

# PLANNING COMMITTEE



**WEDNESDAY, 30 JUNE 2021 - 1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor M Cornwell, Councillor Mrs M Davis (Vice-Chairman), Councillor Mrs J French, Councillor A Miscandlon, Councillor P Murphy, Councillor M Purser, Councillor R Skoulding, Councillor W Sutton and Councillor D Topgood.

**APOLOGIES:** Councillor C Marks and Councillor Mrs K Mayor.

Officers in attendance: David Rowen (Development Manager), Nick Thrower (Senior Development Officer), Alison Hoffman (Senior Development Officer), Chris Gordon (Legal Officer) and Linda Albon (Member Services & Governance Officer)

## **P12/21      PREVIOUS MINUTES**

The minutes of the meeting held 9 June 2021 were confirmed and signed.

## **P13/21      F/YR19/1001/O LAND SOUTH OF 63-77, NEWGATE STREET, DODDINGTON ERECT UP TO 9 DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS)**

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Jonathan Wilson, an objector.

Mr Wilson stated his main concern is the severe flooding he experienced two days before Christmas, with the fire brigade attending within an hour pumping water from his home for about four hours, but the water was not abating, and eventually the new housing estate behind him began to fill up with water and it was not until they started pumping from that area that the water began to abate from his house. He expressed concern regarding this new development in that the water from his house and the estate behind went straight into that field where these properties are proposed to be built and consequently, if flooding occurs again it will present a problem for this new development.

Mr Wilson stated that he has heard talk of putting in necessary infrastructure to help with this problem, but he feels it should have been put in when the other development was built in the first place. He made the point that he has lived in his property for ten years and this has never happened before on this scale, but it is getting worse.

Mr Wilson expressed the view that he has been told the pumping station is not up to coping with any more than what is already in place and if this development goes forward what assurance can be given that this will not happen again? He stated that residents need answers and clarification because the flooding was horrendous.

Members received a presentation, in accordance with the Public Participation Procedure, from Chris Walford, the Agent.

Mr Walford stated since 8 September 2020 he was led to believe this application would be a delegated approval, with the case officer e-mailing him that the Local Flood Authority had removed their objection to the application, there were five resident objections on file and no outstanding objections from any of the consultees, which meant the application could be delegated by officers and, therefore, Planning Committee would not be required. He advised members that the applicant subsequently instructed solicitors to prepare the Section 106 and the unilateral undertaking at great expense believing permission was granted subject to paperwork being in place, with that paperwork being completed on 19 May 2021 and sent to the case officer.

Mr Walford stated that he was then told a sixth objection had been received and, despite it being received after the consultation period, policy was that it needed to be counted and, therefore, a committee decision was required. He made the point that this is an application with full officers' support, deemed approved in principle since September 2020, with all the legal paperwork signed and ready to go and, therefore, he is asking members to approve the application.

Mr Walford stated, in response to the comments made regarding flooding, that the site is in Flood Zone 1, with no issues from the Local Flood Authority or Environment Agency and attenuation will be installed on the site to deal with an increase in surface water. He expressed the opinion that floor levels and dwellings levels can be agreed at Reserved Matter stage to ensure the new dwellings are not affected and whilst he is not sure what can be done about the impact on the surrounding area, they can ensure any water collected is attenuated and dealt with efficiently and if necessary a condition can be placed on the outline permission.

Members asked Mr Walford the following questions:

- Councillor Connor referred to 5.1 of the agenda where it states that members of Doddington Parish Council were pleased to note there was an email recorded on their website acknowledging that the landowner was prepared to provide land for allotments in the village. He asked for an undertaking that that is still the case? Mr Walford confirmed that this is correct, when speaking to the case officer at the time, it was unable to be secured via a condition because there is no active allotment strategy for the village and he was told it was an agreement that would be required between the applicant and parish outside of the planning system. He stated that agreement has been made, but it has not yet been decided where the allotments will be, with the applicant having several parcels of land in the village that could be suitable and whilst the Parish Council has been asking for updates, this is pending until the outcome of this planning application is known.
- Councillor Sutton referred to the problems experienced by Mr Wilson in December, for which he and other members sympathised, and made the point that there is a rule in the NPPF where not only must you ensure that the extra rainfall is dealt with, you must ensure you do not affect anyone else's site. He asked Mr Walford how he could assure members that this development is not going to make things worse for neighbouring sites? Mr Walford replied that they would need to find where the water is coming from and then work out how they can accommodate that into their sustainable design so that it not only attenuates the new water. He stated that they need to quantify the volumes in addition to the amount seen from roofs and then design this into the scheme, with the assumption being that there would be a surface water strategy condition on this application so this issue could be addressed at the Reserved Matters stage. Mr Walford stated that one of the solutions could be to provide a ditch at the rear of the site to reduce the level on site, which would be a small price to pay in the grand scheme of the development.
- Councillor Sutton stated that this is reassuring, but the one other thing he foresees happening is if these plots are sold off as individual plots and the strategy and infrastructure is not put in by the owner prior to the sale of those plots that would create enormous problems, so the strategy and infrastructure needs to be there before the sale of plots. Mr Walford expressed the view that because of the single access point there is already a lot of infrastructure that needs to happen, with the condition worded as prior to commencement the design needs to be agreed

and prior to a certain occupation level all of work in relation to the footway, roads and drainage would all be undertaken. He feels that a big developer is needed for the site to tackle the big infrastructure issues and it is only the big developers who have the cash to do this.

- Councillor Mrs Davis made the point that Doddington had serious flooding issues in December along with a lot of other places and it is understood that the weather at the time was unprecedented, but there have been situations as seen on the design, where an attenuation pond has been proposed, and the scheme has gone forward and the attenuation pond has disappeared and drainage has been put in that has proved to be inadequate and properties have flooded. She recognises the application is outline, so does not know if you can, but asked for reassurances that the attenuation pond will happen before the first occupation? Mr Walford stated that as the application is a major one it will need a sustainable drainage solution so there will have to be something on site that will hold, slow and deal with the water and crates under the ground have been investigated, but the ground is not suitable which is why the pond has been proposed. He feels the Reserved Matters design will be forced by the outline condition on the drainage scheme as a pond has been found to be the only thing to work on the site due to the ground conditions, the size of it will become designed once the volumes are known, whether it is a dry bed or actual pond and whether it will feed to a drain or where it will run to. He stated the only way he can reassure members is from the tests and work they have undertaken to date nothing would seem to work but a pond so it would be on the approved scheme and if it was not carried out it would not comply with the approved scheme.
- Councillor Miscandlon asked who would be responsible for the costs of maintenance of the attenuation pond and the roadside ditches, will this be put onto the owners of the properties or the developer? Mr Walford stated that it is unlikely that the private drive would be adopted, which means typically that a management company would be set up that would include all of the plot owners and every one of those owners would make a payment of a service charge to maintain the roads, the grass areas and the pond.

Members asked officers questions as follows:

- Councillor Sutton referred to the questions and answers regarding the flooding and on reading condition 6, whilst it encompasses all the drainage issues, he feels that a timeline ought to be added to this condition either prior to first occupation or prior to any building taking place, with his preference being the latter. He expressed the view that a position cannot be made whereby the site is sold off and nothing has been undertaken creating potential problems. David Rowen informed members that there is already an implementation element to that condition in the first part of the condition referring to occupation of the first dwelling.
- Councillor Cornwell referred to bad experiences of failures with management companies in cases such as this and if the failure in the past has affected only the members of the consortium of the management company they have their own problems to solve, but in this particular case the surface water in the surrounding area may also be dealt with by this attenuation pond or whatever the development proposals are so, therefore, there may be people outside the immediate development that are affected by the continued standard of maintenance of this particular development. He asked if there is any way those that fall outside this development can be protected by any failure of the management company? David Rowen advised members that a development is only required to mitigate its own impact and as part of the surface water drainage strategy put in place and condition 6 there would be the consideration of impact of the development on flood flows and the need for the development to adequately address that in terms of the surface water strategy. He stated that in terms of whether a management company were put in place, the residents of the development would effectively be the management company, and you would hope they would want to keep the management company going so they are in effect protecting their own interests going forward and again as part of condition 6 details of the maintenance and adoption of the surface water drainage system are required. David Rowen stated that the only alternative to a management company is for the attenuation pond or whatever other measures are taken to be adopted, but this would involve one of the statutory bodies, and

the other option is a requirement for a bond to be paid, which could held by the Council in the event that a management company cease to exist, but the danger with this is that if there is an opportunity to pass this liability onto someone else that disincentivises the management company from operating properly, so the only realistic option is for a management company to be set up to maintain and manage whatever measures are put in place going forward.

- Councillor Cornwell expressed the view that there may a third alternative in that presumably the standard and requirement of an attenuation pond will have to meet the requirement of the local IDB, who he assumes will be taking the discharge from this development, so is there any way that they could be encouraged to deal with the issue? He noticed that there were no comments from the Middle Level Commissioners, which he assumes means there is also no comment from the local drainage board and he is sure there is a representative of the Council on this drainage board and this should be discussed at this level and wondered whether this option could be taken up also? David Rowen responded that one of the options is that the drainage board do adopt whatever system is put in place, but ultimately this is a decision for the drainage board and if they are happy that someone else is going to take it on and the flows are going to be acceptable into their system whether they would be prepared to do this or not he does not know. He expressed the opinion that it is an option that could be explored by the developer and it could come forward as part of the surface water drainage strategy. Councillor Cornwell stated that he raises it at this meeting on the basis that the attenuation pond is likely to serve more than just the development and using the IDB's powers it can give a greater control and continuing maintenance of what is in effect becoming a middle area drainage system.

