

PLANNING COMMITTEE



WEDNESDAY, 1 APRIL 2026 - 1.00 PM

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

APOLOGIES: Councillor D Connor (Chairman).

Officers in attendance: David Rowen (Development Manager), Danielle Brooke (Senior Development Officer), Hayleigh Parker-Haines (Senior Development Officer), Stephen Turnbull (Legal Officer) and Jo Goodrum (Member Services & Governance Officer).

P119/25 PREVIOUS MINUTES

The minutes of the meeting of 4 March 2026 were approved and signed as an accurate record.

P120/25 F/YR23/1033/F LAND SOUTH OF 88 WEST STREET, CHATTERIS ERECT 21 X DWELLINGS (4 X 2-STOREY 2-BED, 15 X 2-STOREY 3-BED & 2 X 2- STOREY 4-BED) WITH ASSOCIATED ACCESS WORKS, PARKING AND LANDSCAPING, AND THE FORMATION OF ATTENUATION PONDS, INVOLVING THE DEMOLITION OF EXISTING BUILDINGS.

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 Kate Wood, the agent. Ms Wood reminded committee that they granted permission for this development last July subject to the signing of a Section 106 Agreement and during that legal process the applicant started to work on obtaining costs for the construction of the development and the associated road improvement, where it became apparent that materials and build costs have risen significantly such that the development would not be viable. She stated that the applicant, therefore, sought advice from a viability consultant who worked through the calculations and suggested there were two options to make the scheme viable, which were firstly the loss of all financial contributions and the retention of just two affordable dwellings or secondly the loss of all five affordable dwellings but the retention of £186,500 of financial contributions towards the doctor's surgery and education.

Ms Wood expressed the opinion that given that their experience when this application was previously considered was that improvements to the doctor's surgery were important to local people and that the Council has granted permission for 70 affordable units further up West Street, they decided that the second option of no affordable units and keeping the financial contributions was the most appropriate way forward. She stated that this was put to officers who, as can be seen from the reports, have agreed with the approach and have had the viability assessment verified by the Council's own consultants and their quantity surveyor, which has now led to this point whereby they are asking members to agree the change to the Section 106 Agreement.

Ms Wood confirmed that no changes at all are proposed to the development, which was approved unanimously last year, with the proposal before committee solely related to the Section 106 Agreement. She stated that it is regrettable that they are unable to provide the full range of planning obligations but note that this has been the same issue with other recent planning

permissions in Chatteris where they have noticed that in some cases there is no affordable housing and no financial contributions have been able to be offered.

Ms Wood expressed the view that the financial contributions in this scheme will help to make the development sustainable and to accommodate the new residents into the community. She pointed out that the scheme includes the upgrading of a length of West Street and that will be an additional benefit to those in the vicinity and to those using the route for dog walking and to access the pocket park, located further south.

Ms Wood expressed the opinion that the application scheme is the only opportunity to provide this upgrade to West Street and to formalise the public footpath, with the scheme also facilitating the removal of the existing industrial buildings on site, which contain asbestos, and enable the proprietor of that business to move to more modern premises elsewhere where they can continue to grow.

Members asked questions of Ms Wood as follows:

- Councillor Mrs French asked for an explanation on the difference between offering £186,000 against building two affordable dwellings? Ms Wood responded that the actual amount in terms of difference is in the officer's report, but from their point of view it does not make any difference in terms of actual numbers because the calculation is a specific figure and how that specific figure is spent, is it spent on a combination of affordable housing and financial contributions or all on affordable. She stated that a choice has been made that there should not be the two affordable units, partly due to the fact that permission has been granted for a whole affordable scheme of 70 dwellings, so it is not like this area of Chatteris is without its affordable housing, although obviously there is a need across the District. Ms Wood added that if two affordable units are built in a relatively isolated position from other affordable units, management is an issue as you are unable to secure a housing association to take on just two units and as the officer has said in the report, it makes more sense to provide the money, which then means that the people who move into this development are contributing to the needs that they have created.
- Councillor Mrs French thanked Ms Wood for the explanation but made the point that this does not help the 3,000 people that are on the Council's waiting list. Ms Wood agreed and the officer in the report said the same but the officer in Paragraph 4.37 stated that two units would not materially influence the overall supply or address the identified shortfall in any meaningful way. She continued that nobody is disputing the need for affordable housing, but all this development can do is to accommodate it as much as possible and the way it is accommodated is by a contribution to the doctor's surgery and education, which benefits more people. Councillor Mrs French made the point that the County Council have a duty to educate children, and the Council does not have a duty to supply the Section 106 to them but she obviously welcomes a contribution to the doctor's surgery.
- Councillor Benney expressed his disappointment that this application has had to be brought back before committee, it was only approved last year and whilst he appreciates that oil prices have risen in light of the Iran conflict, this application was approved well before this and he does not believe there is that much of a change in building costs between when this application was approved and the second application has been submitted. He asked what is the proposed mix for contributions between the doctor's surgery and education? Ms Wood responded that it is within the officer's report, with the £186,000 being 90% of what was originally required but she does not know how it is split between the surgery and education.

Members asked questions of officers as follows:

- Councillor Benney asked what the split is between education and the doctor's surgery? Hayleigh Parker-Haines responded that each have 90% of their original amounts but will come back with the exact monetary value. Councillor Benney stated that he would rather see the money going towards the doctor's surgery than to education as Councillor Mrs French said Government has a duty to educate children and health care in Chatteris is quite

good and he would like to keep it this way if he can as a local councillor. He added that from being on the patient participation group the surgery is always looking for funding and they are going to need it long term as the housing grows, which covers everybody of all ages, not just children. Hayleigh Parker-Haines stated that 90% of the NHS total amount is £16,243 and education, 90% of their requested amount is £170,257.

