

PLANNING COMMITTEE



24 JUNE 2015 - 1.00PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor S Bligh, Councillor M G Bucknor, Councillor D W Connor, Councillor A Hay, Councillor Miss S Hoy, Councillor D Laws, Councillor Mrs K F Mayor, Councillor P Murphy, Councillor Mrs F S Newell, Councillor C C Owen, Councillor W Sutton.

APOLOGIES: Councillor M Cornwell

Officers in attendance: G Nourse (Head of Planning), S Manley (Development Manager), Mrs S Jackson (Senior Development Officer), Mrs K Brand (Senior Development Officer), R McKenna (Principal Solicitor - Litigation), Miss S Smith (Member Services and Governance Officer)

P14/15 MINUTES OF THE MEETING OF 3 JUNE 2015

The minutes of the meeting of 3 June 2015 were confirmed and signed, subject to the following comments from Councillor Mrs Laws on page 13 amended as:

Councillor Mrs Laws commented that Mrs Wilson made a very good presentation and asked her what Flood Risk Maps she had used. Mrs Wilson responded that she had contacted the Environment Agency *at Lincoln (this is the principle office)* and Mrs Wilson had done all the work herself. ***Councillor Mrs Laws also commented that the map displayed was a current map and the site indicated Flood Zone 1 although is in close proximity to Flood Zone 3.***

P15/15 F/YR15/0090/O COATES - LAND SOUTH OF, 72 FIELDSIDE ERECTION OF 3NO DWELLINGS

Officers informed members that:

- Comments from the Whittlesey Charity have been received as follows:
 - The Charity is not clear on the intended access to the site. If the access will go over land owned by the Charity the applicants may have to negotiate for it;
 - The above comments have been noted and given that the matter is a civil issue it will be resolved via other means.

Members received a presentation, in accordance with the public participation procedure, from Mr A Brand, the applicant's agent. Mr Brand thanked members for allowing him to address the committee. Mr Brand informed members that he is the Planning Agent acting for the Mawby family, the applicants. Mr Brand stated that members may be aware that this is a local family company and it is the intention of the parents and children to own the three plots, the objection is narrow and hangs on whether the development is within the footprint of Coates. Mr Brand pointed out that the proposal has a clear and close relationship to the village, 70-76 are not clearly detached from the village and Policy LP12 does not require the proposal to be immediately attached to the footprint for it to be acceptable. The plan shows that this development would not extend the built form and the shape and form will in no way change.

Mr Brand stated that Whittlesey Charity owns Fieldside, a Trust and is supported by Whittlesey Town Council and is a typical type of smallscale development appropriate to Coates, it is between existing housing, benefits from local support and will enhance the area. Mr Brand urged members, on behalf of the Mawby family to support the application and enable them to live at the site.

Councillor Miss Hoy asked Mr Brand if the application were to be approved would the access be looked at. Mr Brand responded that access to the site it not committed and a scheme could be considered to support all three dwellings.

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

- Councillor Owen asked officers if it would be reasonable to hypothesise that if this application were to the rear of 70 Fieldside it would be permissible, but due to its proposed location and the gap that it falls outside the remit of policies LP12 and LP16. Officers responded that there is a current application on that land and falls within the footprint, beyond that more sporadic development would not comply with the policy and this application is not part of the existing footprint;
- Councillor Sutton pointed out that the agent is Mr Craig Sutton but he is no relation to him. Councillor Sutton commented that he fully agrees with officers assessment of the application, being away from the built form, there is no pavement and it is not sustainable in terms of access and he would agree with officers recommendations;
- Councillor Miss Hoy commented that the footpath is subjective and that the application meets policy in every other way apart from this point;
- Councillor Murphy commented that the development is in open countryside, to pass it will create a precedent, stating that it is a track not a roadway;
- Councillor Mrs Mayor commented that she was born in Eastrea at the other end of Lake Drove and as a child walked from Eastrea to Coates along this road and she is concerned that properties will have vehicular access as this is also a cycleway. Councillor Mrs Mayor commented that planning officers have it right, however she believes that one property off Fieldside to fill the gap would be acceptable. The Chairman pointed out that there are two other properties down the lane, to which Councillor Mrs Mayor responded that this is not an ideal route for vehicles or more vehicles;
- Councillor Bligh commented that the overall character should be considered. Officers responded that development does become more sporadic and is distinct in terms of character, by filling in the gaps the character changes completely.