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

- Councillor Mrs French referred to the comments of Councillor Cornwell and doubts if the drainage board would take this on as they have only just agreed last week to take on surface water from the Berryfield's site, which has been on-going for around 3 to 5 years, so if going down that route the applicant needs to be prepared to wait 5 years for a resolution.
- Councillor Connor agreed with the comments of Councillor Sutton in that the attenuation pond should be in place before the buildings get above slab level as members do not want the situation where most of the buildings have got residents in them and there is no idea when the attenuation pond will be built and this should be put in the conditions.

**Proposed by Councillor Mrs French, seconded by Councillor Sutton and agreed that the application be APPROVED as per officer's recommendation subject to the condition that the attenuation pond to be in place before the dwellings are above slab level.**

*(Councillors Connor and Mrs Davis registered, that as ward members for Doddington and Wimblington they attend Doddington Parish Council meetings, but take no part in the discussions on planning applications)*

*(Councillor Sutton declared that he knows the applicant for this application, but this will make no difference to any decision made on the application)*

**P14/21      F/YR20/0707/O  
LAND REAR OF 222 LYNN ROAD, WISBECH  
ERECT UP TO 14 DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS  
RESERVED) INVOLVING THE DEMOLITION OF EXISTING BUILDINGS**

The Chairman informed members that this application had been withdrawn from the agenda.

**P15/21      F/YR21/0233/O  
LAND SOUTH OF, 12 - 24 INGHAM HALL GARDENS, PARSON DROVE  
ERECT UP TO 9 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS**

## **COMMITTED IN RESPECT OF ACCESS)**

Nick Thrower presented the report to members.

Member received a presentation, in accordance with the public participation procedure, from John Craythorne, an objector.

Mr Craythorne stated that he has four principle objections to this application in that it is an intrusion into the open countryside and opens the door to further development not in keeping with the village, it could not go ahead without severe disruption to all the existing residents of Ingham Hall Gardens and Brewery Close for a number of reasons, the proposed access road has access granted to the applicant, but part responsibility for its maintenance falls upon the other beneficial users of the road and the proposal does not meet the conditions of the Parson Drove Neighbourhood Plan, which was formally adopted at Full Council on 6 August 2020. He displayed an aerial view of the whole village showing the proposed development and expressed the view that you could see from this view to the west Murrow Bank to Church End and throughout the whole of the village if you draw a line from the rear boundaries of the existing developments in Ingham Hall Gardens, Brewery Close and John Bends Way there is no development whatsoever beyond these boundaries anywhere in the village, therefore, he feels that this development is an intrusion into open countryside.

Mr Craythorne showed a photograph which shows in more detail what he is trying to emphasise, there is the rear boundary of Brewery Close, Ingham Hall Gardens and John Bends Way and this development is entirely beyond this boundary. In terms of severe disruption to existing residents, he referred to the Design and Access Statement where it is proposed that up to 28 vehicle movements could be generated from this development and he made the point that Ingham Hall Gardens is a quiet cul-de-sac of bungalows almost exclusively occupied by retired persons and in addition there would be the noise and mud on the road caused by the construction of this development.

Mr Craythorne referred to an extract from item 6.2 of the Design and Access Statement, which states “ the proposal will result in the installation of a new sewage treatment plant which will benefit the wider community”, but as Director of the Ingham Hall Gardens Residents Association he is aware of the condition of this plant and has been assured it is nowhere near the end of its life so it does not need replacing and they are continuing to build a contingency fund for when replacement is necessary. He expressed the opinion that there are additional rules for sewage treatment plants issued by the Environment Agency on 1 January 2015, which states if you are building a development of more than one property, you are governed by a rule that if the number of houses multiplied by 30 metres is less than the distance to a public sewer you must connect to that public sewer, with this development generating a figure of 270 metres and the distance to the public sewer as the crow flies is 160 metres and along the roadway is 260 metres, therefore, the properties pertaining to this application must be connected to the public sewer in Main Road, Parson Drove, which would involve digging up the whole of Ingham Hall Gardens causing an even greater disturbance to all the residents of this road and Brewery Close.

Mr Craythorne advised that through considerable research through the Land Registry he has obtained information on who owns what in this area and the right of access was granted to the Bellamys and their successors in 1987, which, in his view, means there is a legal implication that any occupier of these new properties would not automatically get that right of access meaning they could own a property but have no right of access to it. He referred to the Parson Drove Neighbourhood Plan in that the applicant has not consulted with anybody and neither does this development have the support of the Parish Council.

Members asked questions of Mr Craythorne as follows:

- Councillor Sutton noted the red line across the back of the development and that this

development is beyond this, but asked if this red line had been drawn across the back of Main Road years ago Mr Craythorne would not be living where is living now? Mr Craythorne agreed that this is true.

- Councillor Sutton stated he was unsure whether Mr Craythorne's presentation is strictly in line with policy about connecting to the main sewer as his reading of it is that a sewer is there and as long as that has the capacity to take it then this potential development could feed into that rather than feed into the sewer in Main Road. Mr Craythorne responded that the situation as he has read the Environment Agency's guideline is that if they had to provide a sewage treatment plant, with the current treatment plant at capacity, they would have to provide a larger treatment plant and this is the essence of what the Environment Agency are getting at in trying to discourage the use of sewage treatment plants, therefore, connection to the main sewer.

Members made a presentation, in accordance with the public participation procedure, from Gareth Edwards, the agent.

Mr Edwards stated that under LP3 of the Local Plan, Parson Drove is a limited growth village and in this classification it states that such development may be appropriate as a small village extension, and, in his view, this is exactly what is being proposed and consistent with approvals in the same classification of villages in Fenland for as many as up to 60 dwellings. He made the point that the site is served by an adopted highway, which he feels is more than capable of taking the additional traffic that would be generated by this proposal and the proposed road would be to an adoptable standard, but is to be maintained and remain in the ownership of the management company paid for by the 9 individual dwellings.

Mr Edwards expressed the view that the management company will enter into an agreement to allow FDC refuse vehicles to use the road for bin collections in line with Recap legislation, which is also consistent with many sites approved recently in the District. He stated that the proposed development comes with the support of 26 individual letters as opposed to 19 individual letters opposing the development and it should be noted that one individual has sent in several letters, which gives you the total of 22 in the officer's report. He believes this shows there is clear community support for the proposal in line with the requirement of the local Neighbourhood Plan.

Mr Edwards stated that in an ideal pre-Covid world they would have carried out a consultation on the proposal, but individuals have taken the opportunity to show their support to the proposal and he thanked them for this. He referred to the plan displayed on the presentation screen which shows that Parson Drove, especially to the south side, has pockets of comprehensive development with no hard or fast line, which led them to carry out an informal pre-application in 2017, which was initially for a larger area and officers felt was too much, and the proposal was reduced in line with the current proposal, to which officers confirmed "I have reviewed the drawing and can advise that the level of development is more in line with the previous advice given and does not represent an unacceptable encroachment into open countryside", with this proposal going behind both Ingham Hall Gardens and Brewery Close and this has further been reduced down by keeping it solely behind the existing tree line to screen the proposal and additional planting is also being proposed, which they will be happy to secure by a condition.

Mr Edwards stated that the pre-application advice was given under the current Local Plan and an e-mail with this advice was contained within the Design and Access Statement. He expressed the view that the site is a natural village extension, which is positioned close to the heart of the settlement and its facilities, and, therefore, represents sustainable development and it also has all the dwellings within Flood Zone 1.

Mr Edwards made the point that whilst the layout is indicative, bungalows have been shown nearest to the existing bungalows on Ingham Hall Gardens so not to overlook them and he would be more than happy to accept a condition that states Plots 1-5 are to be single-storey. He stated,

by way of planning gain, they are proposing to replace the existing treatment plant which as the manufacturer has stated was installed in the late 1980s to early 1990s, would be reaching its anticipated mechanical life expectancy and feels that the plant will require replacement in the next few years, with replacement of the unit being about £70-80,000, with a further £15,000 for shoring and dewatering.

Mr Edwards acknowledged that the proposal requires a treatment plant, but these will be of an individual nature to the plots and at a fraction of the cost that the applicant is looking to fund by replacement of the existing plant. He stated that the proposal has the support of the Highways Authority, North Level, Environmental Health and as per the request of Cambs Fire and Rescue they are prepared to install a fire hydrant, which will benefit the whole estate.

Mr Edwards asked members to support the application with the conditions they deem appropriate.