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

- Councillor Mrs French stated that it is unfortunate that once again a developer returns, after getting their permission, with viability, it is very disappointing for this committee which spent a long time discussing this application last year. She added that the County Council have a duty to educate children and the Council does not have a duty to supply the Section 106 and she is disappointed that it is not going into affordable housing.
- Councillor Benney stated that he would rather see more of this money going towards the doctor's surgery in Chatteris, with £170,000 education money being a 'drop in the ocean' and £16,000 does not go far enough to help provide the first line of health care that is deserved in Chatteris. He knows the George Clare Surgery has got plans to expand as Chatteris is growing and they are going to need money to expand because it is not an NHS practice, it is private, and they have to raise the money privately and feels that from the money on offer the figures should be swapped around and he would like to see it ring-fenced for Chatteris.
- Councillor Marks agreed, he thinks the figures are 'back to front' and he has spoken to the Legal Officer to see if it is feasible for the amounts to be swapped around, change the figures or ring-fence the money. David Rowen pointed out that the NHS only requested a total contribution of £18,000 in respect of this development, which is now slightly less, but in terms of members being in a position to justifiably ask for a greater level of contribution it would be unreasonable for members to be seeking anything over that £18,000 which the NHS have actually asked for. The Legal Officer added that it would be unlawful to require more funds than are needed to be allocated towards the medical facilities because an extra amount cannot be required via a Section 106 beyond what is requested.
- Councillor Benney stated that he accepts the legal argument, but the NHS does not run the surgery, it is run as a private business as most surgeries are, and the surgery has to bid from the NHS to obtain funding, and he knows they struggle with this. He acknowledges that the NHS has not requested a significant amount but knows that on the ground the surgery needs this money for the work it is planning to do to ensure that the health care continues. Councillor Benney referred to Sutton losing their surgery and he would do anything to keep George Clare in Chatteris and not have it amalgamated into health care in the district and keeping this surgery afloat ensures that the surgery is retained in Chatteris. He feels as much as legally the committee cannot, he feels morally they should but is disappointed if legally this cannot be undertaken but will have to accept it.
- Councillor Mrs French made the point that the committee can give them what they originally requested, which might not seem a big difference, but a few hundred pounds does make a big difference to a small surgery.
- Councillor Marks agreed, it is sad that more cannot be given to the surgery, and it seems there has been a breakdown in communication between the surgery and the NHS themselves. He asked if it is possible that the amount can be raised back to the original request? The Legal Officer stated it is what extra funds are required by these extra 21 dwellings and that has been assessed at £18,000 so committee could ask that this amount be allocated.
- Councillor Mrs French formally requested that the NHS be given what they originally requested. Councillor Benney stated he would second this because the application cannot be refused as the Council would lose at appeal so if the figures could be adjusted that would be good.
- David Rowen acknowledged the disappointment in terms of the changes from the original Section 106 package but that this disappointment is reconciled with a pragmatic way forward and it is within the committee's gift to seek the full amount that the NHS requested,

£18,000, but it would need to be included as part of the proposed recommendation.

Proposed by Councillor Mrs French, seconded by Councillor Benney and agreed that the application be GRANTED as per the officer's recommendation but that the Section 106 Agreement contribution to the NHS be increased to the original request of £18,000.

(Councillor 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 takes no part in planning)

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

**P121/25 F/YR25/0957/PIP
LAND NORTH WEST OF 16 WESTFIELD ROAD, MANEA
PERMISSION IN PRINCIPLE TO ERECT UP TO 9 X DWELLINGS INCLUDING THE
FORMATION OF A NEW ACCESS**

Hayleigh Parker-Haines 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 they are pleased that the officer's report recommends approval, Manea is a growth village with a shop, skate park, fishing lake, railway station and doctor's surgery and the officer's report confirms this site is within the built-up form of the village. He made the point that there are no technical objections to this application and it all lies within Flood Zone 1.

Mr Hall stated that prior to submitting this application, they submitted a pre-application with the Middle Level with regards to surface water and they had a positive written response returned that it could be taken into Darcy Lode provided it was attenuated. He acknowledged that this is a PIP application, but they thought ahead by submitting a pre-application with Middle Level.

Mr Hall expressed the view that along Westfield Road there have been numerous approvals in the past, some of these are being built out already, with these approvals coming from officers, members and the Planning Inspectorate. He feels the idea of residential development back towards Darcy Lode has, therefore, been accepted and this is set out in the officer's report at 10.9, with there being various other approvals in this area of Manea and the officer's report sums up this application very well with a recommendation for approval.

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

- Councillor Benney stated that in view of the recent appeal decision which enforced any kind of development in Westfield Road, it is recommended for approval and he feels it does not warrant a lot of debate on it.
- Councillor Marks stated that residing in Manea he has seen what the Parish Council has said but the Council has been found against already and the precedent has been set, especially by the Inspector, whether members agree or disagree with that decision is a different matter.

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

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

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

(Councillor Marks registered, in accordance with Paragraph 14 on the Code of Conduct on Planning Matters, that he is a member of Manea Parish Council but takes no part in planning)

(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)

P122/25 **F/YR26/0004/PIP**
LAND SOUTHWEST OF WOODBURY, MANEA ROAD, WIMBLINGTON
PERMISSION IN PRINCIPLE TO ERECT UP TO 3 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 that since the last application was refused in October 2024, they have revised the proposal down to three dwellings on a different site area to ensure there is material planning change. He added that there are no technical objections to this application and Highways raise no objection.

Mr Hall stated that when this application was heard at the previous committee in 2024, it was brought up that a lesser amount of dwellings might be acceptable but the seven was too much so the application was refused. He stated that, at present, there are caravans on site, one has been on site for a number of years with the applicant's family residing here paying Council Tax and there is an additional caravan on the site for the applicant's mother who has moved there from Chatteris due to health reasons.

Mr Hall made the point that all of the site lies within Flood Zone 1 and on the previous applications there were letters of objection from members of the public but there are no objections on this application so whether lessening the dwellings has removed the objections he is not sure. He stated that there is a dog grooming and kennel business operating at the site, which would be removed if this application is approved and that has substantial vehicle movements each day and the idea of three additional dwellings on site would result in a lot less vehicle movements.

Mr Hall acknowledged that the site is the other side of the bypass but made the point that so is Eastwood End, which is just further north of this site and no development was allowed there until, he believes, 2019 and development has now been allowed here right up to the bypass, just like this site. He added that there is already a footpath link here directly back to the Church and that has been there for well over 15 years to his knowledge and he believes it was also improved when the warehouse for Knowles Transport was approved.

Mr Hall expressed the opinion that the Church, which is often the heart of the community, is within 90 metres of this site and feels that the site is part of Wimblington, just like Eastwood End, which is also on the opposite side of the bypass, with there being traffic lights in this area to cross the bypass.

Members asked questions of Mr Hall as follows:

- Councillor Imafidon asked for clarification that the site will bring three additional dwellings to site and does this mean the kennels are not being completely closed down or moving away? Mr Hall responded that on site at present there is a bungalow, a dog grooming and kennels business all owned by the same person, with the bungalow at the front remaining and all the grooming and kennels would be removed for three additional dwellings making a total of 4 dwellings on site.

- Councillor Marks stated that he passes the site daily and there is a mobile home that has suddenly appeared on site within the last 6-12 months and asked if this has permission? Mr Hall responded that there is a mobile home in the back right-hand corner that has been there about 10 years, with the applicant's son living here and paying Council Tax, and there is another mobile home much closer to the bungalow which he believes is recent, which is for the applicant's mother who has moved from Chatteris. He added that they have never applied for planning permission or seen an application for it and questioned whether it would be needed if it is within the residential curtilage and a family member.