Proposed by Councillor Sutton, seconded by Councillor Murphy and decided that the application be:

Refused for the following reasons -

- 1. Policy LP2 allows for new development in villages, subject to the requirements of Policy LP3, to be positioned in or adjacent to the existing developed footprint of the village. The footnote to LP12 stipulates that the developed footprint of the village is defined as the continuous built form of the settlement and excludes individual buildings and groups of dispersed or intermittent buildings which are clearly detached from the continuous built up area of the settlement. Policies LP12 and LP16 also require proposals to be of a scale and in a location that is in keeping with the core shape of the settlement;**

2. The site is not within, or adjacent to, the existing developed footprint of the village. The size and position of the site is such that the development would fail to respect the core shape and form of the settlement. As such the proposal would appear as a visually incongruous feature which would adversely affect the sustainable growth of the village and the character and appearance of the area. The proposal is therefore contrary to policy LP12 of the Fenland Local Plan 2014.

(Councillors Bligh, Connor, Hay, Miss Hoy, Mrs Laws, Mrs Mayor, Miscandlon, Murphy, Owen and Sutton registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

P16/15

F/YR15/0117/F

GUYHIRN - PLAY 2 DAY, OLD STATION YARD, GULL ROAD

CHANGE OF USE FROM AGRICULTURAL LAND TO FORM EXTENSION TO CAR PARK INVOLVING THE ERECTION OF A 2.0M HIGH CHAIN LINK FENCE AND RAISING THE LAND LEVELS.

Members considered 3 representations of support and 2 representations of objection.

Officers informed members that:

- Comments have been received from the North Level Drainage Board as follows: 'No comment to make with regards to this application';
- A further letter of representation has been received from an interested party which adds to their previous objections. Their comments (which have not already been reported) are summarised as follow:
 - *The moving of plant machinery and topsoil at unsociable hours of the day has caused stress to neighbours;*
 - *Light pollution from the new development;*
 - *Precedent for other retrospective applications;*
 - *What flood alleviation and pollution run off from oil and petrol from cars have been incorporated into the scheme?;*
 - *Unauthorised fly tipping from a nearby building site has rendered the site to the rear unsuitable for agricultural use therefore why is the agricultural access required;*
 - *Very rarely see the car park overflowing;*
 - *Questions necessity of application;*
 - *Have checks for fire regulations been made?;*
 - *The Parish Council recommend refusal;*
 - *Confirmation of soil tests and vehicle licences from the illegal fly tipped materials;*
 - *CCC Highways response is not backed by evidence;*
 - *How can the proposal be described as an enhancement?;*
 - *Failure to understand how the principle of the access has already been established;*
 - *Why is the agricultural access required?;*
 - *A condition should be put in place to secure guaranteed planting and fencing for up to 15 years;*
 - *Impact on biodiversity;*
- Officers comments on the above are as follows:
 - Previous works to the site cannot be rectified retrospectively. No new lighting is proposed as part of the application. Landscaping is proposed around the west and south of the site which will help to screen car headlights;

