to tractors needing to stand inside because of computer chips, but he is sure as you come through Coates and Chatteris there are numerous tractors that stand out year in year out at tractor dealers and they do not seem to come to any harm and tractors are now steam cleaned so he is confused as to that comment. He understands that Councillor Taylor might say that they can get damp and get rats in them but this is not a security issue to erect this building, and he does not see why someone needs to live on site. Councillor Marks referred to an article that he read regarding hill farmers who are living a long way away from people and the suicide rate goes up because there is nobody else about so he does not believe the scenario of why a house is required coupled with the roads that have been spoken about. Councillor Taylor responded that he is not talking about the tractors having to be stood inside or outside, but it is things like drills, which once used the bearings and wheels become full of dust so they are pressure washed and there is moisture in the bearings before they are left outside and they are better off undercover. Councillor Marks expressed the opinion that he was taught that once you had used it, you clean it and grease it for next season, which applies to combines, drills so whether it stands inside or outside or under a lean to, which most Fenland farms have, he still does not buy that a tractor shed is needed.
- Councillor Connor expressed disappointment regarding the reports from the Police as it has been said that there were two complaints made to the Police in 2024, but all members have read that there has been nothing in the last couple of years. He feels security issues are a big issue and living on site can be imperative but there needs to be some evidence to back up the need and he has no comfort over why this proposal should be built and security is needed on site. Councillor Taylor expressed the view that it is known what the Police are like, farmers do not ring in every time there is a problem because it is known that it is a waste of time but the two crime numbers he does have are valued at £64,000 of theft that took place in 2024 and whether there has been anymore he does not know.
- Councillor Connor asked where are the tractors and machinery stored now? Councillor Taylor responded that a lot of it is outside unless the crops have been taken out of the shed then they can go inside. Councillor Connor asked for clarification that this is stored outside on the site? Councillor Taylor confirmed this to be the case.
- Councillor Marks asked if the applicant has any farms or farm buildings elsewhere? Councillor Taylor responded that he has land elsewhere but no buildings that he is aware of, making the point that he does not personally know the applicant.
- Councillor Marks asked if the applicant is a member of Cambridgeshire Countryside Watch because he has not seen anything come through that there have been break ins and that is the quickest way for everybody within the farming community to know what has been going on locally. Councillor Taylor stated that he was not aware.

Members received a presentation, in accordance with the public participation procedure, from Dennis Spears, an objector. Mr Spears stated he is a resident of Creek Fen and he is at committee representing objecting residents. He expressed the view that this application has inaccurate, inconsistent, missing and misleading information with an overall lack of transparency and he feels it is shocking that Highways have not understood or even considered the traffic statistics that will have a substantial negative impact.

Mr Spears expressed the opinion that 2½ thousand tonnes of crop storage is a minimum of 337 HGV movements passing their doors with no limitations and on-site crop storage will effectively double and, therefore, so will heavy HGV traffic. He feels the scale of the development is excessive compared to the actual size of the site, which is effectively a small holding and this amount of traffic will have a detrimental effect on so many local lives on a daily basis.

Mr Spears expressed the view that noise and air pollution from HGVs will increase substantially and their driveways are already being used as passing places, with Creek Fen being a single track road, having no footpaths, no passing places, no street lights and is a no through road, being a dead end. He stated that the safety of pedestrians, dog walkers, runners and horse riders from

local livery yards is seriously compromised, with there already being a significant increase in Anglian Water HGVs and a negative environmental impact with vehicles encroaching into natural habitats for the wildlife.

Mr Spears made the point that there are two small roundabouts to navigate and the town's playing field is located in this area and the safety of public spaces should not be compromised. He expressed the view that roads, verges and dyke sides are already collapsing away with the increased potholes and there has already been a substantial increase in HGVs from this site including industrial plant movements, ie a heavy crushing machine, and the negative impact on the highways and the environment is clear to see.

Mr Spears expressed the opinion that unnecessary and avoidable HGVs should not be brought into this area and he feels there is no real essential need to live on site, there is no livestock, there is no 24/7 critical controls and access to the site is limited along a narrow access track situated between two properties with no through access, with the site being gated and not easily accessible. He expressed the view that statistically large machinery, ie the crusher, which is a huge machine is not easily or generally targeted and would be difficult to remove from this site.

Mr Spears stated that they are a vigilant neighbourhood with members of Cambridgeshire Countryside Watch and as confirmed by the Police Crime Prevention Team as seen by the e-mail received there has not been any burglaries or break ins in the last 12 months and also confirming overall crime for the past 2 years appears to be very, very low. He expressed the view that there are numerous properties for sale within one mile of the site which would be much safer for a family rather than an isolated area accessed only over a large main drain, close to dykes and a river and arable land should not be taken out of crop production for unnecessary buildings, with the land also located in Flood Zone 3.

Mr Spears stated, in summary, the existing store was built for agricultural use and, in his view, there is on-going unauthorised commercial operations from this building and it is clear to see from public view that the site has a blended use outside of agriculture. He stated that the vast majority of objections come from local residents who know and live in this local area and whilst they acknowledge Fenland is Open for Business and they appreciate the way the Council supports farming generally, but, in his view, it should be in the right place at the right time and this application does not even service fields that are in Fenland.

Members asked questions of Mr Spears as follows:

- Councillor Mrs French referred to the mention of dykes and asked if he knew who they owned them? Mr Spears responded that he believes they belong to Highways.
- Councillor Mrs French asked what commercial use is being carried out at the site currently? Mr Spears responded that there is currently there is a huge stone crushing machine which is being transported out of the site and being stored in the building. Councillor Mrs French clarified that the stone crusher is in the yard and moves out to go somewhere else to crush. Mr Spears confirmed this was correct.
- Councillor Connor stated that Highways have still advised in the officer's update that there is no objection on grounds of agriculture but if used for crushing or taking crushing material away they would probably have a different view but this would come under Cambridgeshire County Council's responsibility and members need to look at the application before them today which is for a shed and a house on the site. Mr Spears responded that the crushing machine is stored in the barn.
- Councillor Marks asked for clarification that the crusher is stored in the barn which is for agricultural use, but it is believed that it is used for industrial use off site. Mr Spears confirmed this was correct.
- Councillor Connor asked if this is conjecture or he has actual proof? Mr Spears responded that he has seen the machine come out of the site and travel down Creek Fen.
- Councillor Mrs French asked how many times does the crushing machine come out of the

site, weekly or monthly? Mr Spears responded that he has no idea, he has seen it coming off the site, but he is not always home, making the point that, in his view, a lot of operations are happening at the site but it is not being monitored.

- Councillor Marks questioned that it is being said it is an illegal crusher being stored in an agricultural building which is believed to be industrial and asked if there are any actions being taken by the relevant authorities regarding this crusher? Councillor Connor stated it would need planning permission for a waste site from County Council, and he is not sure whether there are any enforcement issues at all related to the site. Councillor Marks stated that is what he is asking is there any enforcement issue? Mr Spears responded not that he is aware of and feels they have a free hand to do what they like.

Members received a presentation, in accordance with the public participation procedure, from Shanna Penney, the agent. Ms Penney stated that this is an application for a dwelling and storage building, not an expansion to a business or the generation of traffic, and this is an agricultural enterprise within a rural location which, in her view, is what planning policies require. She expressed the view that this application is a policy-led resubmission and is now supported by a detailed agricultural appraisal carried out by Brown & Co, and it should be assessed against policies of the Local Plan together with Paragraph 84A of the NPPF, which supports isolated homes in the countryside where there is an essential need for a rural worker to live permanently at or near their place of work.

Ms Penney expressed the opinion that the appraisal clearly demonstrates a genuine requirement for 24-hour on-site presence arising from both essential functional need and site security. She stated that School Grounds Farm handles significant volumes of high value crops, approximately 1,500 tonnes of sugar beet and 1,500 tonnes of fodder beet valued at around £85,000 are already stored on site and must be covered and uncovered at antisocial hours to prevent frost damage or overheating.

Ms Penney stated that hauliers access the site from early in the morning requiring an on-site presence to manage loading and access and in addition around 900 tonnes of cereals worth approximately £250,000 are stored and conditioned using fans, which can operate continuously depending upon moisture levels. She added that fertilizers and agricultural chemicals are stored and delivered on a just in time basis requiring immediate secure receipt and supervision and these operational requirements cannot be managed effectively from an off-site location.

Ms Penney expressed the view that alongside this functional need there is a demonstrable security requirement following repeated break ins, thefts of specialist machinery components and unauthorised access and whilst security alone may not justify a dwelling she feels it further supports the essential functional need which is clearly evidenced. She referred to Policy LP12d and e, making the point that whilst dwellings exist in March none provide accommodation that meets the operational needs of this enterprise and what is required is not simply a house nearby, but a family sized dwelling with a dedicated office space integrated into the farmyard allowing a permanent 24 hour presence and immediate response, with a dwelling several miles away not being able to function as an effective operational base for a farming enterprise of this scale.

Ms Penney expressed the opinion that once the principle of the dwelling is accepted, sequential and exceptions tests are passed as the dwelling must be located at the farm it serves. She made the point that the Environment Agency raises no objection subject to conditions satisfying Policy LP14 and Chapter 14 of the NPPF.

Ms Penney expressed the view that the dwelling is located within an existing cluster of agricultural buildings, it does not encroach into the open countryside and causes no visual amenity or landscape character issues, fully complying with Policy LP16. She feels that despite the objections received there are no highways issues and the Local Highway Authority raises no concerns and this is noting that part of their remit would include the impact on the local highway network.

Ms Penney made the point that the stone crusher is a separate issue and is not part of this enterprise, it has an environmental permit and falls under the County Council's jurisdiction. She expressed the opinion that taken as a whole the proposal accords with local and national planning policy, supports a viable and expanding rural enterprise and justifies a permanent 24-hour on-site presence and requested that the application be supported.