Members asked questions of Mr Edwards as follows:

- Councillor Benney asked why consultation was not undertaken with the Parish Council, acknowledging that Covid was the reason that the public consultation was not undertaken, as this does form part of the Parson Drove Neighbourhood Plan and could he explain why this was not undertaken? Mr Edwards advised that the applicant did speak with the Chairman of the Parish Council, who confirmed they were not happy with the proposal, but the applicant feels they have demonstrated the support by the number of support letters that have been secured against those that oppose it so, in his opinion, it is consistent and meets the requirements.
- Councillor Benney referred to the approach to the Chairman of the Parish Council and asked if this was an official approach at a Council meeting? Mr Edwards confirmed that it was not an official approach. Councillor Benney asked for clarification that the applicant did not undertake any official approach with the Parish Council? Mr Edwards confirmed that he did not.
- Councillor Cornwell asked Mr Edwards to clarify who was supporting the application as he had referred to the Environment Agency or IDBs? Mr Edwards responded that it was North Level Internal Drainage Board. Councillor Cornwell stated that the report says that North Level had no objection in principle and this does not say they support the proposal. Mr Edwards made the point that they have not objected to it either, which they would take as support.
- Councillor Sutton asked about the grey area of connection to or not a main sewer. In his view, given that there is a sewer albeit not a public sewer this development would be able to go into that sewer should it have the capacity and would not need to go all the way through the estate to the Main Road sewer and asked Mr Edwards views on this issue. Mr Edwards stated that their drainage consultant did look into this issue, whilst it is a bit of a grey area, they came to the conclusion that as there is already an existing facility that is utilised this can be used and you do not need to go to the main sewer. He made the point that it would not be cost effective to discharge to the main sewer.
- Councillor Sutton referred to an officer stating that this is not in an elsewhere location so advice Mr Edwards had back then was an indication to go forward with the application. Mr Edwards agreed and stated that this side of the village development is not all linear.
- Councillor Mrs Bligh asked if this was a resubmission of a previous refusal and was public consultation undertaken on that application? Mr Edwards responded that as it was only 9 dwellings there was not a requirement at that stage to undertake public consultation. Councillor Mrs Bligh expressed her confusion on when the Neighbourhood Plan got adopted in relation to the previous application. Mr Edwards stated the first application was before the Neighbourhood Plan was adopted.

Members asked officers the following questions:

- Councillor Murphy referred to 10.29 in the officer's report and asked if this needs to be taken into consideration if the proposal goes to an appeal? David Rowen stated that the

intention of that paragraph is to highlight to members if the committee is minded to overturn the recommendation to refuse there would need to be a condition imposed on any planning permission in relation to a refuse collection strategy. Councillor Murphy referred to the last paragraph of this point where it indicates if it is overturned or even if it is agreed for refusal. David Rowen referred to reason for refusal 3, which does pick up on providing high levels of residential amenity due to the distance they are located from the nearest waste recycling point and the need for residents to move their bins to that point and if members are minded to grant planning permission then it would need to be picked up through a condition.

- Councillor Cornwell asked if the Neighbourhood Plan is fully approved and has to be taken into account? It was indicated in the affirmative.
- Councillor Sutton is not sure whether refusal because of not doing a public consultation would be given a great deal of weight as the support has subsequently come forward and if members remember back in 2018 the Council's policy of LP12 was used on a Manea application, which clearly states why it was refused, but that went to appeal and not only did the Council lose that appeal it got cost awarded against it for being unreasonable. He expressed the view, given experience with the Council's own policy, members would be on dangerous ground to refuse the proposal on the lack of public support, when clearly there is public support there. Councillor Sutton asked for advice if members refuse the application on this particular point? David Rowen stated that when he was looking through the report the Manea case came to his mind also, but there is a difference in that was refused on a Local Plan policy as opposed to this being a Neighbourhood Plan policy. He made the point that you have to consider what the point of Neighbourhood Plans are and it is to allow the community to steer the development that occurs in their area, which may, therefore, give slightly greater weight than a Local Plan policy would in terms of their having to be demonstrable community support. David Rowen stated that it is worth noting that the examination of the Neighbourhood Plan took place after the Manea application and from his recollection the Manea application had this issue as the sole reason for refusal and this proposal has this as one of three reasons for refusal, so if members are minded to go with officer's recommendations and refuse the application on all those three grounds then even if the Inspector was to strike out reason for refusal 2 he cannot see that the Council would be subject to a cost claim given the other reasons for refusal.
- Councillor Sutton stated that if there was not subsequent support then he could fully go with the recommendation, but there is demonstrable support and he would be wary of turning it down on those grounds. David Rowen referred to the wording of policy 2 of the Neighbourhood Plan that the proposal needs to be "accompanied by clear demonstrable evidence of positive community support scheme instigated by a thorough and proportionate pre-application community consultation exercise". He stated, firstly, there has been no pre-application community consultation exercise, and whilst there is support for the application there is objection as well and as well as the demonstrable evidence of community support aspect there is also a second point "and it is supported by the Parish Council" and it does not have this support so in effect the proposal fails both of those points of Policy 2 of the Neighbourhood Plan.

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

- Councillor Mrs Davis stated that she is inclined to support the officer's recommendation as there seems little point in the Government giving grants to the parishes to undertake Neighbourhood Plans only for members to ignore them. She made the point that the Parish Council do not support it and whilst there is some support it is marginal and if there had been a wider consultation it may well have swung the other way. She feels that as it is a very recent Neighbourhood Plan, members should respect this.
- Councillor Mrs Bligh completely agrees with the officer's recommendation to refuse. She has watched Parson Drove Parish Council work very hard on their Neighbourhood Plan and it took a lot of years to get it approved and she will not go against what they want as far as building their community is concerned. Councillor Mrs Bligh recognises that it does have individual letters of support, but it also has a lot of objection as well so, in her view, this does



not show clear support and it does not have Parish Council support and she recommends to the agent that if they do try again they engage better with the Parish Council. She feels the rear building line will definitely encroach into the open countryside and knowing the linear development of Parson Drove that concerns her.

- Councillor Benney expressed the view that it is a worthy development to bring forward, the site lends itself well for additional dwellings to be built with the road left as an entrance for development. He referred to members approving a takeaway in Parson Drove and this takeaway will need support. Councillor Benney stated that his concern with the proposal was Parson Drove Neighbourhood Plan, it was only adopted in 2020, and he struggled to come up with a reason to go against this, but he thinks that the community benefit in terms of the offer to pay for the treatment plant is a generous offer and must be taken into account. He has listened to what Councillor Sutton has said toady about the possibilities of an appeal and members must not put this Council at risk in any way to face costs. Councillor Benney made the point that the committee are District Councillors and need to look at the benefits for the whole District, with the points that the objector made about disruption being a feature of any development. He very much feels if this proposal goes to an appeal and the Council loses it is opening itself up to costs and the public benefit of the proposal in the long-term will be better, questioning whether it was building in the open countryside as wherever you build houses in Parson Drove you are building in the open countryside. Councillor Benney expressed the opinion that the District needs homes and he feels Councillor Sutton has provided him with a way to go against officer's recommendation and approve the application as he feels the community benefit will support business in that area.
- Councillor Cornwell expressed the view that it is outside the existing settlement and he was surprised on his site visit just how outside it was. He feels there has been a chequered history of development in this area and if this had been approached as part of a complete package members would have been happier with it. Councillor Cornwell expressed concern that Neighbourhood Plans are encouraged and members are potentially ignoring them, with the Parish Council itself not saying it did not comply with its Neighbourhood Plan if it did not and do not support the proposal. He referred to the possibility of an appeal and made the point that if someone wants to take the Council to an appeal that is fine, but members must not sit here and be frightened of appeals as long as members are carrying out their roles properly then they should not be worried. Councillor Cornwell expressed the view that it is not being inconsiderate but logical and he will support officer's recommendation.
- Councillor Connor agreed with the comments of Councillors Mrs Davis, Mrs Bligh and Cornwell in what is the use of having a Neighbourhood Plan, which is less than a year old, and going against it as it would make a ridicule of having a Neighbourhood Plan. He made the point that the Parish Council are not in support of the application and whilst he is in favour of growth in Fenland and houses in the right location, he would have to support the officer's recommendation.
- Councillor Sutton stated that he concurs with a lot of what has been said, but feels the committee may be forgetting that the Neighbourhood Plan was approved in 2020 under a virtual meeting and for the majority of the duration of its existence the country has been in lockdown so public consultation would have been virtually impossible and had the subsequent support and objections gone in favour of objection then he would have no problem with the officer's recommendation, but the fact of the matter is that the public support outweighs the objections so the issue of the Neighbourhood Plan, in his view, has to take a side step because of the conditions the country has been in. He feels that, given that the proposal has got support, members would not be going against the Neighbourhood Plan as it does have community support so he does not believe it is going against the Plan per se, but even if it was it is within the committee's remit to do so as it has done on many occasions against the Council's own Local Plan. Councillor Sutton expressed the view that he would suggest that new Neighbourhood Plans do not include these type of things as he does not feel it is a good policy and stifles development.
- Councillor Mrs Davis reminded members that there are other legitimate reasons for refusal,

it is not just in relation to the Neighbourhood Plan.