- The comments with regards to precedence have been noted, however as this is not a material planning consideration it is afforded limited weight in the consideration of this application;
- Pollution from parked vehicles is controlled by other legislation which is enforced by the Environment Agency and as such it would be unreasonable to insist on these matters to be contained within the current planning application. General flooding and drainage have already been discussed. It would not be reasonable to request that an existing access is closed when there are no grounds to do so from a highway safety perspective (it has not been a request from Highways England or CCC highways);
- The comments relating to neighbours not seeing the car park overflowing and the necessity of the proposal have been noted however these are not reasons to refuse the application and do not prohibit the submission of an application. Fire regulations are dealt with via other non-planning legislation and the soil tests and vehicles licences for fly-tipping are a matter which is separate to this application;
- A further letter of representation has been received from the neighbouring property to the west which is summarised as follows: Conditions should be imposed regarding the retention of parking, turning and unloading areas to be permanently retained, no materials or equipment to be stored outside the buildings, the access onto the A47 to be used for agricultural vehicles, the yard area to the rear of the site to remain as a designated car parking overspill area;
- Officers response is as follows: The comments raised by the neighbour have been noted however given that CCC highways have not requested a condition in relation to the retention of parking spaces and that the parking spaces cannot be physically marked within the site due to the gravelled finish, such a condition would not be reasonable or practical. The use of the site as a car park is a sui generis use and as such any other use such as storage would require planning permission. As such conditions relating to the use of the site for car parking only is not considered necessary. Users of the agricultural access cannot be controlled and as such a condition in this vein would be an un-enforceable condition which would not be appropriate;
- Following the comments received from the neighbouring residents, further clarification in respect of the proposal is provided as follows:
- **Site History** - Planning permission F/YR09/0114/F for the 'Change of use of warehousing to children's play area, party area, indoor mini-football and lazar area' was granted on this site on 8 April 2009. This permission involved the use of the land to the front, side and rear of the site for use as a car park';
- Although it was submitted at the time that 136 car parking spaces were available, a large proportion of these spaces were not physically useable give that there is insufficient space to vehicles to manoeuvre (ie less than 6m between spaces). In addition the 20 spaces positioned parallel to the boundary and existing building, are not achievable given that there is insufficient space between the rows to allow for another vehicle to gain access to the rear of the site. In addition the presence of a footpath within this area presents serious problems with pedestrian and vehicular conflict given that passing vehicles are required to mount the footpath in order to fit through the access;
- The previous permission did not allow for disabled spaces or dedicated staff car parking spaces;
- **Proposed Parking Provision** - As well as extending the existing car park, the proposal also seeks to reconfigure the existing parking layout. This involves the removal of the spaces which are parallel to the existing building, the provision of 6 disabled bays to the front of the site and 3 dedicated staff spaces.

In addition the submitted drawing identifies how many spaces can actually be achieved in the rear courtyard area. The total number of spaces available for the use of the business will therefore increase to 197;

- It is considered that the reconfiguration of the car park will provide a safer environment for pedestrians whilst also providing spaces which can actually be used. In addition the proposal provides dedicated disabled spaces which makes the site accessible for all members of the community;
- **Flood Risk** - The site lies within flood zone 3 and given that the use of land as a car park is classed as 'water compatible/less vulnerable' the use is appropriate in flood risk terms.

Members received a presentation, in accordance with the public participation procedure, from Mr R Bush, an objector to the proposal. Mr Bush stated that Play 2 Day operates 7 days per week, it has 10-pin bowling and a bar facility and there has been no confirmation of the scheme and there is a problem with the provision of 197 car park spaces. Mr Bush stated that unauthorised works started in December 2014 and continued to March 2015 when a Temporary Stop Notice was issued. He stated that 20,000 cubic tons of infill have been bought to the site.

Mr Bush stated that part of the works are for a 12 inch drainage pipe direct to the dike, the agricultural land no longer exists which raises the question as to why a separate access route is required. Mr Bush made reference to Local Plan Policy LP14 which states that 'developments must include a drainage strategy to demonstrate that suitable consideration has been given to surface water drainage'. Mr Bush stated that this application does not fully comply and he believes shingle will compact to create a hard surface and is a poor technical solution for heavy or flash rain.

Mr Bush stated that the boundary along the length of the dike will subject his garden to noise, especially at weekends, there is a direct noise factor and a wooden fence will not mitigate and removal of boundary conifers will allow light from the building to flood the site. Mr Bush stated that the owners should take action to ensure the site is used for its intended purpose and the car park should be refused.

Councillor Connor asked Mr Bush to clarify if the drain on the boundary was a riparian drain. Mr Bush confirmed that it is and runs a boundary marker between the properties and he confirmed that he is the joint owner of the drain.