Members asked questions of Ms Penney as follows:

- Councillor Mrs French asked what is different in this application to the one that was refused 11 months ago? Ms Penney responded that it was previously refused on the principle, but this application has been resubmitted with an agricultural appraisal to provide the factual detail.
- Councillor Mrs French expressed the view that most farmers do not need permission for an agricultural building they can just put their certificate in and she is surprised that the two have been put together, a dwelling and the agricultural building, because she does not think there would be any problems with the agricultural building. She asked why they are linked and the application had been submitted that way? Ms Penney responded that for non-planning professionals the planning process is quite daunting and it was a case of putting everything in in one go to get it all sorted at one time.
- Councillor Murphy asked how long the business has been in existence, as it is now, without security? Ms Penney responded that she understands it is five years and there has been the security issue which occurred in 2024, which was in the middle of the running of the business. Councillor Murphy questioned that it is once in five years. Ms Penney stated that there were two incidences that were recorded in 2024 and she has been told that there have been other occurrences, but they are not always reported because reports to the Police are not always fruitful.
- Councillor Marks referred to the mention of fertiliser being stored on a just in time basis and asked where it is stored as if there are already crops on site they cannot be stored together due to cross contamination. Ms Penney responded that she was not sure.
- Councillor Marks referred to the mention of fodder beet and beet and covering it up but as far as he is aware the sugar beet factory and most customers give someone at least 24-48 hours' notice when they are sending lorries in and they do not just turn up. He asked why there is the necessity to live on site as there are plenty of farmers and farm workers who do not live on site and there was reference to lorries arriving early in the morning and if they arrive on a Winter's morning down that road that is a major concern to him. Ms Penney responded that they are not looking to expand the business so what is happening currently is not going to change so in terms of lorries arriving at this moment of time they can arrive at any time anyway. She expressed the view that the benefit of being on site is this can be controlled, they could be booked in because there would be somebody there at any time and there are a lot of things in play here which would require a person to be on site, such as monitoring, being there to receive goods and the security issue as well. Councillor Marks made the point that this is already happening so why is there now a necessity for someone to live on site?
- Councillor Marks made the point that the Brown & Co report is produced for the applicant and they are being told and given that information by the applicant. He stated that he has read the report 3 times, the first time he read it he could see from both sides, the second time he felt there was a lot of stuff in the report that is not said as well regarding vehicle movements and his concern is that this application does not make any sense because why does somebody need to live on site, the business is already up and running and there is also thrown into the mix a crusher and asked is this not more an industrial operation being hidden under the disguise of agriculture? He recognises that diversification is needed and has heard there is a licence for the crusher but questioned whether this licence is from this premises? Ms Penney responded that she can only give members the information she is privy too, which is that it is an agricultural enterprise, it deals with crop and she is also told there is a crusher on site but it does not operate on site, it leaves the site to operate at other

sites and it has a permit to do so. Councillor Marks stated that it is a pity that the applicant is not present to answer these questions which again raises alarm bells to him.

- Councillor Connor asked where the applicant lives now, how far from the proposal site? Ms Penney responded that she is unaware of where he lives but this application is for the manager of the site not the applicant. Councillor Connor made the point that it is currently a working business, so the fertiliser and materials have to go somewhere so where does it get stored now? Ms Penney responded that she is not able to answer this and feels that there are a lot of questions which would be better being answered by the applicant and if it is something members want her to go away and find out, giving her a shopping list, she is able to do that. Councillor Connor stated it is unfortunate that the applicant has not taken the time to attend and answer some of these questions as the proposal does not fill him with too much comfort and by being present the applicant could probably alleviate some of members fears.

Members asked questions of officers as follows:

- Councillor Marks asked if it is believed that the crusher is licensed to work from School Grounds Farm? David Rowen responded that there is nothing that indicates that the information is incorrect, but it is not material to the determination. Councillor Marks expressed the view that if the site has got some industrial use it changes the situation. David Rowen stated that there is no planning permission from Fenland or the County Council for commercial use at the site, this application is for agricultural purposes and if it is not used for agricultural purposes, it would be an enforcement issue. Councillor Connor added that if it was an industrial use it would come under the County Council and would have to have the appropriate planning permission for that use to continue. He added that he is not aware whether it is illegal.
- Councillor Marks stated that it does seem from what is being said that the crusher is stored on site and it worries him where this permit has been issued and whether that is correct because it does change whether it is an agricultural site or it is a multi-use site. Councillor Connor stated that the officer has answered this to the best of their ability.
- Councillor Benney asked if this was just an agricultural building could this just be erected under a 28-day notice? David Rowen responded that without assessing against the regulations he is not sure, but it has not been submitted as a prior notification, it is part of this planning application.

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

- Councillor Mrs French stated that she used to be one of the County Councillors for this area from 2017 to 2025 and she received 100s of complaints from about 2022 about the disgusting smell from Anglian Water and the movements up and down that road. She believes there was an enforcement in 2023/24 but is not sure what it was for. Councillor Mrs French expressed the opinion that if there had been separate applications it would be a different case as she always supports local businesses and local farmers when she can, but she does have concern about the residents of Creek Road and Creek Fen who are suffering horrendously.
- Councillor Murphy expressed the view that the officer's recommendation is correct.
- Councillor Marks expressed the view that there are numerous problems with this application and he cannot support it. He recognises that farming is in a poor state, but the residents also have to be taken into account. Councillor Marks stated that he feels sorry for the agent having to field questions on her own and the applicant should have been present to field some of those questions.

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

(All members present declared that they are fellow councillors of Councillors Count and Taylor)

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

P101/25

F/YR25/0878/F

LAND WEST OF PROSPECT HOUSE FARM, WHITTLESEY ROAD, MARCH
ERECT 2 X DWELLINGS WITH GARAGES AND FORMATION OF A NEW ACCESS
INVOLVING DEMOLITION OF EXISTING BUILDINGS

Tom Donnelly presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Penney, the agent. Ms Penney expressed the view that the application represents a sustainable and appropriate form of development contrary to the officer's recommendation. She stated that the site benefits from extant Class Q prior approval for the conversion of an agricultural building into two dwellings, which, in her view, establishes a clear fallback position and this fallback is relevant as the current proposal also delivers two dwellings effectively achieving the same outcome and the principle of residential development is, therefore, already established, with this proposal provides a high quality replacement for the existing disused buildings.

Ms Penney expressed the opinion, in terms of visual amenity and landscape impact, the dwellings are well designed using timber cladding and slate roofs to respond to local distinctiveness and they are spaced thoughtfully with substantial separation to minimise visual impact and allow for wider views of the countryside. She feels this respects the aims of policies LP12 and LP16 which seek to protect the character of the countryside and provide high quality development.

Ms Penney expressed the view that by replacing redundant structures the development enhances the site's setting without urbanising the open countryside. She feels it is important to note that there have been other residential approvals immediately to the south of the site demonstrating that development in this general location is considered acceptable and consistent with planning precedent.

Ms Penney expressed the opinion that the scheme passes the sequential test as it is effectively for replacement dwellings so no alternative sites need to be considered and the exceptions test can be passed by ensuring that the development is carried out to high levels of sustainable construction credentials. She feels that the proposal makes positive use of the site, delivers high quality homes, respects the rural character and is fully supported by the fallback position and local precedent and on this basis, in her view, the application should be approved.

Members asked questions of Ms Penney as follows:

- Councillor Mrs French referred to the site history with there being four applications that were approved and asked why they have not already been built? Ms Penney responded that she believes it is a timing issue and now is the time to undertake it.

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

- Councillor Benney expressed the view that the officer's recommendation is correct, he has visited the site, it is in the middle of nowhere and feels it is an application in the wrong place at the wrong time.
- Councillor Marks expressed the view that it is strange that the applicant has not come back with a barn conversion as the site is in the middle of nowhere and he agrees that the officer's recommendation is correct.
- Councillor Mrs French stated that looking at the timing of the previous approvals she feels that one should still be in time so they could go ahead and build and do not need this application. Councillor Connor agreed they could commence the conversion, and they still have 6-7 months to start this.

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

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

**P102/25 F/YR25/0808/RM
LAND NORTH OF 2-8 GIBSIDE AVENUE, CHATTERIS
RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF
APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE
PERMISSION F/YR22/1186/FDC TO ERECT UP TO 4X DWELLINGS AND
ASSOCIATED WORKS**

Kimberley Crow 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 Matthew Hall, the agent. Mr Hall made the point that the site already benefits from outline approval for four dwellings and this application is for a very similar proposal, four dwellings, three bedrooms, very similar location to the outline approval, a third garden area and adequate parking. He expressed the view that the dwellings match in with properties on Gibside Avenue, West Street and Fairway.

Mr Hall expressed the opinion that the officer's report is excellent, and there are no technical objections to the application from Highways and Environmental Services, with a bin lorry being shown to go in and out of the site. He stated that he attended a Chatteris Town Council meeting on this application and spoke and also a resident, whose garden backs onto this site from West Street, spoke in favour of the application and consequently Chatteris Town Council support this application.

Members asked questions of Mr Hall as follows:

- Councillor Mrs French stated that she was lobbied on this application and it was a lengthy objection and asked if the issues had been sorted with the objectors as she believes he was liaising with them? Mr Hall responded that they had not.

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

- Councillor Murphy expressed the view that the proposal fills a gap, it is built up around the site, and it was a piece of land that was always going to be built on so he fully supports it.
- Councillor Marks made the point that this is about land usage, and this makes the best use of land, which is derelict at this time and the proposal will provide good homes for families. He stated that he is happy to support it.
- Councillor Purser agreed that it is a piece of derelict waste ground, which is an ideal place for new homes, it fills in a gap and tidies the land nicely. He stated that he will be supporting it.

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

(Councillor Benney declared that he was portfolio holder at the time this land was sold and took no part in the discussion and voting thereon.)