- Councillor Cornwell pointed out that the consultation does not have to be face to face, consultation could have been in a written form and he assumes the comments that did come in were in a written form. He made the point that everyone in the community would have had the opportunity to take part in the Neighbourhood Plan and consultation could have taken place by post.
- Councillor Miscandlon asked where the support letters came from as in the past support letters have been received from abroad and he wanted to know if this support was local? David Rowen stated that as set out in paragraph 5.9 of the officer's report 22 objections had been received and were all residents of Parson Drove, with the majority received from residents of Ingham Hall Gardens, and at 5.10, 26 responses of support have been received with the majority being from residents of Parson Drove, with them mainly being from Brewery Close and Springfields Road and a small number from Ingham Hall Gardens.
- Councillor Miscandlon expressed the opinion that Neighbourhood Plans are important, they are what the elected members are dealt with from the local residents, and those letters of objection and support do not represent the whole village and, therefore, the Neighbourhood Plan is sacrosanct in the village. He feels there may be small sections of the Plan that people do not like, and they will object to, but the Neighbourhood Plan is the views of the whole village and needs to be considered.
- Councillor Mrs Bligh stated that Mr Edwards will be well aware having his business in the area that there is such a thing called Village Voices and a public consultation does not have to be face-to-face and he could easily have used this publication asking for public support.
- Councillor Murphy referred to overwhelming support and he does not class 26 responses to be an overwhelming number for the whole of Parson Drove. He made the point that the committee is not aware how many of those supporters were persuaded to support it.
- Councillor Mrs French agrees with the Neighbourhood Plan, making the point that it took March Town Council four years to conclude at considerable cost and March Town Council would be appalled if this committee repeatedly went against its Neighbourhood Plan. She feels it would be most unfair to go against the Parish Council when they have spent the time and money producing the plan so she cannot support going against this plan and if it goes to appeal the Council will only get costs if it has been unreasonable and she does not believe the committee would be unreasonable in supporting a Parish Council.
- Councillor Mrs Bligh agreed with the comments of Councillor Mrs French, it did take three years and a lot of backwards and forwards to get this Plan sent to a Referendum and adopted by Council, which is a lot of work, and to go against it what would the message be to other Councils starting this journey.
- Councillor Sutton made the point that this is exactly the comments used by him and Councillor Mrs Hay on the Manea application and it went to appeal where it was overturned, which led to the removal of LP12.
- Councillor Benney expressed the view that a big thing is being made of going against policy, but the committee goes against policy every week as members interpret policies in different ways and if members went with officer's recommendation on everything there would be no need for a Planning Committee. He expressed the view that he does not feel overly strongly about this application as he came to committee today thinking it would probably be refused due to the Neighbourhood Plan, which is why he asked the agent why they had not gone out to consultation whereby he may have received the support required, which is where he feels the application has fell over, which is a shame for the applicant. Councillor Benney made the point that it is the committee's duty to challenge and to question, he understands members views on this application and agrees in some way with the Neighbourhood Plan, but he also takes into account what Councillor Sutton has said and really feels this has fallen over due to a basic mistake by not undertaking consultation.
- Councillor Connor agreed that committee does go against policy, but every planning application has to be dealt with on its own merits.
- Councillor Mrs French asked if it was possible to make a recommendation to defer this application for the applicant to go out to a proper consultation with the Parish Council?

- Councillor Connor agreed as there is only possibly until 19 July before there is a certain amount of freedom once again and a month or so after this there could be a full public discussion and it could be brought back in September or October again so that not too much time would be lost.
- Councillor Mrs Bligh asked for clarification regarding the Manea application was this refused on the Council's Local Plan as Manea does not have a Neighbourhood Plan and this application is looking at overturning a policy of a Neighbourhood Plan not a Local Plan. She asked if the Neighbourhood Plan supersedes the Local Plan?
- Councillor Mrs French made the point that the March Area Transport Strategy consultation was undertaken on-line during Covid and it had a fantastic response so it could have been done by another method rather than face to face. She expressed the view that the Neighbourhood Plan is only a year old and it does supersede the Council's Local Plan, she feels the application should be deferred to allow the applicant to go out to proper consultation.
- David Rowen stated that the main issue that has come out of debate has been public consultation and non-compliance with the Neighbourhood Plan and reminded members that all applications should be determined in accordance with the Development Plan as set out in the Town and Country Planning Act. In terms of the deferment of the application and what benefits this would bring, he made the point that the Parish Council have already commented on the application and objected to it and this is a key strand of Policy 2 of the Neighbourhood Plan. David Rowen expressed the view that public consultation could have been undertaken in one form or another, but essentially there is an application that has not complied with the relevant policies of the Neighbourhood Plan and he is not sure that going out to consultation on the back of a deferment would move the situation along a great deal. He made the point that the Neighbourhood Plan issue is one of three refusal reasons and it is not proposed to be refused solely on this basis and, in terms of an appeal and the issue of costs, this is a Neighbourhood Plan policy and Neighbourhood Plans were introduced to give local communities an opportunity to give a greater steer to what development is allowed within their areas and because of that the community consultation aspect carries more weight at appeal than the Local Plan policy did in the Manea application, with these policies being different due to where they sit in the policy hierarchy. David Rowen advised members that it is the committee's decision to determine the application in front of them and go with the recommendation.
- Councillor Connor asked if this was the first application on this site and would they get free resubmission if refused? David Rowen responded that if the applicant had used their free submission from the previous refusal then no, but he is not sure whether this application is a free submission or not.
- Councillor Benney stated that he does like deferments unless there is a specific issue to resolve and he does not feel there is on this application. He feels if the application was refused today it would give a definitive answer to the applicant, know where he stands and if it would allow a "free go" as he does not want the applicant to incur more costs. David Rowen stated that this application is the applicant's free re-submission and the fee regulations only entitle an applicant to one "free go" on a site, so if this application was refused and a further application submitted a fee would need to be paid.
- Councillor Mrs French asked for clarification that if an application was re-submitted it must be considerably different to the original application as why would you submit a complete duplicate of a current application? David Rowen stated that for an application to be a "free go" it has to be the same red line boundary, the same applicant and the same character of development and you are only entitled to one "free go" on a site. He stated that in terms of the Council's power to decline to determine a subsequent application whereby it is an identical application to a previous submission, there have been more than two previous decisions on the site.

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

*(Councillor Sutton requested it be recorded that he abstained from voting on this application)*

*(Councillor Mrs Bligh declared that she is the Ward Councillor for this application)*

*(Councillor Sutton declared that he knows the applicant and public speaker for this application, but this will make no difference to any decision made on the application)*

**P16/21**      **F/YR21/0337/O**  
**LAND WEST OF 207 TO 215, FRIDAYBRIDGE ROAD, ELM**  
**ERECT 2NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS**  
**RESERVED)**

Nick Thrower presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent.

Mr Walford stated that this is an application for what he would call two large self-building plots within the built form of Elm, which is a designated village within the Local Plan for limited growth where small development will be encouraged. He drew members attention to the slight anomaly in the agenda where it refers to Elm in the description, but in Paragraphs 2.4, 10.8 and 11.1 it refers to Friday Bridge.

Mr Walford made the point that the proposal has the support of the Parish Council and also 14 letters of support have been received. Officers have considered the site to be out of character, but, in his view, the fact that it cannot be seen from the road would not adversely harm the character or the appearance of that area, therefore, it is considered low impact development and on a field which has been cut to a domestic level of grass for many years and used in connection with the applicant's adjacent dwelling.

Mr Walford referred to a case on Main Road, Elm, on the same stretch of road but further down, F/YR17/0469/F, which was refused by the Council for being behind the existing linear pattern and would result in backland development considering harm to the local character contrary to policy, with this application being appealed and was won as the Inspector did not consider that the backland development in this case would have been harmful to the local identity of the area or character and was, therefore, not contrary to LP16. He expressed the view that this application is relevant to this proposal as their application is well screened from the main road, would not affect the street scene or the local identity.

Mr Walford referred to the objections from neighbours, with one of them in relation to the area becoming an estate or a large development, but this proposal is only for two dwellings and there is a pre-application from Highways to show their access can only sustain two dwellings and he can reassure members that this will only be an application for two self-build properties. He feels the site and its character does not set a precedent for backland development in the area, which has been confirmed in the officer's report.

Mr Walford expressed the opinion as agents they see a huge shortage of self-build plots in all of the villages and where there are sites or schemes that can deliver low impact development within the village centres it should be supported and he asked members to help them do this. He expressed the view that bringing executive type housing to the villages, which supports the villages and its services, should be supported.

Mr Walford stated in relation to the flood risk issue on the reason for refusal, he spoke to the flood risk specialist yesterday who produced the report as it did not appear that his sequential tests had

gone far enough and his assessment was undertaken on the basis of sites that are available and openly willing to be sold on the open market whereas the officer has explained in their report that it is leaning towards any site whether it is on the market or not, but, in his view, it is hard to understand whether a site is available or not if it is not on the open market. He stated that they can check levels on site, as they have a site which is predominantly in Flood Zone 2, but the other third of it is in Zone 1, to query with the Environment Agency whether the site is in Zone 1 or 2 and if it can be confirmed the site is in Zone 1 the sequential issue would be removed.

Mr Walford expressed the view that if members are not keen going against officer's recommendation on flooding he would ask that they are given time to check those levels on site and get an accurate confirmation on whether the site is in Zone 1 or Zone 2 as at the moment they are working off the high level Environment Agency map and have in the past been able to go into more detail and confirm with accuracy what zone a site lies in.

Members asked questions of Mr Walford as follows:

- Councillor Miscandlon referred to the last point made by Mr Walford that the question would be answered more definitively if he had more time and asked why the application was brought to this meeting, why was it not withdrawn so he could gain a more substantive answer to present to this committee? Mr Walford responded that it was due to lack of time, he has only been looking at the proposal recently and felt that they would put the application past committee and see what happened.