Councillor Owen asked Mr Bush to confirm where he lives. Mr Bush confirmed that he lives at Ivy Cottage and stated that he had given the facts of the matter and it was not progressional.

Councillor Bucknor asked Mr Bush to point out where the drain comes into his property. Mr Bush responded that the drain is two-thirds of the way along his property, about 15-20 feet away from the back of his house. Officers pointed to the area on screen with a laser pen.

Members received a presentation, in accordance with the public participation procedure, from Mr G Edwards, the applicant's agent. Mr Edwards thanked members for the opportunity to speak. Mr Edwards explained that the proposal is to create an overflow for the existing business, it being a 3 in 1, catering for young and old, providing the perfect venue for childrens parties and is close to the A47. Mr Edwards thanked Planning Officer, Mrs Jackson for her assistance with the application.

Mr Edwards informed members that the business employs local staff from the neighbouring area and explained that currently parking spills over into the road, the majority of the time parking is adequate, weekends get very busy, the venue caters for adverse weather and the issues can be witnessed first hand from the slip road onto the A47 and this proposal will alleviate these problems. Mr Edwards pointed out that the LHA welcomes the proposal.

Mr Edwards stated that the proposal will utilise former farmland which has not been farmed for a number of years and was acquired by Mr Thomas who owns the Play 2 Day building and the proposed overflow seen on the drawing with the existing access to land at the rear will remain and be used infrequently.

Mr Edwards referred to the noise generated from the A47 and stated that the traffic noise outweighs anything generated from the overflow car park. He apologised that work had begun prior to approval of the application. He explained that excavations had realised 9,000 tons of gravel and the proposed gravel finish would percolate the rainfall that will soak through as it does now. Mr Edwards pointed out that the application is supported by the North Level IDB, there will be landscaping and no additional lighting will be allowed, the site will be used safely and will provide overspill parking and there are disabled parking spaces. Mr Edwards thanked officers and asked members to support the proposal.

Councillor Bucknor asked Mr Edwards if the fencing that was being erected would be an acoustic barrier. Mr Edwards responded there would be a 1.8 metre fence from the gate backwards of the boundary to Ivy Cottage, it will stop light pollution and should alleviate any light problems.

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

- Councillor Murphy commented that he was concerned about the retrospective nature as this seems to be more prevalent month after month and this should not be happening and something should be done to stop it. Officers responded that a Temporary Stop Notice was issued which intervened. Councillor Murphy stated that the work should have been stopped from the beginning;
- Councillor Owen asked if it were the case that you could build 'what you like' as long as you get planning permission eventually and had this changed. The Chairman confirmed that Councillor Owen was correct however if planning permission was not given any works are at the applicants cost. Councillor Connor confirmed that Councillor Owen was correct. Councillor Owen commented that he knows the premises, parking is not good and the proposed changes will meet the demand;
- Councillor Mrs Laws commented that she understands the objectors concerns, North Level have been efficient and addressed all the points raised and the LHA welcome the proposal and she would agree with the experts and consultees;
- Councillor Bucknor commented that he would go along with the proposal with conditions to be included to mitigate lighting and acoustic problems. Officers responded that the lighting will be on the existing building and the fencing proposed is nearly 2 metres high and it is unlikely that light will be seen over the top of it. Officers confirmed that they have spoken to the Environment Team at length and there are no issues regarding noise. Councillor Bucknor commented that if there will be extra noise there must be an acoustic barrier;
- Councillor Bligh commented that Play 2 Day does get really busy and can be chaotic, more car parking is a good idea and creates employment for the area. The issues regarding drainage have been addressed, she does understand the points made by the objector and as long as these are addressed she would approve the application;

- Councillor Mrs Laws commented that planting is covered for a period of five years and asked if this period could be increased to ensure that the acoustic fencing is well covered and is maintained. Officers responded that five years is a standard condition in the covenant, this will cover replacement trees should they die and if the period were to be extended the Council could be open to challenge as landscaping guidance and advice is provided. Officers pointed out that landscaping will not be acoustic, the fencing will do that job and the five year guidance provides for dead or dying landscaping to be replaced;
- Councillor Mrs Mayor commented that in a letter from an objector, the objector had asked for upkeep for planting and fencing to be 15 years and asked if this could be addressed. Officers explained that there is a time period for replacement for anything that is dead, dying, damaged or diseased taken from National Policy and Guidance taken from the Government and is what they deem to be reasonable, to impose further controls would leave the Council open to challenge on that condition;
- Officers asked Councillor Bucknor if he would be comfortable with an additional condition to say acoustic fencing shall be erected within one month from the date of this permission and retained in perpetuity. Councillor Bucknor agreed with this proposal from officers.