(Councillor Mrs French registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that she had been lobbied on this application.)

(Councillor Murphy registered, 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. He further declared that he knows the agent, but he is not pre-determined and will consider the application with an open mind)

(Councillor Purser declared that the agent has undertaken work for him, but he is not pre-determined and will consider the application with an open mind)

P103/25 **F/YR25/0860/F**
LAND EAST OF 26 TURF FEN LANE, DODDINGTON
ERECT 1 X SELF-BUILD/CUSTOM BUILD DWELLING

Kimberley Crow presented the report to members and advised that a further two letters had been received from objectors to the scheme after the publication of update reports, with the letters reiterating comments relating to the existing road surface, noise pollution, street lights, bin collection and the scale of development and it is considered that these concerns have been addressed within the committee report and through the recommended conditions.

Members received a presentation, in accordance with the public participation procedure, from Ashley Savage, an objector. Mr Savage advised committee that he lives at 5 May Meadows immediately adjoining the application site and he is also an experienced property developer, mentioning this to make it clear that his objection is not anti-development as he fully understands the need for housing and how schemes are delivered. He stated that his concern is whether the proposal represents appropriate development in this location when judged against policy, evidence and the site's physical constraints.

Mr Savage acknowledged that the application has been amended following the dismissal of the appeal, with it being reduced to one dwelling and repositioned within the site, however, he disagrees that the fundamental issues identified by the Planning Inspector have been fully resolved and he asked members to apply their own planning judgement rather than relying solely on the recommendation. He referred to residential amenity which remains a key concern, the Planning Inspector concluded that the previous proposal would result in an overbearing impact on 4 May Meadows and stated that even a single-storey dwelling in close proximity could give rise to unacceptable harm, with this finding based on the relationship between buildings, including citing depth and mass, not simply on separation distances.

Mr Savage made the point that the current proposal is now for a three-storey dwelling with a ridge height of approximately 10.2 metres, which is taller than the surrounding dwellings along May Meadows and while the building has been moved further south, in his view, it remains a large and visibly dominant form of development behind existing homes. He feels that members may reasonably question whether increased separation alone genuinely overcomes the Inspector's concerns or whether the scale and height of this building would still feel intrusive when experienced from neighbouring gardens and rear elevations.

Mr Savage referred to the access, with the officer reporting that the access into May Meadows is approximately 6 metres wide, but he has personally measured Turf Fen Lane, which is the sole vehicular access to May Meadows, and the surface width is approximately 3.57 metres and even allowing for minor variation this is a significant difference and in practice this road functions as a single-track access, not a two-way carriageway, which is relevant when considering everyday use, construction traffic, service vehicles, refuse collection and emergency access. He stated his intention is not to challenge the Highway Authority but simply to ensure members are making their decision based on an accurate understanding of the physical constraints residents experience daily.

Mr Savage asked members to consider the cumulative intensity of development served by this access, with all of the existing dwellings along May Meadows and those on The Oaks immediately beyond being large family homes, typically 5-7 bedroom properties, therefore, they are not low occupancy dwellings and they generate a high level of daily vehicular movements, visitors and servicing and when combined with a constrained access of approximately 3.57 metres the addition of a large dwelling cannot, in his view, reasonably be described as negligible. He referred to refuse collection, with the application stating that bin lorries travel down May Meadows but this is incorrect as in practice refuse vehicles do not enter May Meadows and they can only collect bins at the junction with Turf Fen Lane because the gravel surface of May Meadows is not suitable for large waste collection vehicles.

Mr Savage referred to the planning weight attached to the self-build justification, with the officer's report stating that Fenland currently has no unmet need for self-build plots and, therefore, in his opinion, the self-build aspect of this proposal carries very limited weight and there are already existing self-build plots on May Meadows that have been marketed for several months without being taken up and he does not raise this as a marketing argument, but as a further local context reinforcing the conclusion that there is no pressing demand for additional self-build housing in this location. He asked members to consider precedent as approval for a substantial dwelling on this site, in his view, will make it increasingly difficult to resist future applications on adjacent land, particularly where that land lies beyond the established pattern of development and closer to open countryside.

Mr Savage expressed the opinion that planning decisions are very rarely viewed in isolation and members are entitled to consider whether approval here would weaken the Council's ability to control the incremental expansion of development along this sensitive edge of the village. He expressed the view that whilst the application has been amended, the previous concerns have not been fully or convincingly resolved, with the benefits being limited, the impacts being permanent and approval would be reversible and he asked committee to apply planning judgement and refuse the application if they are not satisfied it represents the right development in the right place.

Members asked questions of Mr Savage as follows:

- Councillor Murphy referred to the width of the entry and asked why he think there is such a big difference to what officers say and what he is saying? Mr Savage responded that the officer's report stated that it is a 6-metre wide access road that vehicles can pass in parallel whereas actually in real life circumstances this is a 3.57 metre wide access road, it is single access and cars are unable to pass either side of each other. He added that Turf Fen Lane is quite a long road so if there are cars approaching each other on either side they cannot pass each other and whilst in theory there is a pedestrian walkway on Turf Fen Lane it is not a raised pathway and it is only a discrepancy in the colouring between the road and the pathway. Mr Savage stated that there is also no street lighting and it suddenly becomes a very difficult road to access up and down.

Members received a presentation, in accordance with the public participation procedure, from Ricky Glowacki, the applicant. Mr Glowacki expressed the opinion that the application should not be determined against the officer's recommendation based on any future development and the objector said that proposal is not appropriate, but this is an opinion and does not form any basis under national planning policy. He feels, looking at amenity and overbearing, it has already been discussed and resolved, with there being 40 metres from 26 Turf Fen Lane to the new proposed dwelling and from 4 May Meadows it is approximately 20 metres.

Mr Glowacki referred to the traffic issue, believing the inaccuracy here is the fact that May Meadows is 6 metres wide and the objector is talking about Turf Fen Lane, which does vary in width and goes into footpath No.19 which sits at 9 metres wide as a footpath, which ends at May Meadows and continues towards Tibbetts HGV site. He expressed the view that when it is talked about 3.7 metres, he believes this is only the original road that is being referred to, there was a

highways footpath put in, which is not a raised footpath, it has 10-25mm lip and it was purposed to be built as an extension to the road to be crossed by vehicles too.

Mr Glowacki stated that he lives at 26 Turf Fen Lane and he is quite happy to submit a statement of truth that he passes vehicles very regularly along that path. He referred to the refuse vehicles, which he cannot comment on apart from somewhere within 30 metres where the lorries can come down there is currently a 550mm subbase below the gravel pathway and it was passed as part of F/YR17/0048/F and on the drawing originally submitted by Brand Associates it clearly says a gravel driveway and this gravel driveway was originally put in for May Meadows for one reason in that it is permeable.

Mr Glowacki stated that obviously he agrees with the officer's recommendation and referred to Doddington Parish Council's objection, the current application is still back land infill development and as such will have an adverse impact on the character and appearance of the surrounding countryside and farmland contrary to LP12, and he referenced 9.3 of the officer's report which clearly says around the Inspector's original appeal that the site is not outside the settlement's development limits, does not relate more to the surrounding countryside and did not consider the site was back land development. He continued that at 10.7 and 10.10 it states that the development is, therefore, considered compliant with policies LP12 and LP16.

Mr Glowacki stated that the flood risk and overshadowing has been assessed, windows face purely to the east and the west there is no overlooking to the north or south and the property is further away than any of the other properties in the local area with it being perfectly acceptable for those properties to be there and this is significantly further away than all those properties. He expressed the opinion that he has overcome the previous concerns raised regarding overbearing, with a subsequent appeal concluding that development on the site would not appear out of character.

Mr Glowacki expressed the view that the flood risk has been addressed, policies LP12, LP16 and LP19 have been met and there is no other issue to address on Policy LP15. He continued that biodiversity net gain is not applicable and he is in full agreement to enter into an unilateral undertaking legally for the self-build, with it being a property that he is going to build and move into himself with his wife.

Mr Glowacki asked committee to agree with the great report that had been compiled by the officer.

Members asked questions of Mr Glowacki as follows:

- Councillor Murphy referred to the refuse vehicles and asked if they reverse down to collect the rubbish because there does not look much room where they can turn round or do they stop on the main road at the top and residents have to take the wheelie bins down? Mr Glowacki responded that he believes they reverse down but he not aware as he leaves his home at 5am and does not return until 8pm so he does not see the refuse vehicles. He stated that there is 6 metres of road to reverse down and there is a bell mouth right at the top that sits approximately 9 metres at its widest point going down May Meadows. Mr Glowacki stated that he does not know how No.5 and 6 get their refuse out because he does not see their refuse in the current bin storage area so he assumes the refuse vehicle must reverse down there to get to this bin storage. Councillor Murphy referred to the mention of 5 and 6 and they must put the bins out somewhere and whilst he appreciates he leaves home early in the morning people do leave their bins out until 10.00pm so it would have been nice to know where it is collected as it is a fair way down May Meadows to reverse it down. Mr Glowacki responded that it is currently about 60 metres to reach the point between No.4 and 5 and he regularly sees the bins for 5, 6, 4 and 3 in their driveways awaiting collection and he sees bins in the refuse area for 1 and 2 and there is turning between 4 and 5, which is about 6 metres wide.
- Councillor Marks stated that he knows the road, having numerous times driven down there

in an arctic because he used to go into Tibbetts yard through the back, which has now been shut off, but they still get a lot of deliveries down there as the Sat Nav diverts people that way and every time a lorry has come down there they have struggled with the road surface and how narrow it is. He questioned Mr Glowacki saying it is wider on Turf Fen Lane where two cars can pass? Mr Glowacki responded that you can pass with two vehicles on Turf Fen Lane. Councillor Marks expressed surprise as when he has travelled along here there are places where two vehicles cannot pass. Mr Glowacki stated that the only area where it would be a struggle would be right to the north of Turf Fen Lane as it goes into Church View and the remainder of it, but since 2023 when the footpath was created it has allowed it to be wide enough to pass two normal vehicles.