Members asked questions of officers as follows:

- Councillor Miscandlon asked if officers were aware of the issues that Mr Walford had raised in relation to flood zones and if so what were their recommendations to him? Nick Thrower advised the process by which a sequential test is carried out is set out in the Cambridgeshire Flood Water Strategy, a Supplementary Planning Document, which is supplemented by a document that the Council confirmed in terms of the approach to undertaking a sequential test with regard to the area of search and it is a fairly straightforward process albeit does require some work to be undertaken to understand what sites are available or have permissions and to that extent the planning authority does keep a record of permissions granted within villages and the dates of those permissions that is available for agents to request so they can fully investigate what permissions are in place in settlements and to ensure any sequential test they undertake is fully detailed with all the possible sites that might be able to accommodate the development as proposed. Councillor Miscandlon stated that this response did not answer his question as he was asking about the issue with flood zones the development land is within. David Rowen stated that on the Flood Zone maps of the Environment Agency the site is shown as within Flood Zone 2, with the information that Mr Walford gave seemed to indicate that the applicant and agent were looking to go away and in effect survey the site and surrounding land levels to try and dispute that classification, which is a separate process to undertake with the Environment Agency to get the flood map amended. He made the point that ultimately the site is classed as being in Flood Zone 2, which is in the public domain, and that information should have come in with the application to make that case from day one of the application rather than here at Planning Committee.
- Councillor Cornwell asked if the case is not ready to be considered why are we talking about it as actually, according to the agent, they still have some unfinished business, so why has it come to committee incomplete? David Rowen stated that members have a planning application in front of them and there is a duty to determine these applications, with the flood risk/sequential test issue being one of two reasons for refusal, and it is up to members what they wish to do with this application today.

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

- Councillor Cornwell expressed the opinion that if the application is not ready for members to be able to approve it then committee should go with the officer's recommendation and

refuse it.

- Councillor Sutton stated that he understands where the agent is coming from as not that long ago just down the road there was a development for two dwellings, one which was in Flood Zone 1 and the other in Flood Zone 3, and he asked the question where Flood Zone 2 was. He made the point that the agent and applicant on that application did a topographical survey which showed the level of Flood Zone 3 was higher than Flood Zone 1, which possibly should have been challenged with the Environment Agency, but the committee took the view at the time, which in his opinion was a commonsense decision, to build on Flood Zone 3 as it is no more dangerous in flood terms than building next door to Flood Zone 1 and approved the application. Councillor Sutton expressed the view that if the agent is asking for extra time, a deferral would be the right direction.
- Councillor Cornwell agreed with the comments of Councillor Sutton because the agent had already done his work before he came to the meeting.
- Councillor Benney expressed the view that a deferment is the best thing as he does not want to be refusing the application when it is a matter of time to put it right and he would be supportive of a deferment. He remembers the application that Councillor Sutton referred to, which was approved, and he feels the surveys that need doing can be undertaken to find answers for this issue. Councillor Benney expressed the opinion the application is incomplete, but he does not want to refuse an application without good reason.
- Councillor Skoulding agreed with the comments of Councillor Benney. He made the point that 2 hectares is the size of two football pitches, so they would be fantastic plots and it would be a shame to refuse them.
- Councillor Mrs Davis agreed with Councillor Benney in that a deferment should be made, but, in her view, it would have been wiser for the agent to have withdrawn it, but he has not so all members can do is defer it.
- Councillor Sutton made the point that members are only talking about flood issues and there are two reasons for refusal and if members are deferring on flood issues a decision is required on the second reason for refusal. He stated that if members do not think it effects the character of the area this needs to be said now as members do not want to put the applicant or agent to unnecessary work and expense regarding the flood issues if it is resubmitted and it is then refused due to it being out of character.
- Councillor Benney stated that he has visited the site and noticed there are other houses built behind further down the road. He feels if the Highways have got no objections to the access and, in his view, some developments add character to the area, he would have no objection to it affecting the character of the area. Councillor Benney expressed the opinion that there are these types of developments throughout the whole district so he would go against the officer's recommendation of refusal on this particular policy.
- Councillor Skoulding stated that he had difficulty finding the site and he cannot see any problem with this development at all, it cannot be seen from the road and, in his view, it is a lovely design. He made the point that there are other developments behind.

**Proposed by Councillor Benney, seconded by Councillor Skoulding and agreed that the application be DEFERRED in relation to flood risk issues only. Members did not agree with the officer's recommendation of refusal one as they feel that the application does not adversely impact on the character and appearance of the surrounding countryside.**

*(Councillor Sutton registered that, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, he had been lobbied via an e-mail from a resident asking for support in objection to the application, but responded that he could not comment due to sitting on Planning Committee)*

*(Councillor Sutton declared that he knows the applicant on this application, but this will make no difference to any decision made on the application)*

**P17/21**

**F/YR21/0290/F**

**LAND NORTH EAST OF 347, LEVERINGTON COMMON, LEVERINGTON**

## **ERECT A SINGLE-STOREY 2-BED DWELLING IN ASSOCIATION WITH EXISTING BUSINESS (PART RETROSPECTIVE)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent.

Mr Walford stated that this application is for a log cabin serving two key purposes, the first as a show home for the existing business, Barretts Leisure, and the second for an on-site residence for the applicant and owner of the business, Mr Hardiment. He acknowledged that officers are bound by Local Plan policy and this application does not fit the mould for a typical functional dwelling in an elsewhere location, which he feels is why this is a decision that should be made by the committee.

Mr Walford made the point that the application has Parish Council support, is in Flood Zone 1 and has no other consultee issues. He stated that the log cabin was originally permitted in 2005 as a show home only so the placement of the log cabin in this location is not an issue, with the added use to allow the owner to live on site to help him with the efficiency of the business, both financially and operationally.

Mr Walford referred to the concerns raised by officers regarding the dual use of a show home and a cabin at the same time, but this is a scenario that the applicant is accustomed to within his industry in leisure and is planning to keep the dwelling clean and tidy ready for the start of each working day when he might have a potential customer, but most would be by appointment only. He stated that they are happy for this to be secured by condition that it will be for the owner of the business only.

Mr Walford asked members to consider this low impact proposal for use of a building which has already been permitted on site in a way of improving and helping financially the operation of a small business in the local area.

Members asked questions of Mr Walford as follows:

- Councillor Cornwell asked how many show homes are lived in and why there is a need to live in the demonstration house? Mr Walford responded that there is a liveable cabin on site that is being used for the purpose of showing customers what is on offer and the applicant for his own reasons would like to move on site to free up his current residence and pump this money into his business. He made the point that the applicant is happy to live on site in his workplace and asked what is the harm and extra impact of him living on site in his own business accommodation? Councillor Cornwell stated that he has viewed the site and the cabin is very impressive, but just wondered why he had to live on site and asked if there is anyone living on site now? Mr Walford stated he would have to check, but does not believe so.
- Councillor Mrs Davis stated that they have gone some way to mitigate that this is a show house, which are normally void of residents, and why someone should live here, but have failed to mention if it is to protect the site, with the Crime Officer saying it is a low crime area and asked if there have been incidents at the site? Mr Walford responded that he is not aware of a record of incidents, but the Crime Officers comments are on what has happened today but this does not mean it might not happen tomorrow. He expressed the view that it is a remote and open area, there are reports of crime, and business owners are paranoid and he does not feel it should be a reason not for the applicant to live on site just because there has not been a problem.
- Councillor Mrs Davis referred to the house close by and asked if this is owned by the applicant? Mr Walford responded that he did not know.
- Councillor Benney referred to his visit of the site and saw the log cabin, but also saw sheds.

He stated that it is being queried the use of show home and living accommodation and asked if there are items stored in the sheds as the use of the sheds is not being queried. Mr Walford responded that he did not know. Councillor Benney stated that if they are being used for storage that is their purpose and this would be the purpose for having a dwelling here. Mr Walford stated that the log cabin will sit there and be a show home and he would imagine that the sheds would be for storage.

- Councillor Miscandlon stated that Councillor Mrs Davis had asked the question he was going to ask about the house within the blue curtilage of the site. Mr Walford responded that a colleague has updated him that the house is not in the applicant's ownership and was accidentally included within the blue line.

Members asked officers the following questions:

- Councillor Sutton asked, if an area has been included in the blue or red line, would the application still be valid? David Rowen stated that he is not certain and it is the first time he has heard of land being included in the blue line accidentally. He feels given that it is the blue line boundary he would suspect this does not invalidate the application. The Legal Officer confirmed it did not invalidate the application. David Rowen stated that if land is included within the red line boundary that is not within the applicant's ownership they would have to serve a notice and certificate of ownership, which could complicate and invalidate an application.
- Councillor Miscandlon asked if the officers were aware regarding the land being included in the blue line and not being in the applicant's ownership as this has obviously been on record for some time before it came to committee so why was it not picked up beforehand? Alison Hoffman responded that this would be a question for the agent, as the report is in the public domain. However, she made the point that even if there is not a house within the blue line it still needs to be considered if there is a functional or essential need for a dwelling to serve a leisure use within the site. Alison Hoffman stated that the agent has failed to explain that the house is not in the ownership, but this is only one part of the consideration that members need to make in evaluation of this application. Councillor Miscandlon expressed the opinion that a mistake has been made that was not picked up by the agent or officers, which needs to be clarified going forward.