Proposed by Councillor Bucknor, seconded by Councillor Connor and decided that the application be:

Granted, subject to the conditions reported and an additional condition:

- **To ensure that acoustic fencing shall be erected within one month from the date of this permission and to be retained in perpetuity.**

(Councillors Bucknor, S Clark, Connor, Miscandlon, and Murphy, registered in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had been lobbied on this application)

**P17/15 F/YR15/0134/O
WHITTLESEY - LAND NORTH OF WHITTLESEY EAST OF, EAST DELPH,
WHITTLESEY
OUTLINE APPLICATION FOR THE ERECTION OF 220 DWELLINGS (MAX) WITH
ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED
WORKS/INFRASTRUCTURE. FULL APPLICATION FOR THE ENGINEERING
WORKS ASSOCIATED WITH THE FORMATION OF THE VEHICULAR ACCESS
ROAD OFF B1040 EAST DELPH**

The Chairman informed members that this application had been withdrawn from the Agenda due to ongoing public consultation.

(Councillors Mrs Laws and Mrs Mayor stated that they are Members of Whittlesey Town Council, are not on the Planning Committee and take no part in planning matters)

**P18/15 F/YR15/0281/F
WIMBLINGTON - 2A BRIDGE LANE
ERECTION OF 2 X SINGLE-STOREY 3-BED DWELLINGS EACH WITH A
DETACHED SINGLE GARAGE**

Members considered 9 letters of objection, 2 letters of support and 1 other representation.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- During Site Inspections, Members queried the agricultural land grade of this site. According to Natural England's Agricultural Land Classification map the site is located on Grade 3: good to moderate land;
- To date, no responses have been received from Middle Level Commissioners and the Council's Ecologist in respect of the watercourse and biodiversity matters;
- The report Proposal should read: 'Erection of 3 single-storey 3-bed dwellings each with a detached single garage';

Members received a presentation, in accordance with the public participation procedure, from Ms K Grange, the applicant. Ms Grange stated that Wimblington has been named as a growth village, there is an acute shortage of homes and those that are available are expensive, pointing out that there is a shortage in the whole of Cambridgeshire. Ms Grange stated that three homes could make some small difference, the services in Wimblington are good and have grown, the NHS is excellent, Thomas Eaton is a modern school and infrastructure is in place.

Ms Grange informed members that the land was acquired by her family 40 years ago, it is poor quality soil and has not been rented for several years and lastly by a smallholder. Ms Grange stated that an inadequate pipeline had filled in the dike which had resulted in an area of the village being flooded and part of the field being underwater. She pointed out that a new drainage ditch of 18 metres has been run the length of this land and it has not flooded.

Ms Grange stated that she has liaised with the Parish Council and has their support, raw materials will be taken on site and not left on the grass verge and turning on site will cause minimal impact to other properties. She pointed out that this proposal will provide three bungalows with paddocks, the view is pleasing to the eye and a four metre access strip for Middle Level and for the purpose of drain clearing and nine metres on the opposite side of the drain. The drains will be left open, not as per the last application and adequate mains sewer system will be used. Ms Grange stated that in conclusion all concerns regarding the application have been met and rectified and the proposal will not have an impact on the overall view of the village.

Councillor Owen commented that members considered this proposal 14 months ago and there were no grounds for rejection and asked Ms Grange to confirm ownership and what is owned by her. Ms Grange confirmed which piece of land is in her ownership.