Members asked questions of officers as follows:

- Councillor Marks stated that he was surprised that the Inspector does not believe that this is back land development and asked if he visited the site or was it just a desktop exercise? David Rowen responded that all Inspectors undertake a site visit as part of determining appeals.

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

- Councillor Marks stated he is really surprised as has concerns about the access having heard about the refuse vehicle and he feels that it still looks like back land development. He does not understand how anyone can say that is not back land development, there is 26 Turf Fen Lane but then it is just opening that whole section up for further development.
- Councillor Connor stated he knows the site well as ward councillor and has been along this road numerous times, being surprised that two cars can get down there and he had a sign put up saying no access to lorries. He expressed the view that the road has been upgraded but there is still no street lighting and it is back land development. Councillor Connor expressed the opinion that it is a long way for a refuse vehicle to reverse down and another house in this location would not help and he is far from convinced that this is an application he can support.
- David Rowen stated that officers considered that the site was back land and that was one of the reasons for refusal of the previous application, however, it has been to an Inspector who came to a different conclusion. He feels that if the Council was minded to refuse the application on the basis of the site being back land, any subsequent appeal against that decision the starting point for a new Inspector would be what the previous Inspector said and build upon the conclusions of the previous Inspector. David Rowen expressed the opinion that any reason for refusal on the basis of the site being back land would be very difficult to defend at appeal and it may well result in the award of costs for ignoring an Inspector's decision. He referred to issues of road safety and how wide Turf Fen Lane is, making the point that the Highway Authority has raised no objections and the previous application for two dwellings was not refused on that basis so he would caution against this being used as a reason for refusal. David Rowen stated that as the report sets out officers are guided by what the previous Inspector said and some of the other reasons for refusal have been overcome by the reduction of the scheme from two to one and the repositioning of that building within the plot. He stated that if members are minded to refuse the application he would caution against it.
- Councillor Marks stated that an Inspector is only human like members are and asked what the legal view is on this? Matthew Leigh read out for clarity the key paragraphs from the appeal "the appeal site is located on the edge of the settlement of Doddington to the immediate north, on May Meadows there are several large two-storey dwellings of varying designs featuring different forms of fenestration and elevational treatment. There is no prevailing architectural character among these dwellings or within the surrounding area. The proposal is for two large dwellings which would be in keeping with the general scale and character of the development in the area. While matters other than access and layout are reserved, the view is that the proposed layout would not be contrary to the character and appearance of the area. A full assessment of the impact would require consideration of

detailed design elements which would be addressed in a future application if the appeal were allowed". It then goes on to say "I am not of the view that the development on the site would be inconsistent with the established pattern of development in the area nor would it represent a clear extension beyond the existing built form. I do not consider it to be a back land site given the nature of the proposed access and the openness on the site including its relationship to surrounding properties". The Legal Officer added that he is sympathetic to the officers view, it is a matter of planning judgement but considering the position the previous Inspector took and looking at it in the round he would agree that a decision to refuse runs the risk of being overturned at appeal and that there would be a risk of costs.

- Councillor Marks questioned what the Inspector was looking at following the Head of Planning reading from the appeal report as, in his view, a lot of this does not ring true to what is there as, in his view, it can blatantly be seen that it is back land development and what is more concerning is that once one dwelling is there it will open up the remaining land to be developed. He asked what officers thought it would cost if it went to appeal? Councillor Connor stated that this is a not a material consideration.
- Councillor Benney referred to the starting point for a new appeal being the old appeal decision but he stated that there were two gypsy sites in two parts of Fenland that both went to appeal at the same time for more or less the same application, one came back with a dismissal of the appeal and the other one was allowed, so it does depend upon who you get as the Inspector because there is not consistency in planning. He agrees with Councillor Marks that it is back land development but also understands it is policy compliant. Councillor Benney expressed the opinion that Inspectors come up with different answers on the same question. Councillor Connor stated that he has had several dealings with Inspectors and it is only subjective, like it is to the committee.
- Councillor Marks made an observation that if the drawing was scaled out it would be seen that the rest of the land is a field and questioned how can it not be said that is back land development?
- Councillor Murphy referred to the drawing where it shows a very large field and asked if it has been taken into consideration that another roadway could be put in and that whole field opened up. Councillor Connor stated that may or may not be the case, but members need to consider the application in front of them.
- Matthew Leigh stated that planning development management is clear that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. He added that this application site has had an application for two dwellings previously refused for a number of reasons and then an appeal subsequently dismissed and he would suggest that the appeal is a material consideration of significant weight. Matthew Leigh suggested that any future Inspector would give it significant weight and it would be the starting point on the assessment of any new appeal, just as the Local Planning Authority has considered it. He made the point that on any scheme when there is a previous decision, whether it is an approval or refusal, is to consider what new material considerations there are, are there any new policies, has anything changed, which he feels has not, and then in other instances the differences are taken into account for the development. Matthew Leigh stated the location of the site has not changed but members may wish to look at things such as the fact that the quantum has been reduced, the site has got smaller and as the Inspector said at the previous decision it was only layout and access that was considered and there is now a greater detailed design.
- Councillor Benney expressed the view that he thinks the committee does not like the application and agrees with the previous appeal decision, to him it looks like back land development, but committee is working within a legal framework, and it is policy compliant. He feels if it is refused it will go to appeal and the Council will lose and questioned what reasons committee can rely on if it is refused.
- The Legal Officer referred to subjectivity and Inspectors taking different views and stated that a point of case law is the importance of consistency in decision making and Inspectors decisions are material considerations and so when the previous decision has already given a view on something there is weight behind that consistent view being carried forward in

future decision making by the Inspector. He does appreciate there is an element of planning judgement on that Inspectors do take different views, but he feels it is a precedent point that gives particular cause for concern.

- Councillor Marks expressed the view, having heard what the Legal Officer has just said, the Council needs to be consistent as well, with the decision previously being to refuse and it seems to him that the Inspector has got more consistency on his side than the Council has. He made the point that the committee live in the area, the Inspector could live elsewhere and this needs a fresh look at because he is not sure what the Inspector saw previously.
- Councillor Mrs French agreed with the comments that Councillor Marks made.

Proposed by Councillors Mrs French, seconded by Councillor Benney that the application be Granted as per the officer's recommendation, which was not supported on a majority vote with the use of the Chairman's casting vote.

Proposed by Councillor Marks, seconded by Councillor Connor and agreed that the application be REFUSED against officer's recommendation, with the use of the Chairman's casting vote.

Members do not support the officer's recommendation of grant of planning permission as they feel the proposal is back land development, it offers no amenities or community benefit, the roadway in and out of the site is poor and the scale and design of the dwelling are not in keeping with the area.

(Councillor Marks declared that he is the director of a business that is located further down Turf Fen Lane, but is not pre-determined and will consider the application with an open mind)

**P104/25 F/YR25/0782/A
18 BROAD STREET, MARCH
DISPLAY OF 1 X INTERNALLY ILLUMINATED FASCIA SIGN (RETROSPECTIVE)**

Kimberley Crow presented the report to members.

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

- Councillor Marks referred to the reasons for refusal, in particular the impact on the street scene and character of the area and failure to protect and enhance heritage assets, and queried if this is the building front which this sign has covered over, which he feels is protecting heritage assets. He stated that he is still of the same opinion as last time, especially as things have changed in the town centre since September with the demolition of Barclay's Bank, the toilets being built and the hoarding removed around them showing the impact on the town centre and permission has also been given to an illuminated barber's pole. Councillor Marks made the point that there is an illuminated sign that now has permission, which is since this sign was last considered, and various other things that have happened within March town centre that he believes has changed the heritage within the town centre.
- Councillor Connor referred to the photos of the premises on the screen and further up the street illuminated signs can be seen. Councillor Marks stated that he can see illuminated signs both ways, USA Chicken and the barber's, but Domino's has not got an illuminated sign, but he thinks another one does further along. Councillor Connor feels it is clear to see that since this application was last debated, although the application in itself has not changed, the surroundings have, USA Chicken, the barber's pole and this premises are all lit up in darkness. He agrees with Councillor Marks that the vista has definitely changed.
- Councillor Benney stated that he fully supported this last time and was amazed that it was refused. He made the point that March Broad Street has changed, the fountain has been moved, Barclay's bank has disappeared, the barbers has an illuminated sign and he sees nothing wrong with this sign whatsoever. Councillor Benney expressed the view that a high

street changes all the time, nothing is cast in stone and in another 50 years this sign would not be there, something else will and, in his view, the structure of the building is not being damaged, the feature is not being taken away and is just covered, protecting it. He stated that he supported it before and will be supporting the application again today.