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

- Councillor Benney stated that when the application was submitted previously for seven dwellings he supported it and he will be supporting this proposal today. He made the point that the committee made a steer on this previously and even Councillor Marks stated that 3 or 4 could possibly be supported and he feels the applicant has gone away and has taken on board what the committee said and to not support something when a steer has been given, he feels is morally wrong. Councillor Benney stated that looking at the application this is part of Eastwood End and houses have been approved along the bypass at the other end of Eastwood End, which has been supported by committee against officer's recommendation, and directly opposite this site Knowles Transport warehouse was approved which is going to put far more traffic on this junction than three bungalows are going to. He made the point that the dog grooming business exists on site and, in his opinion, putting three dwellings on this site will make it a safer junction, it will reduce the amount of traffic not make it worse, make it safer and if a view is taken that the junction is dangerous that stops any development at Station Road end of Manea because that will put more traffic here, which is not going to happen as Manea is a growth village. Councillor Benney expressed the view that three bungalows will not add a significant amount of traffic but reduce it and comments are made about being consistent and committee has consistently approved applications against officer's recommendations. He feels this application is better connected to Wimblington than Eastwood End, it has an existing crossing and the connectivity to the village is infinitely better than the other end of the village where Eastwood End is. Councillor Benney expressed the opinion that the reasons for refusal are LP3 and LP12, with LP3 being building in the open countryside, but, in his view, it is surrounded by buildings. He feels to be consistent that this application, in his view, should be supported as it is not in the open countryside, there is development all along the highway on the A141 and other applications have been approved along here, questioning what is so special about this one, there are no objections from Highways or the residents of Wimblington, which is unusual and, in his view, it is a good solid application.
- Councillor Imafidon made the point that if an applicant has been steered towards making changes in the application and it is brought back to committee then members should not go back on its word, and it is only fair that the committee is consistent and the application be supported. He referred to the access to the site, if there is a dog kennel business there are not regular people using it, it is different people all the time who do not know the traffic of the area but if there are three bungalows they are going to be people who will be accustomed to the junction and be able to use it safely so, in his view, having three bungalows here is safer than the dog kennel business.
- Councillor Mrs French stated that she did not agree with Councillor Benney in relation to the previous application as she thought seven dwellings were far too many, but members did give an indication. She stated that she does not like this application, especially with mobile homes appearing and, whether this application is approved or not, the additional mobile home that has appeared should be investigated. Councillor Mrs French expressed her concern as being the road, but Highways have not objected, it is a horrible corner and if planning permission is granted she would be interested to see how it would work, are the kennels all going to be removed and mobiles moved? She reiterated that she does not like the application, but she does agree with Councillor Benney.

- Councillor Marks stated he does not like this application at all, every morning he sits at this junction and watches what happens, with the problem being at that junction is when people are turning in off the A141 and turning into site, and it will be the same whether people are living there or whether it is the current business, the A141 becomes backed up. He acknowledged that permissions have been given across the road for the lorry yard but made the point that the lorries are at least 150 to 200 metres further down the road and do not hold up the A141. Councillor Marks continued that morning after morning he sits here and people pull across the gates and that brings the traffic to a stop. He made the point that the Highways officer was at committee previously and he asked him about the survey and was told it was a desktop one and referred to a desktop survey undertaken in Chatteris where they wanted to bring traffic out into a 60mph road, so it is known that desktop surveys to a certain degree are questionable. Councillor Marks expressed the opinion that the application where it is in the middle of an industrial area next door there are fans operating on a potato store and across the road there is warehousing for Knowles. He expressed the view that this is not a good application for a number of reasons and believes that officers have the decision correct on this occasion.
- Councillor Benney agreed that a Highways officer was present previously and during the debate he asked if there were accidents here and he was informed there were not. He feels the difference between the A142 at Chatteris is that comes out on a 50mph road and whilst this comes out on a 50mph road, it is on a junction with traffic lights so there is not traffic moving at 50mph here because they have already slowed down for the junction or the lights being on red and, in his view, this is not dangerous. Councillor Benney expressed the view that by passing this proposal the amount of traffic is reduced and, therefore, makes it safer. He feels that so much development has been approved at the other end in Eastwood End and some fantastic houses have been built here, questioning who is to say this is not the other end, it is not in the middle of Mile Fen but 90 metres from the Church, which is the heart of a community. Councillor Benney feels it is crying out for development, and it is going to improve road safety, he cannot see where the argument against this is solid and valid.
- Councillor Marks stated that he has seen a number of accidents here and has also seen when the ambulance has to come through there with the traffic stacking up on that junction. He acknowledges what Councillor Benney is saying but uses this road every day and not all accidents, unless serious or resulting in a fatality, are recorded.
- Councillor Mrs French stated that she used to be a County Councillor and used to get very frustrated when she wanted some information on RTCs, with the information that County holds being only on fatalities, not serious accidents, and that is why the Highways officer could not answer the question because there had not been any fatalities but there has been plenty of RTCs there.
- Hayleigh Parker-Haines referred to much of the discussion being around the number of units proposed and consistency in decision making and drew members attention to the previous reason for refusal in 9.1 of the report so whilst the red line has been amended as part of this application the overall location of the site remains unchanged.
- Councillor Benney stated that on the outskirts of Eastwood End there was an application next to Billy King's land that was repeatedly refused and an appeal decision ruled that this was part of Wimblington and not part of the open countryside, which is partly why all this development in that area has come about.
- David Rowen referred to the mention of Eastwood End but made the point that this application site is not at Eastwood End, it is 700 metres south of Eastwood End and any site specific issues or issues identified in the appeal on Eastwood End are not relevant to this site. He feels that the citing of examples of development that have taken place on Eastwood End are not relevant to this application which needs to be determined on its own merits.
- Councillor Benney stated that the appeal decision that was made on Billy King's land was that Eastwood End was part of Wimblington. David Rowen responded that this is not Eastwood End and any decision that were taken within what is identifiably Eastwood End are not of relevant to this particular site, advising members to exercise caution in using

those as a sort of precedent for dealing with this application.

- Councillor Mrs French thanked David for clarifying as that was her impression that this is not Eastwood End, which is further up the road. She stated that she is not going to support this application and for the committee for the future they must not give applicants an indication that if it is a lesser number that they will get planning permission. Councillor Mrs French expressed the view that the site lies on a nasty corner and she will not support it.

Proposed by Councillor Mrs French, seconded by Councillor Gerstner and agreed, with the use of the Chairman's casting vote, that the application be REFUSED as per the officer's recommendation.

(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 Imafidon 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)

P123/25

F/YR25/0907/F

**LAND NORTH OF SORRENTO, FEN ROAD, NEWTON-IN-THE-ISLE
CHANGE OF USE OF AGRICULTURAL LAND TO DOG EXERCISE PADDOCK,
ERECTION OF A SHELTER AND 1.8M HIGH BOUNDARY FENCING, AND
FORMATION OF A CAR PARKING AREA AND ACCESS**

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

Members received a written representation, in accordance with the public participation procedure, from Robert Horsepool, an objector, read out by Member Services. Mr Horsepool stated in relation to outdoor recreation that the application is for a dog exercise park, 200 metres to the west of the park is Black Dyke and the entry to at least 6 miles of public footpaths and bridleways providing exercise for both humans and their dogs. He made the point that most local people know of these free exercise routes and lots of people use them daily and from conversations with locals while out walking all will continue to use the free local open spaces.