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

- Councillor Mrs Newell commented that there were no updates from Middle Level and asked if they had responded. Officers responded that no response had been received from Middle Level. Councillor Mrs Newell commented that someone must have received a response from Middle Level as Ms Grange had stated that they have agreed a four metre access strip. Officers confirmed that Middle Level have been consulted but there was no response. It was confirmed by the applicant's agent that a pre-application discussion had been held with Middle Level following the last Planning Committee in April 2014 at which the application had been discussed;
- Councillor Murphy commented that members seem to have a short memory, this application was considered 14 months ago, and one of the biggest reasons for refusal was the visual gap, the gap between the natural end of Wimblington and enclave, there is nothing different to last time, there is no reason to go against officers recommendations and the reasons for refusal remain the same;

- Councillor Mrs Newell commented that Councillor Owen is correct, members were more concerned about the drainage of the dike. Officers reminded members of the reasons given for their refusal the last time the application was considered. Councillor Mrs Newell commented that Wimblington is a growth village, properties have been allowed on March Road and towards Doddington there are various gaps and she cannot see a problem with approving the application;
- Councillor Sutton reminded members that the only difference from the last meeting at which this was considered 14 months ago there is one less dwelling, he stated that officers have it right, the application does not fit in with the spirit of the Local Plan, he made reference to the problems similar to that of Back Road, Murrow, commenting that Bridge Lane is not different and more dwellings must not be allowed;
- Councillor Owen commented that members should look at the application site, this is an ideal opportunity to ask for improvements, members should consider all the angles not just those of officers. Councillor Sutton reminded members that there were concerns that it went through against officers recommendations, members were reminded to stick to the new Local Plan;
- Councillor Bucknor commented that he was confused with this type of application when the application refers to the main form of the village as he believes this is subjective and unless a clear outline is shown of the main form or body there will always be these problems and he feels unable to make an honest judgment on the legal description. Officers responded that there is an element of subjection, reminded members to start from the actual planning policy, it is about the character of the locality, taking into account the LHA, there is a strong reason for refusal and a distinct difference in character;
- Councillor Mrs Laws commented that she had considered the design of the development and commented that it lacks imagination in her personal opinion and she agreed with Councillor Bucknor, agreeing that guidance and policies are available and occasionally there are differences and members have doubts that this is ribbon development;
- Councillor Miss Hoy commented that she agreed with Councillors Sutton and Bucknor and it was a difficult decision as it is so subjective, she had considered the Local Plan and issues regarding overlooking and found it interesting that local residents did not raise any concerns;
- The Legal Officer reminded members about their recent planning training and Localism and the comment made by the Secretary of State in June 2012: *"Reference has been made to the Government's Localism Agenda. Any decision-maker must determine planning applications on planning grounds in accordance with the development plan unless material considerations indicate otherwise. Decisions should not be made solely on the basis of the number of representations or signatures on a petition, whether they are for or against a proposal. The Localism Act has not changed this. Nor has it changed the advice, namely that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons"*;
- Councillor Owen commented that he accepts there are no DABs as such made reference to 5, 7 and 9 of Bridge Lane and asked if this means that 4, 6 and 8 could not be allowed. The Chairman responded that professional opinion does not comply with policies for that area to which Councillor Owen responded that he could have an opinion.

Proposed by Councillor Sutton, seconded by Councillor Murphy and decided that the application be:

Refused for the following reason -

- 1. The proposed development is located outside the existing developed footprint of Wimblington village. The proposal would result in a ribbon style development, into an area that is currently open agricultural land and has a strong relationship with the adjoining countryside. Further, the proposal would erode an important visual gap and area of separation between Bridge Lane, March Road and Wimblington Village. The proposal would have an unacceptably adverse impact on the character and appearance of the area and is contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014.**

P19/15

F/YR15/0338/F

MARCH NORTH - LAND WEST OF CREEK COTTAGE, CREEK FEN

ERECTION OF 2 X 3-STOREY 6- BED DWELLINGS WITH DETACHED GARAGES AND WORKSHOPS

Members considered 11 letters of support and 2 letters of objection.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04 refers)) during its deliberations.