- Councillor Marks made the point that the bakers has moved since the last application so it is organic with the high street changing almost monthly so there is a difference to what was there 3 months ago. He expressed the opinion that he cannot see what is wrong with this sign and appreciates that heritage should be preserved but heritage changes as well.
- Councillor Connor stated he was not present when the application was considered last time but does feel that had he had been present he would have supported it.
- Councillor Purser stated that he voted against this when it was last considered and feels nothing has changed, he has nothing against the restaurant or signs but having spent so much money on the Broad Street and making it look so much better he feels this is dominating Broad Street and looks unattractive. He expressed the view that if it was a smaller sign to just show what the premises is supposed to be he would probably support it but cannot personally support it in its current form.
- Councillor Marks expressed the view that like any business they are advertising as they feel they should advertise and driving along most city streets there will be bigger signs on buildings, some of those will be in Conservation Areas and some will not. He feels this is a business, the Council is here to support businesses and are told Fenland is Open for Business. Councillor Marks expressed the opinion that what is the point in having a very small sign, driving through March people would not notice it is there, so they are only making use of what space they have got out the front. He feels that if the restaurant was half the size, the sign would be half the length and they are making, in his view, good use of the space available.
- Councillor Connor referred to driving through the middle of Dunstable in the dark and there were so many signs, with most businesses having signs equal to this and lit up, probably having a more pro-policy approach to signs. He expressed the view that this application cries out to be approved.
- Councillor Marks stated that this is a business that is paying rates to the Council and they need to promote their business.
- Councillor Benney made the point that the purpose of a sign for a business is to advertise it, and, in his opinion, that is what this sign does. He feels there are plenty of other buildings with internally illuminated signs in March and in to the centre of the March, feeling it brightens the town centre up. Councillor Benney expressed the view that the demolition of Barclay's Bank has made a massive change to the town centre. He stated that he supported the sign last time and will be consistent and support it this time.
- The Legal Officer stated that the Code of Conduct and case law refers to consistency of decision making and, appreciating what members have said, this is exactly the same application that was previously refused by the Council and in those circumstances, unless there has been a significant change in planning circumstances, there is a risk of legal challenge and an Ombudsman complaint unless very good reasons are given. He appreciates the reasons that members have been giving are because there has been a change in the high street in terms of signage in other areas but, in his view, as there has not been any change to this building and the fact that there have been some other signs elsewhere on the street is slightly tenuous in terms of it being a significant change. The Legal Officer stated that is ultimately a measure of planning judgement here but wanted to raise that there is a risk because this application was previously refused.
- Councillor Marks stated he understands these comments and the application itself has not changed, however, members are being told that it is not acceptable as it is in a Conservation Area but, in his view, the Conservation Area has changed so it cannot be both ways, something either has changed or it has not. He feels the committee is being consistent, the application itself might not have changed but other things have changed around it, therefore, members are still being consistent in what they are saying regarding the sign if it is approved. Councillor Marks reiterated that one of the reasonings this is being

refused is because of what has happened around it regarding it being in a Conservation Area, but, in his view, if the Conservation Area has changed surely committee should move with the times with the application as well.

- Matthew Leigh stated that what Councillor Marks is saying, to some extent, is correct if, and as the Legal Officer has said in relation to the Code of Conduct, about there needing to be planning changes and if the character of an area changes, if developments are approved and the character changes then members have a right to revisit a recommendation and give different weight to the various material considerations. He continued that Barclay's Bank had already been approved to be demolished before this item was previously considered so the committee when determining this advert were quite aware that Barclay's Bank was to be demolished and the demolition was not recommended for approval by officers but members of this committee found the building as it was to be detrimental to the character of the Conservation Area and that the demolition would enhance the character of the Conservation Area. Matthew Leigh agreed that Conservation Areas do change, the value of them, their historic artifacts, the architectural features, there may be small changes through permitted development, etc, and this has to be assessed, but the demolition of Barclay's Bank was categorically said by this committee to not have a detrimental impact on the character of the Conservation Area. He expressed the opinion that this sign, for the reasons outlined earlier, was found to be harmful to the Conservation Area by this Council and to argue that the loss of Barclay's Bank has watered down the Conservation Area to then allow this sign he feels would be a dangerous consideration because the committee said that the demolition improved the Conservation Area, with the committee being aware of this when determining this advert. Matthew Leigh referred to the sign for the barber's shop that was allowed, which was once again against officer's recommendation, as it was found that this advert did not detract from the Conservation Area so the character of the Conservation Area has not eroded since this application was considered previously, therefore, to say that the Conservation Area has changed, which to some extent it has, is a bit of a moot point because the quality of the Conservation Area has not decreased, not been eroded and not been detracted from. He referred to the Legal Officer outlining the important of consistency in decision making, with the Council finding that this sign detracted from the Conservation Area, but the change of retail units within a Conservation Area to his knowledge does not impact upon the quality of the special character and appearance of the Conservation Area. Matthew Leigh feels that members would need to find something that has happened in the last four months since this was previously considered that has in planning terms demonstrably detracted and eroded the quality of this Conservation Area for the committee to now say there is no longer any harm from this, which is difficult when the points being raised are being promoted as either being neutral or promoting the Conservation Area. He stated that members also need to remember that this application talks about the loss of the ability to see the architectural features and the quality of the building within the street scene so the loss of the ability to see and enjoy those features are the things that erode the quality of the Conservation Area and really harm a heritage asset. Matthew Leigh feels that members need to demonstrate what has brought the Conservation Area down to a standard that a sign that was found unacceptable four months ago is now acceptable and with consistency in decision making it is not about individuals, the planning system is about decisions as members of the committee change, officers change and Inspectors change but decision making in theory should be consistent and the decision of the Council should be the starting point for consideration of this application.
- The Legal Officer added that the reasons for refusal last time focused on the particular features of the building, not just the impact on the Conservation Area and, in his view, there has been no change in planning terms to this. He made the point that the legal framework, whilst it can feel sort of frustrating at times, is the guidance and case law and to approve this departs from this.
- Councillor Benney stated that he listened to the legal advice, and it did say that the application has not changed but the legal advice used the phrase circumstances change and, in his opinion, the circumstances have changed. He takes on board the comments

from Matthew Leigh about Barclay's Bank, members knew it was going to be demolished, but there is approval for over 2,000 homes in Fenland that have had planning permission but have not been built out so there is no guarantee because something has planning permission it is going to be built and the fact that permission was given for demolition, committee did not know for certain it would go ahead. Councillor Benney expressed the view that now the bank has been demolished, members can see what they are dealing with and it can be looked at with different eyes and to look at the loss of the heritage status of the building by putting a sign over it he feels the heritage asset is not being damaged and will still be fully intact and if people want to look what is under the sign they have only got to walk underneath it and can still see the arches, which was the predominant feature that members were being told must be preserved and they are preserved. He stated that he stands by his position last time and still thinks it is the right decision to approve the sign.

- Councillor Marks referred to the photo showing what the building and Broad Street used to look like, making the point that things have changed Broad Street is now pedestrianised on that side of the street and Nat West has gone. He feels that members are told when they have had training that planners work in black and white and committee work mostly in the gray area in the middle. Councillor Marks expressed the opinion that standing by the toilets that are now on show and looking down Broad Street it has changed because Barclay's Bank has now been demolished and he believes the heritage has changed.
- Councillor Connor expressed the view that if the Turkish restaurant stopped trading those signs would be taken down and the heritage asset would be there for everybody to see so it is not lost forever.

Proposed by Councillor Purser that the application be refused as per officer's recommendation, but no seconder was forthcoming.

Proposed by Councillor Benney, seconded by Councillor Marks and agreed that the application be GRANTED against officer's recommendation, with conditions to be applied by officers in consultation with Councillors Connor, Benney and Marks.

Members do not support officer's recommendation of refusal of planning permission as they feel that the Conservation Area has changed and the heritage is not lost but just covered by the sign.

(Councillor Mrs French declared that she is a member of the Broad Street Regeneration Committee and took no part in the discussion or voting on this application)

(Councillor Marks registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application)

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

**P105/25 F/YR25/0378/O
CHERRYHOLT FARM, LEWIS CLOSE, MARCH
ERECT UP TO 9 X DWELLINGS INVOLVING THE DEMOLITION OF EXISTING
AGRICULTURAL BUILDINGS (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED)**

Alan Davies presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Shanna Penney, the agent. Ms Penney referred to the access issue and referred members to Paragraph 5.5 of the officer's report, which shows that the Highway Authority has not objected to the proposal and has confirmed it is an outline application with all matters reserved so access is not for approval at this stage and they have also noted that the current drawing does not provide

detailed information on access but crucially they have confirmed that these matters will be fully considered at the Reserved Matters stage. She feels this alludes to the fact that they raise no objection in principle and confirms that any potential concerns can and will be resolved later so this should not prevent the committee from supporting the principle of development.

Ms Penney stated that the site is currently a working farm generating movements of vehicles of all sizes at any time, with the retained farmhouse already accommodating this and it is submitted that the introduction of 9 dwellings would not harmfully increase traffic over and above the existing situation and this further reinforces the acceptability of the access arrangements. She expressed the view, from a location perspective, the site is adjacent to the built-up area of March, a market town under Policy LP3, and it falls within the West March strategic allocation, which has an approved Broad Concept Plan.

Ms Penney expressed the opinion that the site is self-contained, identified for residential development and its development would not affect the wider allocation, with the principle of development, therefore, being fully acceptable supported by policies LP3, LP7 and LP9. She feels that nearby approvals to the south further demonstrate that residential development in this location is suitable and well established.

Ms Penney stated that design, layout and scale will be considered at Reserved Matters stage to ensure fully compliance with policies LP12 and LP16, protecting visual amenity and the character of the area, with the submitted drawings showing how this can easily be accommodated within the site. She expressed the view that this is a suitable, well located and sustainable residential development with access matters entirely resolved at the next stage and there are no objections from technical consultees, asking the committee to support the outline application.

Members asked questions of Ms Penney as follows:

- Councillor Mrs French asked if the site would be connected to main sewage? Ms Penney responded that her understanding is that it would be, but this is still up for debate.
- Councillor Mrs French stated that drains run along here, and she can see that the Drainage Board has been contacted but there has been no response, which is normal because they are not a statutory consultee. She would expect, if this is approved, that the agent speaks to Drainage Board about the Reserved Matters.
- Councillor Mrs French asked if the farmhouse is still in the ownership of this owner as she thought it had been sold off and is the farmhouse going to be retained? Ms Penney responded that the farmhouse is going to be retained, it is still in a reasonable state and did not seem worth demolishing. She confirmed that it is all within the applicant's ownership.
- Councillor Purser asked if the farmhouse is still lived in as it looked derelict? Ms Penney responded that she thinks it is empty, but it is still a dwelling house.