Mr Horsepool made the point that with regard to actively farmed Grade 1 farmland, this modified grassland forms part of the Government's SPI payment scheme, where a farm may put aside a percentage of total land down to grassland and can claim a payment for doing so, with there being rules on cutting and maintaining, so although it may not look like it is being farmed it provides a high biodiversity net gain that would be lost by converting this Grade 1 farmland. He stated that the original application also stated that the exercise park was being built on existing stubble land, but, in this view, this is incorrect and is actually onto the grassland, which helped with showing an increase in net gain calculation instead of a negative result of biodiversity net gain by the agent and could be misleading information.

Mr Horsepool expressed the opinion that it would be hard not to put this application in a position with any more visual impact as the applicant has a large area of modified grassland and some of that area has hedgerows and trees which would have been more suited to this project to also provide screening and shelter as well as better road access and this was also noted by the Parish Council. He referred to Policy LP15 which states safe and convenient access, but, in his view, the single track lane has many dog walkers and children/families out on bikes, with it being a national speed limit road with no passing places and increased traffic of up to 6 cars per session would be

a risk as these visitors will probably be from outside the village and not be familiar with the area.

Mr Horsepool referred to biodiversity gain and feels that the agent may have not visited the site as this is not crop stubble land and has not been so for a few years so, in his view, this report may be inaccurate. He acknowledged that although loss of views is not part of planning, loss of privacy is and the entry to the development is 68 metres from Sorrento to the south west not 83 metres but the south west corner of the development is less than 20 metres from Sorrento with both sitting rooms windows facing north east looking directly over the car park and requested, if the development is approved, that a clause be added that the south west corner 20 metres and southern edge to the entry gate be enclosed by a 2.4 metre high solid wood panel fence as the field is low compared to road height, which would not preserve privacy.

Mr Horsepool expressed the view that the oak trees to the east have a large Rookery and Pigeon population and when crops are first planted both fields have had bird scarers to keep Pigeons and Rooks off the newly emerging crops, which sound like 2 shotgun blasts every 30 minutes 2 seconds apart. He feels that, with the many complaints about noise scaring dogs, this may also cause concern, as this is first and foremost a farming area and the applicant also uses bird scarer bangers to the fields to the north west where up until last week 7 scarers were set up protecting a crop so they would be aware about the problems of this area in this regard and it should be of note.

Mr Horsepool expressed the opinion that these types of projects are normally restricted to Grade 3 agricultural land along with solar projects etc., which keeps Grades 1 and 2 land in agriculture as set out in the NPPF and in Policy LP12. He does not think that this has been achieved and together with the inaccurate biodiversity report these need to be taken into consideration.

Mr Horsepool expressed the view that if approved a biodiversity net gain of 10% to open farmland would be hard to archive without the planting of a lot of hedgerows and trees, with the loss of wild modified grassland for paddock grass, car parking and cars being a considerable loss for biodiversity net gain to start with. He feels that if these must be maintained for 30 years before returning the land to farmland if the project failed it would take 30 years and not be overnight, with the committee having to decide if the development is sustainable and does in fact meet the NPPF.

Members received a presentation, in accordance with the public participation procedure, from Lewis Smith, the agent. Mr Smith stated that following the COVID pandemic there has been a significant rise in the number of dog paddocks established around the country where both private individuals and professional dog walkers can exercise their dogs safely. He continued that the applicant established his first such paddock on the outskirts of Long Sutton and this has now operated successfully since July 2023.

Mr Smith expressed the view that bookings for the proposed paddock would be made online and users will be given a code to the gate at the entrance into the site to then use the facility for the prepaid period. He added that the site will be open every day of the year and subject to booking in advance, with the proposed opening hours being 7am to 10pm, 7 days a week but this will be limited by daylight hours as no lighting is proposed.

Mr Smith stated that users will be able to hire the field for 50-minute time slots with a 10-minute buffer in between each slot to allow a changeover and there will be up to 6 dogs allowed on site during any one session. He added that experience of other similar facilities shows that the majority of users have 1-2 dogs per session, but a maximum of 6 dogs will cater for professional dog walkers and people who wish to meet up.

Mr Smith drew members attention to the proposed conditions 8 and 9 of the officer's report, which, amongst other things, limits the operating hours and the number of dogs on site at any one time. He stated that a car park for user's vehicles will be provided together with turning space to allow

vehicles to enter and leave the site in forward gear.

Mr Smith stated that, on arrival, users will be required to secure the outer gates in a closed position before removing their dogs from the vehicle and, on departure, users will again be required to secure their dogs in the vehicles before opening the gates to depart, they will then be required to ensure the gate is then closed to prevent unauthorised access. He added that a small wooden shed will provide shelter for the users during periods of inclement weather.

Mr Smith expressed the view that the operation of the site is strictly controlled, and users will effectively sign up to the management plan terms and conditions when a booking is made. He continued that a dedicated website and Facebook page will be set up whereby bookings can be made and any comments and complaints can be aired.

Mr Smith stated that users will be required to clean up after their dogs and deposit any waste in bins that will be provided on site, which will then be emptied regularly by the management team. He added that an abbreviated reminder of noise management and consideration of neighbours is highlighted online at the time when a booking is made, also on the customer's booking receipt email and a third time on the customer's booking reminder email, which is received 2 hours before their allotted time slot.

Mr Smith made the point that anyone who does not abide by the rules and regulations of the facility will not be allowed to book future sessions, and it is in the applicant's own interest to ensure that the site is properly managed and operated otherwise customers will go elsewhere. He expressed the opinion that the proposal represents a form of rural diversification, which is an appropriate use in the open countryside.

Mr Smith expressed the view that the importance of access to recreational open space is recognised as being an important factor contributing to the mental health and wellbeing of people involved. He feels there is little impact arising from the proposal, which will be well managed much like the applicant's other similar facility on the edge of Long Sutton, and the application has been the subject of positive pre-application advice from officers, and he is grateful for their assistance in shaping the proposal.

Mr Smith hoped that members would be able to support the officer's recommendation and grant planning permission.

Members asked questions of Mr Smith as follows:

- Councillor Benney asked if this was Grade 1 agricultural land the proposal is being placed on? Mr Smith confirmed that it was.
- Councillor Gerstner asked for confirmation that there will be somebody on site to manage it from opening to closing? Mr Smith responded that bookings are made online and the site operates remotely, with users given a combination code to allow access to the site and that is how every dog paddock they have dealt with operate.
- Councillor Gerstner questioned the safety of people using the site, there would be no CCTV present for health and safety of the animals or people? Mr Smith confirmed this to be correct and that this is no different to someone taking their dog for a walk down the nearest towpath or across a field.
- Councillor Imafidon asked about provisions for any potential noise complaints and how these would be dealt with? Mr Smith responded that on the applicant's first site in Long Sutton he operates a very active Facebook page and is keen to engage with the local community so if there are any complaints and with the widespread use of social media those complaints would be soon heard and the applicant would react to them accordingly. He added that if there are repeated infringement of the rules and regulations those people will not be invited back, with it being within the applicant's interest to ensure the site operates well as people would go elsewhere.