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

- Councillor Benney believes there have been similar scenarios to this, such as at Manea where a farmer was looking to live on site for rural security and, in his opinion, the applicant's business is there and there is no better security than someone living on site. Whilst he recognises that you can put alarms in and cameras outside businesses to make them safe, in his view, the Police do not want to know, with the best you get is a crime number, and as much as there is not a high crime rate in the area, having been burgled many times at his shop, if he could have stopped one burglary that would have been worth it whatever he had to do to stop it happening as it is not a nice experience or to lose financially, and he would have thought that most people who have had a business have had something stolen. Councillor Benney stated that this business is in a rural location and he has his stock and money tied up in it, and, in his opinion, when you live on site a person will never know when you are going to walk out that door and this is best deterrent to have and means of security. In his view, the person who knows that business best is the business owner, with businesses struggling at the moment due to Covid and the recovery, and if the applicant wants to move out of his house and live here to fund his business, members should be doing everything to support him that is how businesses grow. Councillor Benney expressed the view that the proposal will not be of harm to anyone else, it will prevent crime and he does not think the Police statistics on crime are right, making the point how many people do not report the small things that get stolen. In his opinion, the applicant should be allowed to invest his money into his business, the cabin is already there and as to whether it is being used for living in or display it will be kept pristine and will serve a dual purpose making use of an asset that the applicant has got and for this reason he would support the



application.

- Councillor Connor agreed with a lot of the comments made by Councillor Benney as he had a scrap metal yard, the Police said it was a low crime area, he suffered from numerous break-ins. He stated that he would have liked someone to live on site and for this reason he will be going against officer's recommendation as, in his view, you cannot beat a presence on the site. Councillor Connor stated that although he got broken into on a regular basis, he only reported one crime, and if he had reported everything it would have been a high crime area.
- Councillor Mrs Davis asked, if members are minded to go against officer's recommendation, could it be a condition that the log cabin is only to be used for the residence of the business owner and only for the duration that the business is there? David Rowen suggested that if members are minded to grant the application then some form of personal restriction is necessary. Councillor Mrs Davis expressed the view that to ensure this is not a back door application for someone to live in this location that it should be tied purely to the business so that the log cabin can only be occupied by someone who is connected to the business and only whilst the business is in existence.
- Councillor Cornwell made the point that this company has been here for many, many years and for that reason it deserves a level of support, but he does agree with Councillor Mrs Davis that if it could be dealt with like an agricultural tenancy or permission, if it could be made personal to the applicant and/or anyone else who is directly involved with the business he would feel happier as that way it gives local support to a local long-standing business.
- Councillor Miscandlon stated that you can tie a residence to a business as this happened behind where he lives as this property could only be occupied by someone associated with the business.
- Councillor Topgood agreed with Councillor Benney as the property is there, it is not changing the shape or form of the settlement and, in his view, it is perfectly reasonable for someone who owns a business to try and secure that business on site.
- Councillor Sutton asked if the 2005 permission for a show home was ever implemented? Alison Hoffman responded that the consent granted in 2005 was for a smaller unit and it was never implemented on the site. She drew members attention to the history, where it identified that there was a permission for a permanent dwelling further round the site and this was not implemented.
- Alison Hoffman referred to the issue of linking the log cabin to the use of the business and stated that members will note the red line of the application boundary is tightly drawn around the log cabin, its curtilage and the access, and in normal practice if a condition of that nature was being imposed it would rely on the business within the blue line, but given that it is questionable as to what is in the ownership or control of the applicant she would caution against this. She stated there is also the scenario that you could associate the permission with the business name, but the business name or the land associated with that business could change so there may be a mechanism to do it, but on the basis of what is before them more work would be required to make sure any condition was robust, reasonable and enforceable.
- Councillor Sutton asked for clarification that the red line needs to be drawn around the business area before this condition could be placed on any permission, ie a change of application? Alison Hoffman responded that would be the ideal scenario as she is not too sure if it can be conditioned to the blue land as it would have to be accurate or they could use a different colour, such as a green line around the application site and it could be referred to that land. She made the point that officers would need to be satisfied that the condition was "belt and braces" so it did not leave ourselves exposed with other log cabins not associated with the business, in the open countryside, out of character with the area and not essentially located there. Councillor Sutton made the point that given this advice, if members are still sure they want that use tied to that business, it cannot be approved as it would not be enforceable so the only option members have is to refuse. David Rowen stated there is potentially another scenario in that if members are minded to grant the

application they delegate authority to officers to resolve this issue so that the blue line boundary is clarified or the red line boundary is changed to make this condition enforceable.

- Councillor Miscandlon expressed concern about the number of inaccurate and incomplete reports that are coming before members, with wrong information and misinformation, which is making the officers job harder. David Rowen agreed, but there is an onus on agents to ensure applications when submitted are accurate and contain all the information. He stated that officers take applications at face value trusting the information is accurate and base their consideration of that application on this information, so it is disappointing that when it gets to Planning Committee to be told the plan is wrong and the consideration of the application has been skewed because of this. Councillor Connor stated that agents should listen and think about what Councillor Miscandlon and David Rowen have said and put this into practice.

**Proposed by Councillor Benney, seconded by Councillor Skoulding and agreed that the application be APPROVED against officer's recommendation, with conditions to be delegated to officers to include that the use be tied to the business owner, the use of the business and future business owners.**

**Members do not support officer's recommendation of refusal of planning permission as they feel that whilst the application is in the open countryside the need overrides this, the site is not in a settlement as such as there are only a few buildings around the site and the applicant's business is already there, with the application serving a purpose to support that business.**

*(Councillor Mrs Bligh declared that she is the Ward Councillor for this application)*

**P18/21      F/YR21/0203/F  
LAND SOUTH OF 16 CHURCH LANE FACING, CHURCH WALK, CHATTERIS  
ERECT A 2-STOREY 3-BED DWELLING WITH GARAGE AND 2.4 METRE HIGH  
(APPROX) BRICK WALL**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Matthew Hall, the agent.

Mr Hall expressed the opinion that members can see from the officer's report that there are no issues with regard to the principle of development, flood risk, highways or amenity areas to neighbouring properties and on the front of the report it states two-storey property, but it has been deliberately designed as a one and a half-storey property in keeping with properties to the East and South of the site. He referred to the officer's report where it states "the proposal does not have a one third garden area", but the site is 270 square metres and the rear garden would be 85 square metres, which would be a third amenity area and does not include any of the land to the side or the front.

Mr Hall stated that the Tree Officer has visited the site, has confirmed there are no Tree Preservation Orders and is not objecting to the proposal and made the point that the site is not in a Conservation Area. He referred to the officer advising under 9.8 that the proposed dwelling would be at odds with the character of the area, but under 5.5 the Conservation Officer states the dwelling is of reasonable scale and design and in keeping with the surrounding houses.

Mr Hall expressed the view that when he worked on this proposal he walked around Church Walk and Church Lane, with directly to the East of this site there are three chalet bungalows, two built in the 1980s and one in 1960/70, and at the top of Church Walk, to the south of this site, there is also a chalet bungalow, which was built around 1960s, which is what they are proposing with this

application, a chalet bungalow, to match in with the character of the area. He made the point that comments made at previous Planning Committee meetings is that when you build an extension, dwelling or estate, the character of the area is constantly changing.

Mr Hall stated that the existing property still has nearly 20 metres of south facing garden and parking, which is over half of the site, and the officer's report states there are no concerns regarding overlooking or overshadowing and all consultees support the application, with the exception of the Conservation Officer. He expressed the view that the public objections appear to be concerned with parking on Church Walk and the hedge to the front of this site and he has spoken to the applicant, who is happy to cut the hedge back, with some objections saying they want the hedge maintained and the applicant is also happy to maintain its height.

Mr Hall stated that Church Walk currently serves 7 properties and the Town Hall, with this proposal adding a single property and the Highways officer is not objecting to the proposal. He reiterated that all consultees support the application, with the exception of the Conservation Officer, there are no concerns regarding overlooking or overshadowing, there are chalet bungalows immediately to the East and South of the site, the site is not in a Conservation Area and 20 metres of parking and garden area is being left for the existing property.

Members asked questions of officers as follows:

- Councillor Cornwell stated that this is a situation where someone want to build within the curtilage of a Grade II Listed Building and, therefore, officers are concerned, amongst other things, about the quality of what the proposal is in relation to the Listed Building and asked if his understanding is correct? David Rowen responded in the affirmative and that officers are concerned regarding the impact of the setting on a Listed Building. Councillor Cornwell asked, if the proposal had been for a more appropriate design of property, would officers have supported it as it would be more in keeping with the Listed Building? David Rowen responded that officers can only assess what is in front of them and the issues is about building on part of the setting of a Listed Building and eroding the significance of that Listed Building so he believes that a dwelling of a different design on this site would still have raised similar issues.

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

- Councillor Murphy stated that he knows this area well as it is virtually next door to the Council Offices and whilst it has got a building to the front of it, the garden is very long going from Church Lane to St Martins Road and he does not think the proposal is in the wrong location, with the opposite side of the road having 1960 semi-detached houses and he would not want an old-fashioned house here, but a nice modern house would fit in. He made the point that the site is not in the Conservation Area and thinks there might have to be an archaeological dig on site as it is on the opposite side of the road to the Church, but there have been so many archaeological digs in Chatteris that do not find anything and this site would not either as this site was originally in the same curtilage of all of Church Walk, which were built without any problems so why he does not see why there should be with this dwelling. Councillor Murphy expressed the view that there will eventually be a dwelling on site, even if refused today, as it is an ideal place for a dwelling and a lot of people do not want long gardens these days so a nice building on this site would finish the area off. He made the point that they have asked for the hedge to be cut down as it goes over the pathway and it has not so this development will make this happen. Councillor Murphy expressed the view that everywhere is suffering from lots of vehicles, the only danger of this location is the road is narrow and if all the residents start parking on the roadside it will cause chaos and it needs a double yellow line down there to stop parking. He would go against officer's recommendation as he feels it is an ideal site to put a dwelling.
- Councillor Mrs Davis agreed with Councillor Murphy and her inclination is to go against officer's recommendation, but her reservation is what would happen with the next plot, number 7, as, in her view, it would not be long before an application is made to remove that

existing garage to the other side and then you have got another building plot, which would then start to be overdevelopment.