Members asked questions of officers as follows:

- Councillor Mrs French stated that Cherryholt Farm is a Listed Building and sits on the Buildings at Risk Register, with the house not having been lived in for over 40 years and believes it was sold a few years ago. She asked why the Conservation Officer and enforcement have not looked at this dwelling? David Rowen responded that he feels there is confusion over what Cherryholt Farm is being referred to and thinks the one that Councillor Mrs French is referring to might be the property that is on Burrowmoor Road, which is a separate property to this application and which he believes was sold off a number of years ago.

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

- Councillor Mrs French stated that she is surprised by the comments of Highways because normally they want the access at outline but at Paragraph 5.5 they are saying it can be undertaken afterwards. She added that apart from this she has no objection to the

application believing it will enhance the area and supports it.

- Councillor Purser agreed with the comments of Councillor Mrs French, it will enhance the area and the houses are very much needed.
- David Rowen stated that in terms of redevelopment of the site for residential there is no real issue with that in principle, but the issue is that the application has failed to demonstrate that at a more detailed stage the site can be accessed in an acceptable matter, with the access running close to the front of Cherryholt Farm and there could be potential issues for the amenity of that property going forward. He continued that the Highway Authority have said that they do not have details that an adequate scheme can come forward with an acceptable access, which is the principle of redeveloping the remainder of the site.
- Councillor Mrs French stated that Highways has not objected, their comments are woolly and she thinks the access can be achieved.
- David Rowen stated that the Highway Authority have not specifically objected but have raised concerns about the details that have been provided and the concern is if outline planning permission is permitted the access can only go in one place with the constraint of the farmhouse being in situ and if the Highway Authority object at Reserved Matters stage it would be very difficult to then refuse the application if they do raise concerns. Matthew Leigh added that planning is clear that a condition cannot be imposed if officers are uncomfortable that it can be met and Highways have raised concerns, the Council is the decision maker based on the details that are provided and the fact that Highways might not agree with it in the future is a moot point. He feels there is not enough information in front of committee that a condition can be imposed and committee only needs to look at the plans to see how the road narrows a lot as it comes off Lewis Close, it would not be difficult for an appellant to have found some extra information in relation to tracking, etc, to confirm that it works and the fact that there is no information has to be a concern for the Council as a decision maker and the ability to impose a condition when there is obvious concerns is something that committee needs to be conscious of.
- Councillor Mrs French stated that she has never seen such a comment from Highways before. Councillor Connor agreed and it is the first time he has seen them sit on the fence.
- The Legal Officer reminded members that if they are going against the officer's recommendation they need to be clear what the reasons are.

Proposed by Councillor Mrs French, seconded by Councillor Purser and agreed that the application be GRANTED against officer's recommendation, with conditions delegated to officers to apply in consultation with Councillors Connor and Mrs French.

Members do not support officer's recommendation of refusal of planning policy as they feel that the Highway Authority has not objected to the application, is it believed the access can be achieved and the proposal complies with all other planning policies.

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

P106/25

F/YR25/0852/F

39 BROAD STREET, MARCH

**INSTALLATION OF EXTERNAL SHUTTERS TO EXISTING SHOP FRONT
(RETROSPECTIVE)**

Alan Davies 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 building was vacant for approximately 7 years before the applicant took on the premises, having now occupied it for 3 months under a 10-year lease and Chloe's Jewellers has been operating for more than 90 years and has branches at

Thetford, Melton Mowbray, Royston and Wisbech. He added that the applicant is in talks with possible shops in Newmarket and Sudbury.

Mr Hall referred to 5.3 of the officer's report where the crime officer states that the site is in an area of medium to high risk to vulnerability of crime. He stated that on 16 January this property was broken into, the external shutter was present as a deterrent, but a hole was cut through the roof to gain access, the Police were called, but he does not have a crime number or e-mail, which resulted in a loss of £23,000.

Mr Hall made the point that this is not the only commercial property in March Conservation Area that has an external roller shutter, with two other jewellers in the Conservation Area both having these, the pawn brokers at 6 High Street and opposite this site at Malletts. He feels that there are also shutters at various other premises, Anne's Thai Kitchen on the adjacent street which can be seen from this site, Amical Vets directly opposite a Grade II Listed Building and on shops down Fenland Walk, with the shops being outside of the Conservation Area but the walkway being in the Conservation Area and whilst he appreciates these have all been there a while they are part of the character of the area.

Mr Hall stated that there are no objections from the public to this application, March Town Council support it as does the Designing Out Crime Officer and two other businesses in the same trade in the Conservation Area both have shutters as well.

Members asked questions of Mr Hall as follows:

- Councillor Marks expressed the view that the roller shutters look a little stark and if planning consent is given asked if they would consider them being painted? Mr Hall responded that Malletts has been spray painted the same colour as the shop surround and he could agree to this, it would be black as in the surround around the shop and it would not be orange.
- David Rowen requested clarification that when the shop was broken into the break in took place through the roof. Mr Hall responded that it was on 16 January the break in took place, the shutter was down and the thieves cut a hole through the roof. David Rowen stated that the reason he asked that question was because the break in took place after the shutter was in situ and the shutter is not effective as a deterrent from preventing crime and the solid shutter exacerbates the crime as nobody can see in the shop and see that a theft is taking place.
- Councillor Marks stated that he agrees to a certain degree and questioned where CCTV was watching at the time because someone running across a roof should be fairly well spotted.

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

- Councillor Murphy stated that he lived in a shop and shop premises for over 50 years and was part of the local traders association, referring to 1.2 of the officer's report which he feels does say it all, reading it out and making the point that when he was in the traders association they talked about exactly the same thing. He added this is in a Conservation Area and you can now get in store shutters so they do not show out on the street scene and he does believe that officers have got the recommendation correct because there is nothing worse than a row of shutters all the way down the street which will get worse going forward as every shop will want them for safety reasons and they are not necessarily for safety reasons.
- Councillor Marks stated he is not a shopkeeper and does understand what Councillor Murphy has said, however, putting shutters behind a window, one of the biggest expenses a shop gets is the glass when it gets smashed and it gets to a point where they may not be able to get insurance. He added that it is a roller shutter, it is in front of what looks to be some valuable items, and he understands what David Rowen said that the roller shutter did not work particularly well, but it showed a different weakness in the building. Councillor Marks made the point that so many cash machines are being stolen, the thieves get a

teleporter to smash into it so now they are putting posts in front of cash machines and now thieves are stealing mini diggers because they will find a solution to any problem but the more security that is in place the better. He reiterated what was the CCTV operator doing at the time and why did they not see somebody running across a roof. Councillor Marks expressed the view that the shutters are a deterrent, he does not like the colour of them and thinks if they were painted black it would look better and wherever it is, in a Conservation Area or not, he thinks it would match in better. He feels it needs protection and it may be that the insurance company have specified it, with the owner not being able to run his business because the insurance company has said they have to have them or otherwise the premiums would increase meaning another business is lost out of March who pay rates.

- Councillor Connor agreed with the comments of Councillor Marks, the shop has previously been empty for 7 years so they are not easy to lease and there are extra business rates being collected for Fenland. He referred to the comments of Councillor Murphy and would have thought he was a shopkeeper many years ago, with Councillor Murphy indicating it was 10 years ago, and Councillor Connor expressed the view that even in 10 years things have changed in March, people are climbing on roofs, running amok and breaking into places, as he is sure they are in every market town. He believes the need for shutters is imperative as if you break the windows of the shop, it is a massive amount of money per capita of the profit and if it happens once or twice in a year or over two years the premium goes up and then the profit is diminished one way or another. Councillor Connor made the point that members have heard the owner lost £23,000, not through the shutters, but perhaps the building needs some more security measures but shutters are a deterrent, with various other shops having them. He stated that he did call this application into committee and he will support it.
- Councillor Purser stated that he fully supports it but as Councillor Marks alluded to if the shutters were painted a nicer colour rather than the stark silver colour to blend in with the surroundings it would be better. He made the point that there is expensive jewellery in the shop, he was a shopkeeper and had windows broken, not as a result of a break in, but due to the inebriated state of people and the issues it caused clearing the mess up and trying to get the windows boarded up and replaced so to protect it with shutters is beneficial but there are alternative shutters where you can still see through and different colours.
- Councillor Benney stated that he was a shopkeeper and roller shutters do stop a lot of nuisance crime, with a pane of glass that size costing probably a couple of thousands pound to replace and if you have 2-3 of these a year an insurance claim is not submitted as the excess will be expensive and it also puts the insurance up. He stated that his shop got ram raided 4 years ago and his insurance at the time was around £1,200 and when he paid the insurance last month it is now £2,700 due to submitting a claim and it then gets to the point where someone cannot get insurance, with 4 broken windows a year meaning that there is no profit that year. Councillor Benney made the point that to say it did not stop crime, it did stop it coming through the front, he got broken into the several times and the last time he thought he was really secure and they came with a steel saw and cut through the back doors so thieves always find a way round it. He does think the current shutters are stark, looking like they belong on an industrial site and he would prefer perforated ones so the inside can be seen as if you put an internal light in the shop if people are driving past they would see somebody in the shop and he does not think it would cost too much to change to perforated black shutters, which he would much prefer to see than what is currently there. He asked if it would be possible to look at deferring it to have those shutters changed?
- David Rowen stated that, as has been alluded to by Councillors Benney and Purser, this is the worst form of shutter that you could have on a shop front from a visual point of view and a practical one of how it deters crime as it masks crime. He expressed the view that a far better option would be some form of grille style shutter that would still protect the glass but would also give that visual permeability into the shop. David Rowen referred to the comments of Councillor Connor that this is an application in front of members for a solid shutter so that is what this application needs to be decided upon but there is a viable,

reasonable, preferable alternative that could be secured and questioned whether that could be undertaken through a deferment or whether that would be better through the determination of this application in line with officer's recommendation and officers can then seek to work outside the application process with the owner of the shop to obtain something that is better. He feels there are two options but the option he would not recommend is approving this application for the reasons that both Councillors Benney and Purser have identified.