- Councillor Mrs French referred to nobody being on site and that dog owners will pick up their own mess, but if they do not pick up their own mess how is it going to be proved who was responsible? Mr Smith responded that there are two ways, if the person who has left the dog mess when the management team come in and look at the bins to clean up the dog mess if there is stuff lying around they will have that days number of bookings, but it is more likely that if the next user see that any mess has been left behind they will then report it to the management team, with the management team interrogating the booking system and find out who was there beforehand. He acknowledged that it is not foolproof, but it has worked successfully on the applicant's other site.
- Councillor Purser asked if there are times and restrictions on the types of dogs that are using the site? He made the point that it is said that it is not normally the dogs, it is the owners that are problem and if it is not a manned site and there are problems between dogs how would that be managed? Mr Smith responded that invariably the dogs on site belong to one owner and they are able to interrogate the booking system to see what the average number of dogs are that use the site and they tend to be, as set out in the report, between 1-2 dogs per person. He continued that usually it is owners that either know each other and their dogs know each other so they do not get people arriving with dogs that are effectively strangers to each other, where that could cause an issue. Mr Smith added that is why the booking system has a 50-minute time slot with a 10-minute changeover so that dogs do not meet each other, which reduces the likelihood of barking and dogs and owners meeting each other causing issues. He stated that he can only speak from experience that the way these dog parks operate is universally similar and tends to work well.
- Councillor Gerstner stated that it is agricultural land that is now being left as pasture land or similar and asked when this land was last used for agricultural purposes? Mr Smith responded that he is not aware and can only say on the day of the inspection it was not used as agricultural land but made the point that whilst it is Grade 1 agricultural land it still will be Grade 1 agricultural land, there is no land being removed. Councillor Gerstner questioned that in the future it could be turned back into agricultural land if needed? Mr Smith responded quite easily, the applicant is the farmer and farms land around it so in the event that the venture is unsuccessful or they wish to return the land to farming then that is easily achieved as it will only have a little bit of fencing and a very small car park so is easily reversible. Councillor Gerstner stated that most dog owners are fairly responsible, dogs need exercise and he fully supports that. He sees that Newton-in-the-Isle has a population of around 750-800 people so there is probably some sort of footfall here for a need, but he is concerned about the removal of agricultural land.

Members asked questions of officers as follows:

- Councillor Mrs French stated that she notes at 2.3 that the site is in Flood Zone 3 so is not sure whether the field would flood and the dogs would likely end up all muddy, etc. She added that she is concerned about the site being able to be used up to 10pm at night in Summer and is this something that officers could reduce? Danielle Brooke responded that conversations could be had, although it is only during the daylight hours but appreciates that in the Summertime it would likely be up to 10 at night. She made the point that there has been no objection from Environmental Health on this basis and if there are any concerns with Environmental Health impacts there is separate legislation that can deal with this if necessary.

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

- Councillor Benney stated that he does not have any objections to dogs but this is an agricultural area and Grade 1 agricultural land, although it is not being taken out of being agricultural, it is taking it out of food production and according to the media there is a lot of talk about food security in this country, especially with the price of fertilisers going up, and that people should be growing vegetables in their own back garden. He expressed the view that to take this land out for dog walking, if the applicant is a farmer he should stick to what farmers do and whilst he acknowledges that farmers have to diversify, feels that every

farmer has some rubbish bit of land that never nothing ever grows on and that would be much better use than this piece of land. Councillor Benney stated that when he visited the site yesterday, he would have said it had wheat in it, it has had something growing in it as it was not just wild grass and this would be taking land out for agricultural purposes. He referred to the nearby proposal for a solar farm and taking land out of food production, whilst this is on a smaller scale it is agricultural land and feels there would be better land that would be suited for this proposal as the committee is looking at land usage and he does not feel this is good use of land.

- Councillor Mrs French agreed with the comments of Councillor Benney, there are other places that can be used and she does not like the operating time of until 10pm and whilst she acknowledges that it is only when it is light but that could be several months and dog barking does get on people's nerves. She stated that her biggest concern is the time and the agent did mention about the dog mess being picked up, most dog owners are responsible, but dog fouling occurs all over the District and she cannot support this application.
- Councillor Imafidon stated he will not be supporting this application based purely on the fact that it is Grade 1 agricultural land and whilst he accepts that whoever is using the facility at a given time will be responsible for their dogs, picking up the mess and ensuring that there is no issue of conflict with dogs, there is a 50-minute time slot and 10-minutes in between and that the operational arrangements are in place, it is just on the fact that it is Grade 1 agricultural land.
- Councillor Purser stated that he is still open-minded but made the point that it has been stated that it will be stopped by 10pm but he recently had some new neighbours in his road and they were taking their dogs out at different times at night as he works different hours and he was taking his dogs out at 2 or 3am, which is a deterrent for crime in the area and he does not think the 10pm time is an issue.
- Councillor Gerstner stated he is happy if the land can be put back to agricultural use but as Councillor Benney has said this is an agricultural area and people are living in very challenging times currently. He stated that he likes dogs, although he does not have one himself, and belongs to a dog walking group in Whittlesey. Councillor Gerster expressed the view that the hours of operation can be limited and the gate accessed through limited times, but he cannot get to grips with losing the land from agriculture, whilst appreciating that it can be restore to agriculture, he is uncomfortable with it.
- Councillor Marks stated he visited the site and it is in the middle of nowhere, there is a dog park in Manea and the committee passed one in Chatteris as well. He made the point that, having grandchildren, there are no toilet facilities, and it is in the middle of nowhere, which is another concern. Councillor Marks agrees with the views on the use of agricultural land, although it can be restored, but it does seem a long way away and environmentally everyone is being told that they should be environmentally friendly but you would need to get into a car to take the dogs here to go for a walk, whereas with Chatteris and Manea you can walk to the dog parks and he does not feel that this is the case here where the majority of people using it will have to travel by vehicle. He stated that on this occasion he is erring on the side of he does not think he will be supporting this application.
- David Rowen stated that he has a sense of where this application is heading but feels it would be useful for members if they are looking to refuse the application to crystallise what those reasons are and then advice from himself or the Legal Officer can be provided on the veracity of those issues.
- Councillor Benney referred to reasons to refuse the application and feels it is the loss of agricultural land, it seems a long way from the village and driving to the site is not environmentally friendly with the idea being to take your dog for walk being that you walk it, it is not a passenger in a car. He continued that in terms of the hours, the resident opposite has got his business there and he does not see why there should not be a business here but equally the hours up to 10pm could be negotiated. Councillor Benney reiterated that the main issue is taking agricultural land out of use, with Fenland being an agricultural area and if this was a piece of scrub land it would be different, but, when he visited the site, it had

crops on it and that is what should be concentrated on.