- Councillor Connor acknowledged the comments of Councillor Mrs Davis, but made the point the members have to look at what is front of them today and take what is felt to be the right decision.
- David Rowen stated that each application is taken on its own merits, but if this application were to be granted then it does make it more difficult to resist further development on that eastern side of Church Walk. In relation to Councillor Murphy's point about the long garden of 16 Church Lane, he made the point that is the issue around the curtilage and setting of a Listed Building in that the size of the garden demonstrates the historic significance of number 16 and contributes to its status of a Listed Building.
- Councillor Murphy asked if a condition could be placed on any permission to double yellow line Church Walk? Councillor Mrs French referred to a development in March where this occurred. David Rowen drew members attention to the comments of the Highways Authority, which have recommended conditions of which double yellow lines are not one of them, and conditions need to be placed on an application if approved that are justified and reasonable and it may be something that the Town Council wish to take up with the Highway Authority.

**Proposed by Councillor Murphy, seconded by Councillor Mrs Davis and agreed that the application be APPROVED against officer's recommendation, with conditions delegated to officers to determine in consultation with the Chairman, proposer and seconder.**

**Members did not support officer's recommendation of refusal of planning permission as they feel the proposal would not adversely impact on the significance of a heritage setting, would not be detrimental to the character of the area and has the support of the Parish Council.**

*(Councillor Benney declared an interest in this application, by virtue of being lobbied by two objectors that he socialises with and knowing all of the supporters and objectors apart from one, and retired from the meeting from the duration of the discussion and voting thereon)*

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

**P19/21      F/YR21/0231/F  
LAND NORTH EAST OF 81 - 87 HIGH STREET ACCESSED FROM, SLADE WAY,  
CHATTERIS,  
ERECT 9 DWELLINGS COMPRISING OF 3 X 2-STOREY 3-BED; 2 X 2-STOREY 2-  
BED; 1 X SINGLE STOREY 2-BED AND 3 X SINGLE-STOREY 3-BED WITH  
GARAGES TO PLOTS 4 AND 5 ONLY**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Chris Walford, the agent.

Mr Walford stated that this application is for 9 dwellings within the Town Centre of Chatteris and the scheme has the support from both the Town Council and Highways. He advised members that the applicant inherited the land from his father just over 3 years ago and he is now looking to secure the future use of the site hence the planning application.

Mr Walford stated at present the site is vacant, overgrown and the subject of flytipping and the applicant has recently been contacted by the Environmental Health Team due to complaints from nearby residents about vermin entering their properties from this site, with the applicant taking

specialist advice on this matter and is now looking to clear the site and bring a flail mower to bring down the overgrowth. He informed members that the applicant lives over 100 miles from the site and this is not a long-term solution and a future use for the site must be looked at.

Mr Walford expressed the opinion that allowing residential development on this site would eliminate all of the issues and they are asking members to allow the proposal by giving more weight to the improvements to the site and for neighbours over and above the issues raised by the Conservation Officer. He stated that officers have found the principle of development on the site as being acceptable and there are also, in his view, other precedents in Chatteris of similar developments of this nature within the heart of the town and this area has been identified as an area for housing growth.

Mr Walford referred to the concerns of officers over the dominance of the shared road and the parking that serves the site, but this is a characteristic of the size and shape of the road layout as well as the requirements put on them by Highways and the Refuse Team to be able to turn vehicles within the site. He expressed the view to negate any issues of overlooking they have added bungalows to the rear of the site to assist with this issue and reduce the impact on surrounding dwellings.

Mr Walford expressed the opinion that the site identity as shown is essential for this scheme to be viable as due to it being a long and narrow site means it has a long and narrow road and there needs to be a certain amount of dwellings on the site to make it a viable scheme. He raised concern about getting consent for a lower or inferior amount of dwellings, which would make the site unviable, would not remove its current problems and would be a site that has no use.

Mr Walford requested that members outweigh the issues raised and look to permit a development on this site.

Members asked questions of Mr Walford as follows:

- Councillor Cornwell made the point that officers are not happy with the scheme as proposed and, whilst the site does need clearing up, was a pre-application undertaken with officers? Mr Walford responded that there have been a number of applications, with 3-4 different case officers all with varying opinions. The scheme is on the table, Conservation have their views, and he wanted to get the proposal before committee to see how it fairs.
- Councillor Benney queried whether this is considered Town Centre, it is close to the Town Centre and as you do not need to provide parking if it is Town Centre and this proposal does provide parking so is it considered Town Centre and policy compliant if parking is not provided or is it considered outside the Town Centre, which would require parking. Mr Walford responded that, in his opinion, this is Town Centre but off-road parking has been provided as well and he would hate to see a development of this nature with no parking so you see cars on the road, which is common on some sites where you get the bare minimum and the road is littered with cars. He stated that they have car parking numbers per unit and there was mention of the sizing of the spaces, but as far as he is aware he has met the size requirements, with all houses having parking and can reverse onto the new road and leave in forward gear.
- Councillor Sutton asked if the red line was correct. Mr Walford stated this is another case he has inherited, but he is sure the red line is correct. Councillor Sutton stated that although the site is in Flood Zone 1 there are problems with surface water coming in from the surrounding areas and he finds it difficult to see how this can be overcome, but should members decide to approve the application it would be with a condition in this regard, but how would it be resolved as there is no room on site to put attenuation. Mr Walford responded that there is a good size road that runs the length of the site and the subbase makes a perfect soakaway, which has been effective on other sites, with the only downside being that Highways would not adopt it but it is thought they would not do so anyway. He would not want to put in individual soakaways in the gardens as they would be too close to

boundaries and this would impact neighbours also. Mr Walford expressed the opinion that there could be a surface water condition or drainage condition and they would use a specialist designer to design the subbase and the discharge proposal, which can either, depending on what connection there is if combined or foul surface water, let it drain naturally or use the subbase to slow it down, attenuate and discharge into the drain at the end. He acknowledged that there is no design at present, but he would be happy to accept a condition for surface and foul water drainage.

- Councillor Sutton referred to the road going down to the hammer head T-Junction, which shows tarmac and asked if this was going to be adopted? Mr Walford responded that no, Highways did ask if adoption was going to be sought on this road and it was confirmed that it would not be. He stated that they have gone as far with the tarmac as to where they envisage the refuse vehicles and fire appliance would turn round and there is no sense taking it through the whole site so they would probably go for a permeable block paving for the rest of that access road.
- Councillor Miscandlon referred to Mr Walford stating that the road will be used as a soakaway and asked what the surface is going to be of the area to the right of the hammer head to the end of the site as it is unclear to him. Mr Walford responded that it is not 100% confirmed, but is likely to be block paving as he would not want to bring in gravel so close to neighbouring properties due to noise and would look for a bound surface.
- Councillor Miscandlon asked about the refuse bins for the end plots and where they would be stored for collection as it looks like a long walk to the roadside? Mr Walford advised that there is a bin storage area on the hammer head so Plots 6-9 would bring their bins to this collection point so the refuse vehicles are not travelling down the blocked paved road. He made the point there have been appeals where this is considered not to be bad design having to move the bins once or twice a week and, therefore, he feels it is not too onerous.
- Councillor Murphy assured members that a refuse vehicle would not be taken onto block paving on a roadway such as this proposal as it is not suitable for the weight of the lorry.

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

- Councillor Miscandlon expressed the view that members should be looking at the design and build quality houses in this District and this development does not do this. In his view, it looks like a hotchpot design and is not of quality and he will be going with officer's recommendation. He agrees that it needs development in this area, but it needs a much better design than what is before committee today.
- Councillor Benney stated that he attended and listened to the discussion at the meeting of Chatteris Town Council when this application was considered and the Town Council feel this land needs development and are fully supportive of the scheme. He has visited the site and the site is so overgrown, nobody is doing anything with it and the trees are very big and overhanging. Councillor Benney expressed the view that this proposal will tidy up an area of Chatteris and questioned what other design could be built on here as if the numbers are reduced there is still a long thin site and how many plans have to be brought before members until one is acceptable. He agreed that the design is not perfect, but, in his opinion, it does tidy up a piece of land that is very overgrown and not being looked after and which needs some kind of development.
- Councillor Cornwell expressed the opinion that this is an area where it is going to be difficult to clear up and build on, and he hears that in trying to design something for this there has been conflicting discussions going on, but, in his view, something has been put together which will achieve a reasonable product. He feels the design is not first-class but appreciates the problem to design a scheme on this medieval plot, he does not know what the answer is and is torn on the decision on this. Councillor Cornwell made the point that the rest of the properties around that area are not exciting anyway, the area is plain and ordinary, and whilst two wrongs do not make a right he does not see where this proposal makes anything any worse. He stated that this proposal is housing and makes use of land that needs housing.
- Councillor Murphy expressed the view that the site does need some development, but he

does not think this is the right scheme, it is too overdeveloped.