- Councillor Benney stated that he would like the application deferred as the owner either wants his planning permission or not and the current shutter is a bit stark. He asked if officers would work with the agent if it is agreed that it is deferred and he would be happy for this to be delegated if it could. Councillor Benney stated he would be happy with a perforated shutter in a black colour that blends in with what is there as it is very industrial what is there currently.
- Councillor Connor stated that he would prefer another type of shutter but was told that committee needed to determine what is in front of it but would be happy to defer it to bring it back to next month's committee or if it is an easy one it could be delegated to officers.
- Councillor Marks expressed confusion as he sat in a meeting yesterday and was told when deferral was mentioned that committee had to determine what is in front of it questioning what has changed in the last 24 hours. David Rowen responded that it could not be conditioned that there are different shutters but in terms of deferring this was not discussed in detail other than to say that deferment is not an ideal scenario but if that is the committee's decision that it is deferred to secure something better than that it is within members' gift. Councillor Marks disagreed, he would have thought deferral was the sensible thing and is surprised at the comments today, but he is happy to support a deferral.
- Councillor Benney asked if officers would work with the agent if deferred to seek a change of the shutter and come back to the committee? David Rowen responded that whether it is a refusal and a resubmission or a deferral to secure something acceptable then officers would work with the applicant/agent to deliver that.
- Councillor Connor stated that he is in favour of a deferment because if they have to submit another application they will have to pay again.
- Councillor Benney asked if the agent can be asked if they will work with the officers to come back with a different scheme as members need to know if is possible before making their decision? Councillor Connor allowed the agent to respond whether they will work with officers to obtain a better scheme. Mr Hall stated that they would work with officers for a different external roller shutter.

Proposed by Councillor Benney, seconded by Councillor Purser and agreed that the application be DEFERRED to enable officers to work with the applicant and agent to bring forward a perforated different coloured roller shutter.

(Councillor Mrs French declared that she is a member of the Broad Street Regeneration Committee and took no part in the discussion or voting on this application)

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally, but he is not pre-determined and will consider the application with an open mind)

(Councillor Murphy declared that he knows the agent, but he is not pre-determined and will consider the application with an open mind)

(Councillor Purser registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a member of March Town Council but takes no part in planning. He further declared that the agent has undertaken work for him, but he is not pre-determined and will consider the application with an open mind)

P107/25 **F/YR25/0726/PIP**
LAND SOUTH OF 29 PRIMROSE HILL, DODDINGTON
PERMISSION IN PRINCIPLE FOR 2 X DWELLINGS

David Grant presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall referred to the Google image on the presentation screen which shows a residential dwelling was approved on the opposite side of the road, down a track, in 2021 by committee and believes this has been built out. He stated that opposite to this site and adjacent there are residential dwellings, which were seen on the photos, and opposite this site there is a bus stop, which gives further links to the surrounding villages and towns and the majority of people in this area, Primrose Hill, own cars.

Mr Hall stated that the proposal would not be on mains drains so there would be no additional pressure on the foul water system in Doddington and there is further land to the rear of this site if anyone required it for paddocks, etc. He referred to concern being raised with regards to the access but made the point that there is no objection from Highways.

Mr Hall expressed the opinion that this is not the only site that has been approved by members, he has already mentioned the one on the opposite side of the road, where the report has stated that the proposal is beyond the built up form of Doddington, with two dwellings being approved on Benwick Road in 2023 and the officer's report stated that that proposal was 1.3km from the built up form of Doddington, far greater than this proposal. He acknowledged that the plan is an indicative plan and conditions cannot be placed on it if it is approved but they have shown residential dwellings with annexes.

Mr Hall stated that having travelled along this road last week there were no other dwellings that he could see that were vacant or for sale in this section of Primrose Hill. He continued that the indicative proposal is for dwellings with annexes, and he feels there are examples of this sort of development, such as Charlemont Drive in Manea, and there is a need for these types of dwellings.

Mr Hall expressed the view that the proposal would allow high quality homes with tied residential annexes, although it is an indicative layout, to allow various generations to live together and he undertakes many jobs where people want to convert buildings to be annexes so feels there is a need for them.

Councillor Connor made the point that some of the agent's presentation was not relevant as the proposal is only a PIP application.

Members asked questions of Mr Hall as follows:

- Councillor Marks referred to the built-up form of Doddington and, looking at the Google map, he had not realised if a straight line is drawn from the site across it is still Doddington because the postal address is PE15 0TB and he would say this is still as far out as the built-up area and asked if he agreed? Mr Hall responded that if a straight line was a drawn there are numerous other dwellings in that area both sides of the road and also planning approvals, so he does agree.
- Councillor Benney stated that if there was a straight line, straight up then you go past the greenhouses and committee has passed dwellings further out than that along Benwick Road and asked if this was correct? Mr Hall agreed that two plots were approved here and thinks works may have started.

Members asked officers questions as follows:

- Councillor Marks asked what is the difference between this development, where it is saying

that people could be put at risk in Flood Zone 3, and the development which was passed in Wisbech for 47 bungalows, which were raised so can the same thing not be undertaken here where they are raised out of the ground to take them out of Flood Zone 3. David Rowen responded that Wisbech is Fenland's largest town, it is its most sustainable location for development and there are significant areas of housing within Wisbech which are already within Flood Zone 3. He continued that in terms of putting people at risk there is an economy of scale on top of this, which as part of the preparation of the Local Plan, most of the areas within Wisbech were subject to a strategic flood risk assessment and also flood modelling work, which underpinned the allocation of a lot of those sites which the 47 bungalows at Wisbech were within the identified broad location for growth. David Rowen stated that at this location, there is a site outside a settlement in the open countryside which has not got any of the regeneration and sustainability benefits that a site in Wisbech has, feeling that the sites are uncomparable. Councillor Marks made the point that mitigation has been provided against Flood Zone 3 by raising the property, it has occurred elsewhere and members are told to be consistent so asked why these properties cannot be raised to be outside Flood Zone 3. Matthew Leigh responded that he feels there is a bit of a misdirection as when looking at planning in flood zones there are two aspects for the legislative requirements and the process and what needs to be considered. He stated that the first aspect is around the public benefits and as explained by David in Wisbech there are derelict sites, previously developed land and its Fenland's largest residential area being a very sustainable location, therefore, there are significant public benefits including the regeneration, improvement and uplift of the area that meet the first aspect of the test. Matthew Leigh continued that the second aspect of that test is about raising it, it does not stop it being in a flood zone just because it is raised up, but what it means is the flooding is less likely to go into the home but it does not make it in an acceptable flood zone, it is still in the flood zone but it is just that the built form would be above the flood zone. He stated that both aspects of the test have to be passed for it to be acceptable in a flood zone so a site in a rural area with no public benefits from building on that site outside of housing, which in Government guidance is clear, is not a reason to build in flood zones otherwise there would not be flood zones and officers would not say housing is unacceptable. Matthew Leigh expressed the opinion that this proposal does not meet that first aspect so comparing a site where the Council has gone through a policy of assessing spatial strategy and strategic flood risk to find that there are public benefits of delivering housing in that area cannot be compared and reflected upon a rural site in an elsewhere location. He made the point that the whole principle of the strategic assessment of flooding is that there needs to be public benefits and the Council decided in Wisbech there was and to keep referencing this is just artificial and accidentally misdirecting members, they are not comparable.

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

- Councillor Marks stated that he drives past this site most days, there are definitely buildings across the road, there is a new building being built beside it, and feels there is built up form around it. He is not convinced it is an elsewhere location as this is what Fenland villages are, with dwellings built on the roadside and this proposal is for two properties on a roadside. Councillor Marks stated that he is not going to go over flood zones again but feels it is a difference to what they were told a couple of planning meetings ago when discussing the Wisbech site when members were told it takes it out of the flood zone by raising it so questioned why this proposal cannot just be raised. He made the point that this is a PIP application and feels it is a good place to build and personally he would be supporting it.
- Councillor Benney stated that these are properties with an annexe and questioned where else would you put these types of properties? David Rowen interjected that a lot of what was in Mr Hall's presentation, as intimated by the Chairman, was not relevant as this is an application for Permission in Principle for basic residential development in this location and the form of that development, whether there are annexes or not, is not committed or part of

the application and cannot be given weight.

- Councillor Benney stated that in terms of land usage where do you build new houses and people pay for a view and this proposal will create a nice view and will deliver housing. He stated that he sees nothing wrong with the application and there is other development taking place here.
- Councillor Marks stated that going to Chatteris, on the same road, building has taken place towards the bridge. He acknowledges that there are not boundaries to work within, but he sees this as still within the Doddington village and setting, with properties around it.
- David Rowen stated that the countryside is not just fields and there is built form within the countryside, with sporadic dwellings that are allowed, some which predate the planning system, some which are allowed for agricultural reasons and the one that Mr Hall referred to opposite this site was allowed because the committee were of the view that it was an exceptional design which met one of the national exemptions for residential developments in the countryside. He made the point that planning policy in the Local Plan and NPPF seeks to restrict development which is outside established settlements for the reasons of sustainability, connectivity, etc. David Rowen continued that to try to make an argument that this is within the built form of Doddington, members only need to look at the map on the screen and look at the agricultural fields which are in between this site and the main built form. He added that the definition within Policy LP12 of what the developed footprint of the village is, is the continuous built form of the settlement excluding individual buildings, groups of dispersed or intermittent buildings that are clearly detached, gardens, paddocks, other undeveloped land on the edge of the settlement, agricultural buildings and associated land on the edge of the settlement and he does not feel there is any reasonable way in which this site can be classed as within the built form and the settlement of Doddington. David Rowen agreed that it might have a Doddington postcode, people that live there live in the vicinity and may say they live in Doddington but that does not alter the fact that it is not part of the settlement, which is what the policy requires to allow development to be acceptable.
- The Legal officer reminded members that if they are departing from the officer's recommendation that they need clear planning reasons for this.