- Councillor Marks added that the facilities around it, it is in the middle of nowhere, and a toilet could have been considered.
- Councillor Purser referred to his earlier comments about the site being manned for health and safety reasons and he has not seen or heard of any first aid facilities being on site, with a toilet and first aid possibly being essential for this site.
- The Legal Officer stated that if members want to refuse this, the loss of best and most versatile land is clearly a relevant reason and under remote location it is lack of toilet facilities but then the Council's Environmental Officer has not objected to the application so it might be a less than convincing reason.
- Councillor Benny expressed the opinion that the main reason is the loss of agricultural land, with Fenland being an agricultural area and whenever anything is built it affects the street scene and environment, and this is going to affect the street scene and environment with putting a fence around it in the middle of the countryside. He feels that the land could be put back to agricultural use but if that is out of production for several years it will take years to put that land back into Grade 1 agricultural use and he does not feel this is the right place for this proposal.
- Councillor Gerstner made the point that the Parish Council object on the grounds of the loss of agricultural land, whilst he appreciates it is not material they know the area best as they live there, also commenting on the traffic and highways and he has to take this into consideration.
- Councillor Marks expressed the view that traffic is also a concern.
- David Rowen made the point that the views of the Parish Council are not a material planning consideration, and he would advise members to not give weight to those comments when making a decision. He feels, in terms of some comments around the visual impact, there will be a slight change to the character and appearance of the site given that there will be a fence going around the site but the site is not being developed out as a residential site, which will have a significant and clear change to the character of the area.
- Councillor Mrs French expressed her surprise on the comments of David Rowen about the Parish Council views not being a material planning consideration, bearing in mind that towns and parishes have their own local plan, they know what is going on in their areas and are statutory consultees and if the message goes out to Town and Parish Councils that their views are not being taken into consideration then officers are wasting their time even consulting them in the first place. David Rowen stated that the Council consults Town and Parish Councils and listens to what they say and any issues raised they seek to address but that does not mean that their comments are material when determining a planning application and the committee gives weight to that, which was the inference from what Councillor Gerstner was saying, and the point he was making was that it is for the committee to exercise its own judgement in terms of making a decision on this application or any planning application and not to effectively mimic the view of the Town or Parish Council, which is an established point in case law.
- Councillor Mrs French referred to what the Parish Council did say which is loss of agricultural land and stated that surely this is a material consideration.
- Councillor Benney asked if officers were looking for one solid reason for refusal or a solid reason with a bit of filling around it? David Rowen responded that given the officer recommendation is to grant the application they would be looking for committee to resolve to approve it but it is the committee's decision to what they feel are substantive reasons for refusal and what the concerns are, whether this is one reason or two it is reflective of the issues that members see. Councillor Benney made the point that the Head of Planning has previously given committee the steer that one solid reason is better than lots of fluffy reasons and he usually gives the committee a little bit of guidance and, in his absence, members are looking to Development Manager for an answer. David Rowen responded that it is what are the issues that are concerning members and what do members want to put into the reason for refusal, he concurs with the advice given by the Head of Planning that one sound reason for refusal beats 3 or 4 spurious ones, but it is not for him to advise the

committee that it should only be refused on one ground if there are a couple of issues which are vexing the committee.

- Councillor Marks expressed the view that the committee should go with one solid reason. Councillor Benney disagreed and suggested that it should be two, loss of agricultural land and change to the environment and street scene but asked for the Legal Officer's advice. The Legal Officer responded that if this goes to appeal the second reason about the street scene is fairly weak and the strongest argument is the loss of best and most versatile agricultural land, which clearly can be evidenced and cannot be argued with, except for the point that it can be reverted back to agricultural use.
- Councillor Mrs French referred to LP12, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open countryside, which, in her view, this proposal does harm the open countryside.

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

Members do not support officer's recommendation of grant of planning permission as they feel the proposal would result in the loss of Grade 1 agricultural land, which is very much needed in the area.

**P124/25 F/YR25/0925/F
GAULTREE FARM, HIGH ROAD, GUYHIRN, WISBECH
ERECT 4 X DWELLINGS AND THE FORMATION OF AN ACCESS INVOLVING
THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS**

Danielle Brooke 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 as set out in the committee report, the proposal is acceptable in principle, and she would suggest that the matters before committee this afternoon are capable of being addressed in a proportionate and policy compliant manner. She made the point that the scheme was before committee for 7 dwellings previously and the rear element of the development has been removed as per the concerns.

Ms Penney expressed the view that the current recommendation for refusal rests on two reasons, firstly concerns relating to living accommodation standards and private amenity space and secondly concerns regarding flood risk. She referred to the first issue of internal space standards and garden provision, with the report acknowledging that bedrooms 1 and 2 meet the nationally described space standards and the concern arises in respect of bedrooms 3 and 4, however, this is largely a consequence of how these rooms have been labelled and illustrated on the submitted plans, rather than any fundamental deficiency in the built form itself.

Ms Penney stated that importantly the application description does not fix the number or function of the bedrooms and as such there is a straightforward and reasonable solution available through the use of a planning condition. She made the point that they would be entirely content to accept a condition specifying that bedroom 3 is to be used as a single bedroom and bedroom 4 is a study or home office, with this approach bringing the development fully in line with the national space standards.

Ms Penney expressed the view that planning practice guidance is clear that conditions should be used positively to enhance the quality of development and to enable proposals to proceed where they might otherwise be refused. She feels, in this instance, such a condition would directly address the identified concern without requiring any physical alteration to the scheme and, in her view, both reasonable and consistent with the national guidance to resolve this matter through condition, rather than refusal.

Ms Penney made the point that, in terms of private amenity space, Policy LP16h of the Local Plan states the expectation for one third of the plot to be garden space as a guide rather than a rigid requirement, the committee itself confirms the proposed garden areas are broadly in the region of one third of each plot. She feels that given the policy is written with an intentionally flexible manner, and the scheme broadly aligns with that guidance, it is difficult to conclude that the level of private amenity space is so deficient so to justify a refusal and when taken together with the ability to control internal accommodation through a condition, the overall standard of amenity provided by this scheme is, in her opinion, entirely acceptable and consistent with the spirit of the Local Plan.