Officers informed members that:

- During site inspections, Members queried the planning history of the existing house to the west of the site known as Springfield House. This dwelling has a restrictive occupancy condition attached to the permission which ensures that the occupation of the dwelling is in association with the adjoining premises;
- Members also requested whether there had been any pre-application advice given. Officers can confirm that they met with the applicant in March this year and advised that the proposal was unlikely to receive officer support due to the site's location within the open countryside and Flood Zone 3;
- To date, no responses have been received from the Council's Ecologist in respect of the biodiversity matters.

Members received a presentation, in accordance with the public participation procedure, from Ms A Barnett a supporter of the proposal. Ms Barnett thanked members for the opportunity to speak on behalf of the applicant in support of the application. Ms Barnett stated that she would like to address the main points differing from Planning Officers. There are two houses proposed with garage, of good quality and have the potential promote to business in the town of March. She stated that the development has been classed as in the open countryside but pointed out that there are surrounding industrial units and a Go-Kart track. Ms Barnett explained that the applicant has established an antiques business over the last 10 years, the applicant is keen to take on staff and is keen to do this within the local area.

Ms Barnett pointed out that this development will offer maximum flexibility, creates opportunity for small businesses, is not in a high street location and would be ideal for crafts, horticulture and on-line retailers. Ms Barnett stated that 11 letters of support have been received from the local community and the applicant has received enquiries from potential clients. Ms Barnett addressed the Flood Risk issue and informed members that an assessment by Geoff Beel was submitted, the Environment Agency has no objection as long as the recommendations are implemented and the applicant is happy to comply with these conditions. The Flood Risk has been assessed as very low and if the defence system failed water would not reach the site and the risk is very low.

Ms Barnett stated that the character, appearance and design have been carefully chosen for the homes and is in line with the NPPF paragraph 55 'design meets the criteria of the immediate local area'. Ms Barnett stated that there will be no impact on species, there will be a 10 metre exclusion for water voles and no construction during March to August. Ms Barnett pointed out that CCC Archaeology raise no objection as long as archaeology is investigated prior to the start of work and the applicant is happy to undertake this. Ms Barnett said that she hoped members would look favourably on this proposal and approve it as part of the Council's 'Open for Business'.

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

- Councillor Mrs Laws commented that the Parish Council recommend this proposed as it is outside the area stipulated within the Fenland Local Plan 2014 and she feels that they have made a valid point. Councillor Mrs Laws noted that the applicant did attend for preapplication advice and was informed that the proposal was unlikely to receive support due to the site location being in the open countryside and in Flood Zone 3 and she could not see anything that would change her mind;
- Councillor Sutton commented that he had noted the comments regarding subjectivity but agreed that the proposal is outside the Local Plan which cannot be argued.

Proposed by Councillor Mrs Laws, seconded by Councillor Mrs Mayor and decided that the application be:

Refused for the following reasons -

1. **The proposed development is located in an unsustainable location outside the settlement limits of March where residential development is not normally supported unless justified. Development in this location would introduce additional development into an area that is currently open and has a strong relationship with the adjoining countryside. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan 2014;**
2. **The proposal has failed to demonstrate that a functional and financial need for a workplace home exists through a robust justification. Therefore the proposal is contrary to Local Plan Policy LP12 of the Fenland Local Plan 2014;**
3. **Policies LP2 and LP16 seek to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts. The site lies within Flood Zone 3 which is a high risk flood area. Accordingly, Policy LP14 (Part B) of the Fenland Local Plan 2014 requires development in Flood Zone area 2 and 3 to undergo a sequential test to demonstrate that the development cannot be delivered elsewhere in the settlement at lower risk areas of flooding. The applicant has failed to undertake a sequential test and therefore has failed to demonstrate that the development cannot be delivered in lower areas of flood risk. Therefore the proposal fails to satisfy policies LP2, LP14 and LP16 of the Fenland Local Plan 2014 as it fails to deliver a high quality environment and instead puts future occupants at higher risk from flooding without justification.**

(Councillor Owen stated that he is a Member of March Town Council, but takes no part in planning matters)

2.40pm

Chairman