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

Members do not support the officer's recommendation of refusal of planning permission as they feel that Flood Zone 3 can be mitigated against, it is a high-quality environment, permission has been given in the vicinity for other properties and there is built form opposite the site.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally and he knows of the applicant, but he is not pre-determined and will consider the application with an open mind)

(Councillor Connor declared that he knows of the applicant, but he is not pre-determined and will consider the application with an open mind)

(Councillor Marks declared that he knows the applicant's sister and has undertaken personal work for her, but he is not pre-determined and will consider the application with an open mind)

(Councillor Murphy declared that he knows the agent, but he is not pre-determined and will consider the application with an open mind)

(Councillor Purser declared that the agent has undertaken work for him, but he is not pre-determined and will consider the application with an open mind)

LAND NORTH OF 10 PRIMROSE HILL, DODDINGTON
PERMISSION IN PRINCIPLE FOR 4 X DWELLINGS

David Grant presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall referred to the various concerns in the report, with one being about ecology but the majority of the hedge would be kept, although he acknowledges that this is a PIP, for a single access which Highways have agreed with, and they would have to provide an ecology report. He stated that the last application was about 2½ years ago but that was for 9 dwellings and it has now been changed to 4 dwellings so that a footpath can be included within the red line.

Mr Hall acknowledged that the plan is indicative but, in his opinion, there is material planning change from when the previous application was refused. He referred to the Google map which shows immediately to the east this site abuts residential development and that is continuous all the way along into Doddington and feels that members will be aware along Primrose Hill and Newgate Street there have been numerous approvals over the years and development is all heading towards the west of Doddington, which is where this site is.

Mr Hall stated that within the officer's report it does state that this site is close to a bus stop, there is a footpath link which they are proposing to improve, it provides good transport links to Chatteris and Doddington, there is a shop, post office, school and pub. He referred to 10.5 of the officer's report where it states that the land is classified as Grade 3 agricultural land, not Grade 1, and he would not disagree with this and he does not believe that it has been cropped for 10-15 years, having been grassland or paddock land for many years.

Mr Hall appreciates the plan is indicative, but he produces these drawings to give members an idea if approved what could be built on the site and it shows a full adoptable footpath along the front of this site in the red line. He expressed the view that he believes all the dwellings are in Flood Zone 1 but if not at least 3 are and there are no Highways objections.

Councillor Connor asked members to disregard the footpath as this is not part of the application and it is only land use that is being considered.

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

- Councillor Benney made the point that it is land usage that is being looked at, with members having just approved the ones further out of Doddington, and he feels this is suitable and good use of land.
- Councillor Marks expressed the view that this application probably has more benefit than the last application and it is being said that this site lies mostly in Flood Zone 1. He stated that he can never remember the field being cropped apart from hay and it has been heard that the majority of the hedge can be retained and there could be social benefit from this proposal as well, with it being closer to Doddington, almost touching the Doddington sign. Councillor Marks made the point that across the road a bit further up a parade of houses was approved and this proposal will be for 4 dwellings on the side of a roadside, in what he feels is a Fenland village.
- Councillor Benney agreed with comments of Councillor Marks, making the point that as you come into Doddington on Newgate Street there are new dwellings on the left-hand side, which were all recommended for refusal and every time he drives past them, he thinks they are lovely, with them all being sold and lived in.
- Councillor Murphy agreed that the site is acceptable to be developed as it looks to be a continuation of Doddington and made the point that not every development can be put in a village. He added that if this proposal was not on this land, up to the edge of Doddington, he would probably not support it, but he feels it works well on this land.

- Councillor Marks expressed the view that from this site right the way through Doddington the next field is way past the school, approximately 2 miles away, so this is only extending Doddington on one side and it is abutting up to Doddington itself.
- David Rowen reminded members that this site was the subject of a previous PIP in 2023 when members resolved to refuse the application on the basis that “Turnpike Close along with 8 Primrose Hill on the southern side of the road is considered to be the edge of the built form with development further west along Primrose Hill being sporadic frontage development of a rural nature separated by fields and becoming sparser as the settlement is exited. Development of this site would introduce a formal linear extension into the open countryside which does not respect the rural character or sporadic settlement pattern as the village is exited. It would result in unacceptable urbanisation and set a precedent for further development further eroding the open character of this area contrary to the aforementioned policies”. He added that there was also a second reason for refusal regarding Flood Zones 2 and 3. David Rowen stated that the Council, the Planning Committee, has previously considered that this site is an unacceptable in terms of the location for residential development.
- Councillor Marks expressed the opinion that what has changed is that there are now properties further round, having just passed two this afternoon, and feels there has been change since 2023 along that roadside, along with properties on the other side of the road going into the village. He feels the flood zone issue has been resolved and as members are told PIP is only land use in principle and he believes it is acceptable to build on. David Rowen responded that to the best of his knowledge all the other properties on the opposite side of the road to this site were granted well before 2023.
- The Legal Officer reiterated that if members are departing from officer’s recommendation to give clear planning reasons for doing so.

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

Members did not support the officer’s recommendation of refusal of planning permission as they feel that the proposal abuts the developed footprint of Doddington, is not detrimentally eroding the open countryside as only a small portion of land is being used for the development, and the indicative layout plan shows the dwellings can be accommodated in Flood Zone 1.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally and he knows of the applicant, but he is not pre-determined and will consider the application with an open mind)

(Councillor Connor declared that he knows of the applicant, but he is not pre-determined and will consider the application with an open mind)

(Councillor Marks declared that he knows the applicant’s sister and has undertaken personal work for her, but he is not pre-determined and will consider the application with an open mind)

(Councillor Murphy declared that he knows the agent, but he is not pre-determined and will consider the application with an open mind)

(Councillor Purser declared that the agent has undertaken work for him, but he is not pre-determined and will consider the application with an open mind)

**P109/25 F/YR25/0730/PIP
LAND NORTH OF THE QUADRANT, PRIMROSE HILL, DODDINGTON
PERMISSION IN PRINCIPLE FOR 2 X DWELLINGS**

David Grant presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent. Mr Hall stated his comments are the same as for application F/YR25/0726/PIP, however, on the indicative layout that he submitted the 2 houses are, in his opinion, in Flood Zone 1, with other parts of the site being in Flood Zones 2 and 3. He referred to the previous application where he said that the houses would be in Flood Zone 1 but for clarification did not say the whole site was in Flood Zone 1.

Members asked questions of Mr Hall as follows:

- Councillor Marks referred to officers saying that the road goes down Dykemoor Road and asked how far the entrance will be down what officers say is a fairly rough road? Mr Hall responded that the access is shown on the indicative plan, the frontage of the site has a large group of trees which is not in the site's ownership, which is why an access has not be shown out onto Primrose Hill and he estimated that the distance from Primrose Hill to the site's entrance is about 20 metres.
- Councillor Marks stated that a bit further down there is Henry Shepherd's Transport yard and asked how much further down is the entrance to this site from the proposal? Mr Hall responded approximately 50-75 metres but he has not measured it and is only going from what he can see on the OS plan.
- Councillor Connor made the point that Dykemoor Road is mostly a concrete slab road that has been tarmacked over and he does have lots of issues over that road breaking up. He added that it was undertaken by workers for the war effort to make it easier for produce to be transported.

Members asked questions of officers as follows:

- Councillor Connor asked if the houses will be in Flood Zone 1? David Grant responded that the indicative plan shows no part of the housing within Flood Zone 1, however, when officers assess through the three criteria, location, use and quantum, they are assessing it along the entirety of the site within the red line boundary and, therefore, with the site partially being in Flood Zones 2 and 3 a sequential test is required and no such test has been submitted and, therefore, when the location is looked at from a flood risk point of view officers deem this site is unsuitable.

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

- Councillor Benney referred to the Government flood maps, which shows a 1 in a 1,000 chance of where the houses being sited flooding. David Grant responded that this is looking at surface water flooding and not Flood Zones 2 or 3, with the rear of site being within Flood Zones 2 and 3. Councillor Benney acknowledged this, but where the houses are going to be built is in Flood Zone 1. David Grant responded that the plan is indicative only, therefore, no weight can be given to the proposed location of the houses.
- Councillor Marks expressed the opinion that this site is better than the one before last as vehicles can turn off the busy road, which is a benefit to this site. He acknowledged that there is an indicative site plan and he is sure that drainage will be resolved should this be given permission, it abuts up to the horseshoe building that is already there and committee has now given permission for 2 further properties along here. Councillor Marks feels there are lots of buildings around the site, with further up the road there being a transport yard and he is happy that the site can be built on.
- David Rowen stated that he reiterates his comments on the previous two applications.

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

Members did not support the officer's recommendation of refusal of planning permission as they feel that the proposed is not eroding the character of the open countryside, there are other properties in the vicinity, some people want to live in an elsewhere location and the indicative

layout plan indicates that the properties can all be located in Flood Zone 1.

(Councillor Benney declared that the agent has undertaken work for Chatteris Town Council and himself personally and he knows of the applicant, but he is not pre-determined and will consider the application with an open mind)

(Councillor Connor declared that he knows of the applicant, but he is not pre-determined and will consider the application with an open mind)

(Councillor Marks declared that he knows the applicant's sister and has undertaken personal work for her, but he is not pre-determined and will consider the application with an open mind)

(Councillor Murphy declared that he knows the agent, but he is not pre-determined and will consider the application with an open mind)

(Councillor Purser declared that the agent has undertaken work for him, but he is not pre-determined and will consider the application with an open mind)

7.56 pm

Chairman