Ms Penney referred to the second reason for refusal, which is flood risk, and noting that the site is within Flood Zone 1, it is important to consider the recent planning history of the site, in 2024 an application for 7 dwellings was submitted under reference F/YR24/0276 and in that case the Environment Agency accepted a mitigation strategy comprising finished floor levels set at 2.2 metres AOD, at least 0.3 metres above typical ground level and alongside flood resilient construction up to 1 metre above ground level, with no refusal relating to flood risk imposed at that time. She stated that, in the current application, they are proposing exactly the same mitigation measures, there has been no change in national policy, no change in local policy and no change in the site's flood risk context yet they are now faced with a reason for refusal suggesting that these measures are insufficient.

Ms Penney suggested that this introduces an inconsistency in decision making, which is difficult to justify and, in her view, in the absence of any material change in circumstances, it would not align with good planning practice to reach a different conclusion on technical issues. She added that the Environment Agency's own consultation response provides a clear pathway forward in that where achieving higher finished floor levels is constrained by other material considerations, such as the building height and character, it is the applicant to provide justification and for the Local Planning Authority to weigh those factors in the planning balance.

Ms Penney referred to the indicative street scene where it can be seen that the proposed dwellings sit comfortably within the established character of High Road, increasing ridge heights to achieve higher floor levels would result in buildings that are visibly out of scale and incongruous within their context, which would introduce a clear and demonstrable harm to the character of the area. In her view, there is sound planning justification for maintaining the proposed levels and when combined with the flood mitigation measures which were already accepted on this site, she submits that the development can reasonably be considered safe for its lifetime and that the Environment Agency's concerns can be addressed through committee's planning judgement as decision maker.

Ms Penney concluded that this is a scheme that is supported in principle, that delivers four new dwellings in a sustainable location, and where the reasons for refusal are not insurmountable. She requested that planning permission be granted.

Members asked questions of Ms Penney as follows:

- Councillor Benney asked if there were any other three-storey dwellings along this road as it does seem out of character as most of the dwellings seem to be traditionally built. Ms Penney responded that she is not aware of any three-storey in the immediate vicinity of the site, but they have looked at it very carefully so to increase the floor levels to meet flood risk requirements they have had to push rooms into the roof space but have tried to keep the ridge level down so from the street scene everything is level. She added that despite it being described as three-storey it is a traditional two-storey height.
- Councillor Benney stated that the current building looks quite good, it has solar panels on it so somebody loved it in its recent history because money is not spent on a house that is falling down. He asked if there is anything structurally wrong with the existing building or does someone want to knock it down to accommodate more houses on the site? Ms Penney suggested the latter.

- Councillor Imafidon referred to the reason that the Environment Agency object is because of the 1.3 metre above ground level, and it has been said this has been addressed and asked if it had been addressed? Ms Penney responded that there was a previous application on this site, where they proposed the same mitigation measures as in 1.3 and 2.2 and that was accepted by the Environment Agency, but for whatever reason that she is unaware of, it is now not acceptable to do this but there is a slight clawback in their response which says that if you are not able to increase the floor levels for reasons such as form and character then that would potentially be acceptable but that is a judgement call for the Local Planning Authority. She expressed the opinion that if they were to increase the ridge levels any higher then there would be an inconsistency seen in the street scene and she feels that this is a reason to allow the floor levels to remain the same bearing in mind that it was previously accepted. Ms Penney made the point that the site also lies in Flood Zone 1 and it is only a very small sliver at the back that lies within Flood Zone 3, which she believes is what has triggered the Flood Risk Assessment and, in her view, it all stacks up in flood risk terms.

Members asked questions of officers as follows:

- Councillor Benney referred to the agent mentioning the acceptable flood risk from a previous application and asked why this is not acceptable this time, have things changed? Danielle Brooke responded that the Environment Agency provided comments on the first Flood Risk Assessment that was submitted saying that there was not a site-specific breach analysis undertaken and on the previous application, although she is not totally aware of this application, the circumstances were that the mitigation measures on that application were acceptable. She continued that whatever evidence was used on the previous application to prove that those measures were acceptable were not included in this application, they have just plucked those figures back from the previous application and said well it was acceptable then it must be now and the Environment Agency has said where is your evidence to prove that and this has not been submitted for this application. Danielle Brooke made the point that their policy objection is that the evidence needs to be provided to prove that the 1.3 metres as suggested is acceptable, which was not included within the application. She added that the applicant was requested to submit that information, but they chose not to. Councillor Benney clarified that officers have asked for something and it has not come forward and, therefore, it is incomplete and if it had been provided officers could have come up with an answer that would have mitigated that risk or removed that reason for refusal. Danielle Brooke confirmed this to be correct, they may have mitigated the issues and then the Environment Agency may have removed its objection, but they did not in this case.
- Councillor Mrs French expressed the view that it is an incomplete application, and committee has always said if it is not complete then it will not get approved, making the point that the officer's recommendation is correct.

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

- Councillor Benney made the point that he is usually pro-development but thinks officers have got this decision right as the flood risk information has not been submitted.
- Councillor Imafidon agreed that it is not a complete application with the report by the Environment Agency and the officer has made the correct recommendation.

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

P125/25

F/YR25/0967/O

**LAND NORTH OF THE CHESTNUTS, ROMAN BANK, NEWTON-IN-THE-ISLE
ERECT OF 1X SELF-BUILD/CUSTOM BUILD DWELLING (OUTLINE WITH
MATTERS COMMITTED IN RESPECT OF ACCESS)**

Danielle Brooke presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Liam Lunn-Towler, the agent and Mr Missin, the applicant. Mr Lunn-Towler stated that the application is asking for permission for one dwelling set on approved residential garden land acting as an infill between the dwellings of The Chestnuts to the south and Churchill Lodge to the north. He expressed the view that the officer's report and their design access statement notes the 2017 outline permission for The Chestnuts under the current Local Plan where the site received permission for the construction of The Chestnuts and the reason for allowing the property of The Chestnuts is because Fenland at the time did not have sufficient land supply, however, the site still needed to be assessed on its economic, social and environmental benefits.

Mr Lunn-Towler expressed the view that when judged on this criteria, the land which included the site before committee today was deemed sustainable for development and whilst it is understood that Fenland currently do have a land supply and this application is different, he feels it is important to make the committee aware of the 2017 assessment as it relates to this application. He stated that, for economic benefits, the 2017 report said that the site would deliver limited growth through the employment of local trades during construction and provide economic contributions for the future, with residents using local amenities.

Mr Lunn-Towler referred to social benefits, despite the site's rural location causing a slight hindrance, the site will provide a house to contribute towards the housing need and assist in meeting the needs of existing and future generations. He referred to environmental benefits, the site will be an infill near residential dwellings and whilst a rural location means future occupants would be reliant on the car, it will have no more of an environmental impact than the existing dwellings there and the climate change impact is minimal.

Mr Lunn-Towler stated that the 2017 report concludes with stating that the economic and social benefits outweigh the environmental in favour of the dwelling being approved and, in his view, there has been no material change of policy since that report and, therefore, no change in the opinion of the site's sustainability. He expressed the opinion that the one dwelling being asked for today as an infill between existing dwellings is sustainable and would deliver economic, social and environmental benefits to this area.