- Councillor Mrs Davis expressed the opinion that she was torn on this one, but the more she looks at it she feels it is like fitting “a quart in a pint pot” and thinks a better design could be achieved. She feels it needs to be refused for overdevelopment of the plot.
- Councillor Connor asked Councillor Benney if the proposed design of the properties are anything like Slade Way and its surroundings? Councillor Benney stated that this proposal would be a completely different type of development to Slade Way and Beckett Way and this scheme is possibly not the best design, but a derelict piece of land cannot be left like this.
- Councillor Sutton expressed the opinion that officers have got the decision right on this application and whilst it does need something done with it, just because it is overgrown is not a reason to go with any scheme. He feels there are too many dwellings, 7-8 would be better and he does not buy into the viability issue too much.
- David Rowen agreed that the site would benefit from something happening to it, but this does not justify a sub-standard development going ahead and officers do not believe this with the recommendation being about the details of the scheme submitted and not about the principle of developing the site. He pointed out there was a discussion with the agent and members regarding drainage for the site, but there is not any drainage information to say how drainage on site would work and there is a question mark over this.

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

*(Councillors Benney and Murphy declared, under Paragraph 14 of the Code of Conduct on Planning Matters, that they are members of Chatteris Town Council, but take no part in planning matters)*

*(Councillor Topgood left the meeting during the consideration of this application and took no part in the discussion and voting thereon)*

**P20/21      F/YR21/0265/O  
LAND SOUTH OF FIELD VIEW, MILL HILL LANE, MARCH  
ERECT UP TO 4 DWELLINGS (OUTLINE APPLICATION WITH MATTERS  
COMMITTED IN RESPECT OF ACCESS)**

Alison Hoffman presented the report to members.

Members received a presentation, in accordance with the public participation procedure, from Craig Brand, the agent.

Mr Brand thanked Alison for confirming that Cambridgeshire County Council Archaeology do not require an archaeological investigation on this site. He referred to a slide showing on the presentation screen which showed in blue the area allocated as a Broad Location for Growth identified in the Local Plan as South-West March, which encompasses an area of 72 hectares and shows a minor incursion of 0.3 hectares, the application site shown in red, into the area, which is less than half percent of the total area.

Mr Brand stated that the proposal seeks permission in principle to develop the site with 4 executive self-build plots, with the applicant wanting to build on the plot nearest to Mill Hill Lane to be in control of the retained field and its access. He showed an indicative site layout plan to indicate how the plots will be set out, in his opinion, to complement the two new houses built off the recently completed private access road.

Mr Brand expressed the view that the issues with Mill Hill Lane and the byway, as referred to in the officer’s report, along with the lack of a footway are the same issues that have been in existence

when the previous developments in the last 8 years have been submitted and approved. He expressed the opinion that the proposed plots will all have access to the new private access road and a safe pedestrian route to Knights End Road is available using countryside footpath No.18, which borders the sites northern boundary.

Mr Brand referred to the impact of the development upon the Grade II Listed barn conversion, Owl Barn Lodge, and showed via a photo on the presentation screen that the barn is only visible when the trees and hedge have no leaves on them and then only the roofline is visible due to the post war agricultural barn extension. He asked when entering the grounds of Owl Barn Lodge using footpath No.18 can any of the listed barns facing Knights End Road be seen and, in his view, the new houses in Mulberry Close have a far greater impact on Owl Barn Lodge than the application site does, showing photographs to demonstrate this.

Mr Brand made the point that officers have determined the arrangement to be satisfactory in their report and the outline application for the two newly built houses off the private access road was regarded as having a negligible impact on the setting of the Listed barn. He expressed the view that the application would have a negligible impact on the Listed barn's setting due to the trees, hedges and post war barn extension.

Mr Brand asked members to allow this tiny fragment of the South West March location for growth to come forward now as, in his opinion, backland development has been approved in the last two years in Upwell Road in a non-designated area for growth. He feels approval will allow a small high-quality estate to be achieved off an existing private drive rather than having a general residential development backing onto the existing two houses in the future.

Members asked Mr Brand questions as follows:

- Councillor Mrs French referred to the road and public footpath into Mill Hill being in an appalling condition and asked what are the plans, if this application is approved, to remedy the appalling state of the road? Mr Brand responded that the public adopted highway, which is a tarmacked surface, does have potholes and cracks, but the byway is the worse part of it and the applicant has been approached by the developer who owns the site on the opposite side as to whether they can go into a scheme to improve the surface and potholes on the byway, but the tarmacked section is the County Council's responsibility.
- Councillor Cornwell referred to the photographs showing a gate, which he understands is not part of the proposal and the gate would remain and provide an entrance to any development of the rest of the field, but this proposal uses the gravel road, which is described as an existing private shared access road, it is blocked paved at the start and then is gravel and asked if the block paving is on the unmade section of Mill Hill Lane? Mr Brand confirmed it is on the byway. Councillor Cornwell stated that this proposal is increasing the vehicular traffic using the byway, which is in an awful condition and asked if there are any proposals to do something to the byway where the shared access road joins it? Mr Brand reiterated that the applicant has been approached by the developer on the opposite side of the road as to whether they could do a joint scheme to improve the surface of it, but it would need permission by the County Council and, in his view, a private access road with four more houses complements the area rather than a residential estate backing onto it.

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

- Councillor Mrs French stated that for many years the Town Council have been recommending refusal of development in this particular area, with the Planning Department usually recommending approval, so the Town Council was surprised to see the recommendation of refusal. She expressed the view that the state of the road is appalling and needs to be rectified, and whilst the houses proposed are of good quality, this area has been developed over the past 8-10 years and enough is enough, especially as March is not short of land. Councillor Mrs French expressed concern that footpath No.18 is not blocked



off as it is a nice walk albeit having to negotiate potholes. She feels that the officer's recommendation is correct.

- Councillor Sutton expressed the view that the road is in an atrocious state and it will not get any better unless something like this proposal comes along to rectify it. He finds the comments about Owl Barn Lodge crazy as the two dwellings approved in 2017/18 did not mention the impact on Owl Barn Lodge and it is now suddenly being raised. Councillor Sutton expressed the view that on his site visit he looked at the two dwellings and their relationship with Owl Barn Lodge and these two dwellings have more impact on Owl Barn Lodge than this proposal. He feels that members should go against officer's recommendation based on getting this developer and another one, with the help of Councillor Mrs French to provide surfacing material, to improve the road, which would not be a costly job. Councillor Sutton expressed the opinion that eventually this site is going to get developed as it forms part of the Broad Concept Area and the impact of Owl Barn Lodge is not going to stop development in the Broad Concept Area.
- Councillor Cornwell referred to an application a couple of meetings ago when there was an application to create a roadway between two properties and building at the back and he said at the time that this should have been part of the Broad Concept Plan for that area. He feels it is the same with this proposal as development in this area has gone too far, with a private road off a byway and it should be dealt with under the Broad Concept Plan to be developed in a proper manner so Mill Hill Lane could become a properly constructed highway, with the current situation being a few bits of development and patching up a farm track. Councillor Cornwell expressed the opinion that it is a nice plot and the gated access to the land protected by this proposal would seem to indicate that someone is going to come up with another development in the future, but he feels it needs to be done in an organised manner in this location. He does not accept the Owl Barn Lodge argument, and agrees with the comments of the County Council at 5.5 of the officer's report in that there should be no further incremental development in this location without improvements to the road.
- Councillor Mrs French referred to the history on the Barn, which cost the applicant a lot to convert it into a beautiful home. She stated that she could support this application if it was a guarantee that the road would be improved and Councillor Sutton is correct that through the County Council there is surfacing material to improve public rights of way, but all residents need to pay for it to be properly laid down.
- Councillor Sutton referred to the report stating that it is a narrow lane, which it is, but also says that there are no passing places, but this is not right as there are about 4-5 passing places. He feels there is the chance to put in some really nice dwellings in this location and why refuse this opportunity.
- David Rowen made the point that the comments of Conversation Officer are set out in the report giving the rationale for the comments on the Listed Barn. He stated that the issue with the road improvements is that there is no scheme for road improvements, it has only been stated by the agent there has been a conversation with the applicant and another landowner over improvements, and no firm proposals on the table and if this proposal is approved there is no certainty of any improvements. David Rowen stated that the Broad Concept Plan could prevent development in this area as it makes specific reference to Owl Barn Lodge and the need to preserve its setting, but the Broad Concept Plan would present a cohesive plan for the overall development of site including open space areas.
- Councillor Connor asked if members are minded to approve the proposal could a condition be put on that the road should be improved before any building work gets over slab level or commences? David Rowen expressed the view that this would be an unreasonable condition given that it is not within the applicant's control to undertake that work as the County Council and other residents have to engage with the process.
- Councillor Cornwell made the point that the officer's report contains a clear statement from Highways "I would question the suitability of the Mill Hill Lane infrastructure to support further development", and as further development includes this application can we not take notice of this statement in arriving at conditions? David Rowen stated there is no dispute that Mill Hill Lane needs improving, the issue is in terms of how you deliver that

improvement and imposing a planning condition on a development for four houses is more the test of applicant's control and how reasonable it is to require this from this proposal.

Proposed by Councillor Sutton, seconded by Councillor Mrs French to approve the application against officer's recommendation, which was not supported on a majority vote by members.

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

*(Councillors Connor, 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 matters)*

*(Councillor Skoulding declared an interest in this application, by virtue of his mother residing in the near vicinity to this site, and retired from the meeting for the duration of the discussion and voting thereon)*

**P21/21      PLANNING APPEALS.**

This item was deferred to the next meeting.

5.50 pm

Chairman