Mr Lunn-Towler made the point that the application is supported unanimously by the Parish Council, and they summarise the application positively as an infill development on a site capable of providing a comfortable family dwelling. He added that the application has no technical objections for drainage, highways, environmental health and the site lies within Flood Zone 1.

Mr Lunn-Towler stated that the dwelling will allow the applicant to construct a new home and focus on their current needs as The Chestnuts is becoming too big for them to maintain and Mr and Mrs Missen will soon need better ground floor layout to suit her health condition and requirements. He stated that a draft legal agreement has been submitted and they are happy to finalise this agreement.

Mr Lunn-Towler reiterated that the application has support from consultees to deliver a new family home, which benefits from the lowest flood risk zone and can be considered sustainable infill to provide wider benefits which outweigh the limited harm. He asked committee to approve the application.

Members asked questions as follows:

- Councillor Mrs French made the point that they did have planning permission for development in 2019 and asked why this was not built? Mr Missen responded that they could not afford to build it. Mr Lunn-Towler added that The Chestnuts has been built, and they never proposed to build on this site because at the time it was not necessary or justifiable. He continued that it is being asked for now as The Chestnuts is finished and the applicant has the finance to pursue it, with Mr and Mrs Missen needing some new accommodation at some point in the future.
- Councillor Imafidon asked what is the actual site going to be used for if planning was approved today and it was built, who is going to live there? Mr Lunn-Towler responded that it is tailored for the applicant and his wife. Mr Missen added that he will live in the dwelling once it is built and one of his family will move into his current property, The Chestnuts, as there is a medical problem where future care will be required.
- Councillor Imafidon asked if there is a historical link to the area and how long have they lived there? Mr Missen responded that his wife was born in Newton and she has lived here for all her life until they moved to Leverington when they got married before moving back to Newton, which is probably around 50-55 years.

Members asked questions of officers as follows:

- Councillor Benney referred to reason 3 for refusal, which states in the absence of a completed legal agreement or other enforceable mechanism to secure the delivery and occupation and asked why the legal agreement has not been drawn together, is it something that can be undertaken fairly easily or is it something that has not been addressed properly? David Rowen responded that as the agent alluded to a unilateral undertaking has been submitted as part of the application but because of the other 2 reasons for refusal, it is accepted good practice that if you are looking to refuse an application you have this reason for refusal. He acknowledged that it sounds contradictory to the advice given earlier about reasons for refusal, but putting in an additional reason for refusal relating to the unilateral undertaking allows an Inspector to deal with that matter should an appeal come forward so it is purely there should the application be refused it is a hook for the Inspector to use to consider that matter at any future appeal.

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

- Councillor Benney stated that he visited the site and, in his view, this is infill. He added that there are industrial units to the left of it all the way down the road, there are houses at the top of the road, there is a house either side and it even has a letter box. Councillor Benney continued that the site is clear, ready for development and he fully sympathises with the applicant if he has run out of money and he could not build it at the time but for the reasons it was granted before, this is a building plot and it is suitable for having a house built on it. He expressed the opinion that this development is not going to interfere with anyone else, he is the neighbour on one side and there are no objections from the neighbour on the other side and there have been other development in Newton further into the village and if villages do not grow they die, with the applicant being local so feels he should be supported.
- Councillor Imafidon stated the reason he asked the applicant if he was connected to the area was to establish whether he will stay local in the village or not and villages need to stay alive and do not need people moving out of them so for that reason he will support this application.
- David Rowen stated that the circumstances of the applicant, whether the applicant is local to the village is completely immaterial to the determination of the application. He made the point that this is an application for a new build dwelling with no further supporting information in terms of personal circumstances and what members are looking at is a house for somebody in this location acceptable rather than the circumstances of any individual.
- Councillor Imafidon stated that he does understand that but questioned that this application was previously approved and the only reason it was not built, according to the applicant, was due to financial reasons. David Rowen responded that the dwelling to the south was

granted planning permission in 2017 and has been built out but the point that the applicant was making was that they had not done anything with this site because they have not had the circumstances to do it. He added that in terms of whether it is the same applicant as the one to the south or it is a different applicant, the issue that members need to look at is whether a house in this location is acceptable or not.

- Councillor Mrs French expressed the view that the site is an infill plot.
- Councillor Benney referred to LP3, with the whole of Newton being in LP3 as it is in the middle of nowhere and surrounded by fields and whilst it is not immediately next to the main part of the village it is spread out, with the village running out in different directions and he does not consider this is LP3 and is part of the settlement that exists. He referred to LP16 in that it is damaging or it has to provide a positive contribution to the character of the area, with the other two houses built either side of this site adding a positive contribution to the area, with this being a scruffy site that needs tidying up and when this is built he feels it will add a positive contribution to the area. Councillor Benney stated he will be supporting the application and feels that committee should be doing what it can for local people and in terms of land usage he views these two reasons, and the third one being there for the Inspector if it goes to appeal, as being able to be overcome.
- Councillor Mrs French referred to LP3, small villages, and in these settlements, development will be considered on its merit but will normally be of limited nature and normally of a limited scale to residential infill or small business and, in her view, this is definitely infill.
- The Legal Officer reminded members that if they wish to approve this application then they need to ensure it is subject to a Section 106 legal agreement referred to in refusal 3 and conditions.
- David Rowen stated that if members wish to grant the application, it is within members' gift and if they wish to view it as an infill plot that is members judgement, however, he is not sure looking at the aerial photo that it could be deemed that this is within the settlement of Newton and, therefore, is an infill plot for the purposes of LP3, with that interpretation being an incorrect one of the policy. He urged members to think of whether that is accurate or not in terms of putting forward reasons for granting the application.
- Councillor Mrs French stated that she has listened to what David has said and still feels it is infill and asked what the full address of the properties either side of the site were, is it classed in Newton or elsewhere? David Rowen responded the policies of the Local Plan are not predicated on whether postal address is within the village or whether people that live in the vicinity feel that they are residents of that settlement or not. He continued that there is a definition within LP12 within the footnote which defines what the continuous built form of a settlement is, and it excludes groups of buildings which are clearly divorced from the main part of the settlement as there is here. David Rowen stated that if members deem that there is no adverse impact and that it is an appropriate location then that is for members to decide, but to say that it is part of the continuous built form of the settlement of Newton he is not sure how accurate that is.
- Councillor Mrs French stated that she has read LP3 again and is looking at LP12, with this being the problem with the Local Plan of 2014, it is so out of date and there is one policy LP3 contradicting LP12 and others. In her view, this is an infill and it accords with LP3.

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

Members do not support officer's recommendation of refusal of planning permission as they feel that Policy LP3 is open to interpretation and they do consider the site lies within the settlement and it does comply with LP16 as it would provide a positive contribution to the area.